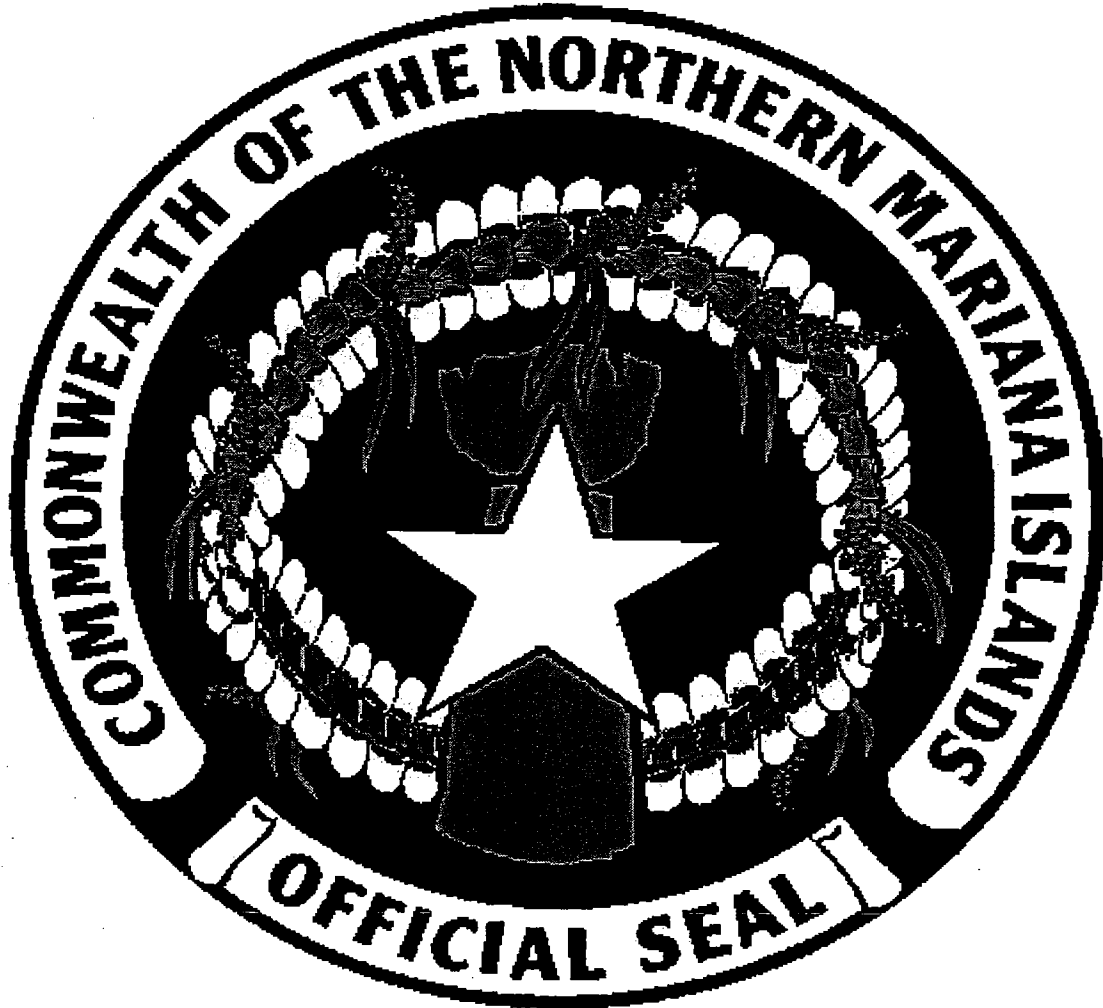


**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 35
NUMBER 07**

JULY 28, 2013

COMMONWEALTH REGISTER

VOLUME 35
NUMBER 07

July 28, 2013

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM P.O.
BOX 501370
SAIPAN, MP 96950

Herman T. Guerrero
Chairperson

Lucia I. Blanco-Maratita
Vice-Chairperson

Janice A. Tenorio
Secretary/Treasurer

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Non Public School Rep.
Galvin S. Deleon Guerrero

Student Representative
Michelle Marie Chong Muña

Teacher Representative

Commissioner of Education
Rita A. Sablan, Ed.D.
coe.ras@cnmipss.org

PUBLIC NOTICE OF EMERGENCY REGULATIONS WHICH ARE AMENDMENTS TO THE RULES & REGULATIONS OF THE PUBLIC SCHOOL SYSTEM

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands Public School System (PSS) finds that:

- (1) The attached rules and regulations §60-20-412 Entrance Age shall be adopted immediately on an emergency basis because the public interest so requires, for the reasons stated below (1 CMC § 9104(b), (c); 1 CMC § 9105(b) (2)); and
- (2) The same rules and regulations shall be adopted, after a proper notice and comment period, as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than thirty (30) days' notice if it states its reasons in writing.

(b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulations upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulations may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.

(c) No regulation adopted is valid unless adopted in substantial compliance with this section.....

1 CMC § 9104(b), (c).

THE TERMS AND SUBSTANCE: The purpose of these regulations is to provide procedural guidelines for the entrance age requirements for Public School System students.

THE SUBJECTS AND ISSUES INVOLVED: Regulation 60-20-412 sets forth the regulations for travel children to be admitted to the first (1st) grade.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The State Board of Education has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for one hundred twenty (120) days.

REASON FOR EMERGENCY ADOPTION: The State Board of Education finds that the public interest requires adoption of these regulations on an emergency basis because this amendment to the entrance age requirement will allow for more children to enter into the Public School System.

Currently the admission policy for PSS allows children that have reached age six (6) on or before August 31st to enroll in first (1st) grade. At this time, the start of the PSS School Year begins in September not August. As a result, each year, PSS turns away approximately one hundred and twenty (120) students each year because their birthday occurs in September. This causes a significant burden on the children in terms of the educational gap between them and their peers. This delay in starting school also causes a burden on the parents of these children who must now provide alternate supervision for their children in lieu of sending them to the Public School System.

Although State Board of Education (BOE) Regulations contains a waiver provision contingent on the approval of the Commissioner of Education, the numbers of parents requesting a waiver becomes overwhelming. This amendment would allow for PSS to better serve the needs of the community. Public interest requires that these regulations be placed into immediate effect because of the impact that it will on the families of the CNMI.


DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Rules and Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (*see* 1 CMC § 9102(a) (1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a) (1))

The State Board of Education shall take appropriate measures to make these Rules and Regulations known to the persons who may be affected by them (1 CMC § 9105(b) (2)).


IMMEDIATE EFFECT: These emergency rules and regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b) (2))

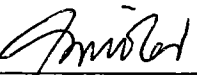
TO PROVIDE COMMENTS: No comments are required for these emergency rules and regulations. However, the related Notice of Proposed Rules and Regulations will specify comment procedures.

This emergency regulation was approved by the State Board of Education at a Regular State Board of Education Meeting on July 11, 2013.

Submitted by:  7/19/13
Herman T. Guerrero, Chairperson
Board of Education
Date

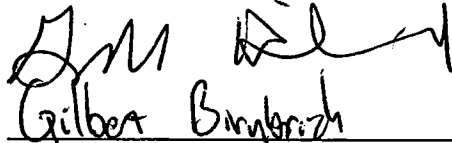
Received by:  7/28/13
Esther S. Fleming
Special Assistant for Administration
Date

Concurred by:  26 JUL 2013
Eloy S. Inos
Governor
Date

Filed and
Recorded by:  7.26.2013
Esther M. San Nicolas
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 26th day of July, 2013.



Gilbert Bumbich

For Joey P. San Nicolas
Attorney General

PROPOSED AMENDMENT TO BOARD OF EDUCATION REGULATIONS

§ 60-20-412 Entrance Age

- (a) A child shall be admitted to the first grade of elementary school at the beginning of the school year if the child's sixth birthday occurs on or before September 30th of the school year for which entrance application is made.
- (b) Any child may be admitted to kindergarten at the beginning of a school year if the child's fifth birthday occurs on or before September 30th of the school year for which application is made. Under no circumstances will a child whose sixth birthday occurs after September 30th but before the completion of the school year applied for be denied admission to school based solely upon the child's age.
- (c) Any child who meets the eligibility requirements of the Head Start Program may be admitted to Head Start at the beginning of a school year if the child's third, or fourth birthday occurs on or before September 30th of the school year for which entrance application is made.
- (d) A birth certificate or other legal document such as a passport will be required as proof of age.
- (e) In the event of extraordinary circumstances surrounding the admission or denial of a child's admission to a school or program, the Commissioner of Education may make exceptions to this regulation if it is in the best interests of the child and the PSS.

Commonwealth of the Northern Mariana Islands
Department of Lands and Natural Resources
Arnold Palacios, Secretary
Department of Lands and Natural Resources,
Caller Box 10007
Saipan, MP 96950
Tel. 322-9830

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION
OF REGULATIONS FOR THE MAINTENANCE OF PUBLIC CEMETERIES UNDER
THE DEPARTMENT OF LANDS AND NATURAL RESOURCES**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS:**

Volume 35, Number 5, pp 033522-033539 (May 28, 2013)

ACTION TO ADOPT PROPOSED RULES AND REGULATIONS: In accordance with the Administrative Procedure Act ("APA"), the Commonwealth of the Northern Mariana Islands Department of Land and Natural Resources HEREBY ADOPTS the proposed regulations published in the Commonwealth Register at the above-referenced pages. The Secretary of Lands and Natural Resources ("Secretary") announced that he intended to adopt the regulations and now does so.

I also certify by signing below that the regulations being adopted are set forth as proposed regulations in the Commonwealth Register as cited above, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The proposed regulations were published on May 28, 2013.

AUTHORITY: The Secretary is empowered by statutory authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC § 2654; 3 CMC § 2624; 1 CMC §§ 9101-9115 (Administrative Procedure Act).

THE TERMS AND SUBSTANCE: These regulations establish procedures and rules for the maintenance of and for burials at public cemeteries in the Commonwealth.

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


COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the 1 CMC § 9104(a)(2), the Secretary has fully considered all written and oral submissions regarding the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons

for overruling the considerations urged against its adoption. There were no comments submitted in opposition to the adoption of these regulations.

ATTORNEY GENERAL APPROVAL: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register. (1 CMC § 2153(e), duty to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 23rd day of July 2013, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

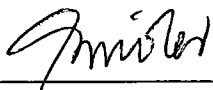


Arnold Palacios
Secretary of Lands and Natural Resources

7/23/13

Date

Filed and
Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Register

7.24.2013

Date

The Municipality of Saipan
Office of the Mayor
Saipan Higher Education Financial Assistance (SHEFA)
P.O. Box 10001 PMB 3648
Tel.:670.233.5995; fax:670.233-5996
Email: contact@saipanshefa.net Website: www.saipanshefa.net

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO RULES AND REGULATIONS
FOR THE SAIPAN HIGHER EDUCATION FINANCE ASSISTANCE PROGRAM (SHEFA)**

Intended Action to Adopt These Proposed Amendments to Rules and Regulations: The Saipan Higher Education Financial Assistance (SHEFA) Board of Directors intends to adopt as permanent the attached proposed amendments to the rules and regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board of SHEFA intends to adopt them as permanent, and hereby gives thirty (30) days' notice of its intent. *Id.* The amendments will become effective ten (10) days after adoption. 1 CMC § 9105 (b).

Statutory Authority: The Board of SHEFA is authorized to prescribe reasonably necessary rules and regulations to carry out the intent of the Saipan Higher Education Financial Assistance Act. 10 CMC § 3924 (n).

The Terms and Substance: The Board of SHEFA is publishing the proposed amendments to carry out its decision concerning the following (re. sections 8, 9, 10, 12, 16, 18 & 19).

Section 8-Priority field of study, merit incentive award and online program;
Section 9-Voting in the 3rd Senatorial district;
Section 10-Early Admission Program, grading system, academic terms and financial scholarship request (FSR);
Section 12-Required documents and deadlines;
Section 16-Full-time status requirement, grading requirement and signature requirement;
Section 18-Remedial courses/Non-Developmental Units;
Section 19-One-time application and full-time credit requirement.

The Subjects and Issues Involved: The proposed amendments to the rules and regulations deal primarily with the following:

Section 8-Priority field of study, merit incentive award and online program;
Section 9-Voting in the 3rd Senatorial district;
Section 10-Early Admission Program, grading system, academic terms and financial scholarship request (FSR);
Section 12-Required documents and deadlines;
Section 16-Full-time status requirement, grading requirement and signature requirement;
Section 18-Remedial courses/Non-Developmental Units;
Section 19-One-time application and full-time credit requirement

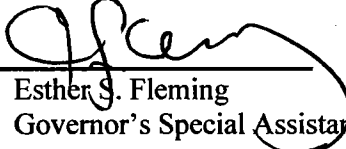
DIRECTIONS FOR FILING AND PUBLICATION: Chairwoman, Josephine T. Sablan, Saipan Higher Education Financial Assistance Program, P.O Box 10001, PMB 3648, Saipan MP 96950 or contact (670) 233-5995 or by facsimile at (670) 233-5996 or email contact@saipanshefa.net.

TO PROVIDE COMMENTS: Send or deliver your comments to Chairwoman, Josephine T. Sablan, Board of SHEFA, P.O. Box 10001, PMB 3648, Saipan MP 96950, or via facsimile to (670) 233-5996. Comments must be received by the Board of SHEFA within thirty days of the date this notice is published in the Commonwealth Register.


These proposed amendments to rules and regulations were approved by SHEFA Board of Directors on September 20, 2012.

Submitted by:  _____
Josephine T. Sablan
Chairwoman, SHEFA
Board of Directors

5.6.13
Date

Received by:  _____
Esther S. Fleming
Governor's Special Assistant for Administration

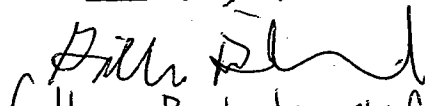
7/25/13
Date

Filed and
Recorded by:  _____
Esther San Nicolas
Commonwealth Register

7.26.2013
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 the 25th day of ^{July} ~~May~~, 2013,


Gilbert Birnbach, Chief, Civil Division
for Joey San Nicolas
Attorney General

The Municipality of Saipan
Office of the Mayor
Saipan Higher Education Financial Assistance (SHEFA)
P.O. Box 10001 PMB 3648
Tel.:670.233.5995; fax:670.233.5996
Email:contact@saipanshefa.net Website:www.saipanshefa.net

ARONGOL TOULAP REEL POMWOL ATIWLIGH KKAÁ EBWE AMENDÁÁ REEL SAIPAN HIGHER EDUCATION FINANCE ASSISTANCE PROGRAM (SHEFA)

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKAÁ: Saipan Higher Education Financial Assistance (SHEFA) Board of Directors, re tipali rebwe adaptááli me aléghúw ló atiwlich kkaa e appasch bwe Proposed Regulations sangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwlich kkaal ebwe kkamaló 10 ráll mwiril re adáptááli me apascha lól Commonwealth Register (1 CMC §9105(b)).

BWÁNGIL: Board il SHEFA e atorisa ebwe féér allégh kkaa e nesariyo reel ebwe féerú mwoghutughutul Saipan Higher Education Financial Assistance Act. 10 CMC § 3924 (n).

KKAPASAL ME AWEWEEL: Mwiischil SHEFA ebwe akkatewow pommol amendáá kkaal reel ebwe amweli yaar disision reel (sections 8,9,10,12,16,18,19).

Section 8-Peighil study iye eghi auschea, merit incentive award me online program.

Section 9-Bota llól 3rd Senatorial district;

Section 10-Progrómmal igha ekkeil toolong meletey, systemal grading, academic terms me tingorel financial scholarship (FSR).

Section 12-Dokkomento kka e auschea me otol isisilong(deadline)

Section 16-Full-time status , grading me signature requirement.

Section 18-Remedical courses/Non-Developmental Units

Section 19-One-time application me full-time requirement.

KKAPASAL ME ÓUTOL: Pomwol amendá ngali atiwlich kkaal nge ebwe ngali:

Section 8-Peighil study iye eghi auschea, merit incentive award me online program.

Section 9-Bota llól 3rd Senatorial district;

Section 10-Progrómmal igha ekkeil toolong meletey, systemal grading, academic terms me tingorel financial scholarship (FSR).

Section 12-Dokkomento kka e auschea me otol isisilong(deadline)

Section 16-Full-time status , grading me signature requirement.

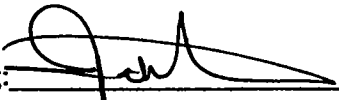
Section 18-Remedical courses/Non-Developmental Units

Section 19-One-time application me full-time requirement.

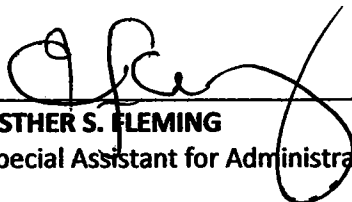
AFAL REEL AMWELIL ME ARONGOWOWUL: Chairwoman, Josephine T. Sablan, Saipan Higher Education Financial Assistance Program, P.O. Box 10001, PMB 3648, Saipan Mp 96950 ngare faingi (670)233-5995, facsimile ngali (670) 233-5996 ngare email contact@saipanshefa.net

ISISILONGOL MÁNGEMÁNG: Affanga ngare bwughiló mafiyoomw reel Chairwoman, Josephine T. Sablan, Board of SHEFA, P.O. Box 10001, PMB 3648, Saipan MP 96950, ngare facsimile ngali (670) 233-5996, Isisilongol mangemang nge rebwe risibi reel Board il SHEFA llol eliigh ráll mwuril arong yeel e appasch llol Commonwealth Register

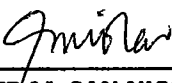
Pomwol amendál atiwlich kkaal e apreba mereel SHEFA Board of Directors wóol Settembre 20, 2012.

Isáliiyalong: 
Josephine T. Sablan
Chairwoman, SHEFA Board of Directors

7.24.13
Ráll

Mwir Sángi: 
ESTHER S. FLEMING
Special Assistant for Administration

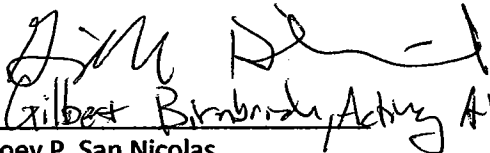
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Ráll

Amwel Sángi: 
ESTHER M. SAN NICOLAS
Commonwealth Register

7/26/2013
Ráll

Sángi 1 CMC § 2153(e) Allégh kkaal a lléghló sángi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwir sángi AG) Pomwol atiwlich kkal a appaschlong a takkal amwuri fiischiy, me angúungú ló fféerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwlich kkaal).

Wóol rállil iye 25th rállil lól July, 2013


Gilbert Birnbrody, Acting Attorney General
Joey P. San Nicolas
Attorney General

7/25/13
Ráll

**I Munisipalidadat Saipan
Ufisinan Atkadin Saipan
Inasistin Fainansiát Gi Latakhilu' Na Edukasion Saipan (SHEFA)
P.O. Box 10001, PMB 3648
Tel. (670) 233-5995; Fax: (670) 233-5996
E-Mail: contact@saipanshefa.com Website: www.saipanshefa.net**

**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDASION AREKLAMENTU YAN REGULASION
SIHA PARA I PRUGRAMAN INASISTIN FAINANSIÁT GI LATAKHILU' NA EDUKASION SAIPAN
(SHEFA)**

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AMENDASION AREKLAMENTU YAN REGULASION SIHA: I Prugraman Inasistin Fainansiát Gi Latakhilu' Na Edukasion Saipan(SHEFA) Kuetpun Direktot siha ma intensiona para u ma'adapta kumu petmanienti ni mafiechettun na prinoponin amendasion siha gi areklamentu yan regulasion siha, sigun gi manera siha gi Áktun Administrative Procedure, 1 CMC § 9104(a). I Kuetpun i SHEFA ha intensiona para u adapta siha kumu petmanienti, yan ha nã'i guini trenta(30) dihas na nutisia gi intension-ña. Id. I amendasion siha para u ifektibu gi halum dies(10) dihas dispues di adaptasion. 1 CMC § 9105(b).

ÁTURIDÁT ISTATUA: I Kuetpun SHEFA ma'áoturisa para u priskribi risunãpbli na nisisãriu na i areklamentu yan regulasion siha para u chulí' huyung i intension i Áktun Inasistin Fainansiát gi Latakhilu' na Edukasion Saipan. 10 CMC § 3924 (n).

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I Kuetpun SHEFA ha pupblilika i maproponi na amendasion siha ni para u chulí' huyung i disision-ña ni tinetekka i sigienti (re. seksiona siha 8, 9, 10, 12, 16, 18, & 19).

Seksiona 8 – Priority field of study, merit incentive award yan prugraman online;
Seksiona 9 – Binota gi halum 3rd na distritun Senadot;
Seksiona 10- Prugraman Early Admision, sisteman grinãdu, teman academic siha yan financial scholarship request (FSR);
Seksiona 12 – Madimãnda na dokumentu siha yan deadlines;
Seksiona 16 - Dinimãnda na Full-time status, dinimãnda na grinãdu yan dinimãnda na finitma;
Seksiona 18 – Remedial courses/Non-Developmental Units;
Seksiona 19 – One-time application yan full-time credit requirement.

I SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: I maproponi na amendasion siha gi para i areklamentu yan regulasion na kuntrãta prinsipãtmienti gi sigienti:

Seksiona 8 – Priority field of study, merit incentive award yan prugraman online;
Seksiona 9 – Binota gi halum 3rd na distritun Senadot;

Seksiona 10- Prugrâman Early Admision, sisteman grinâdu, teman academic siha yan financial scholarship request (FSR);

Seksiona 12 – Madimânda na dokumentu siha yan deadlines;

Seksiona 16 - Dinimânda na Full-time status, dinimânda na grinâdu yan dinimânda na finitma;

Seksiona 18 – Remedial courses/Non-Developmental Units;

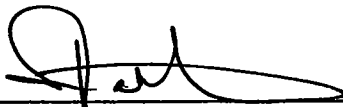
Seksiona 19 – One-time application yan full-time credit requirement.

DIREKSION PARA U MAPO'LU YAN PUPBLIKASION : Kabiseyu, Josephine T. Sablan, Prugrâman Inasistin Fainansiât gi Latakhilu' na Edukasion Saipan, Kuetpun SHEFA, P.O. Box 10001, PMB 3648, Saipan MP 96950 pat âgang i (670) 233-5995 pat gi facsimile gi (670) 233-5996 pat email: contact@saipanshefa.net.

PARA U MAPRIBENIYI OPIÑON SIHA: Na'hânâgui osino intrega ni opiñon-mu guatu gi Kabiseyu, as Siñora Josephine T. Sablan, Kuetpun SHEFA, P.O. Box 10001, PMB 3648, Saipan MP 96950, via facsimile guatu gi (670) 233-5996. Upiñon siha debi na u marisibi ni Kuetpun i SHEFA gi halum trenta(30) dihas gi fetchan esti na nutisian ni mapupblika gi halum i Rehistran Commonwealth.

Esti i manmaproponi na amendasion siha gi areklamentu yan regulasion siha ni manma'apueba ginen i SHEFA Kuetpun Direktot siha gi Septembri 20, 2012.

Nina'hålum as:

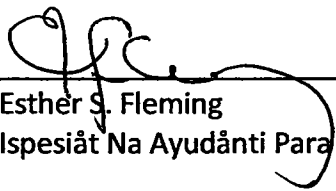


Josephine T. Sablan
Kabiseyun SHEFA
Kuetpun Direktot Siha

7.24.13

Fetcha

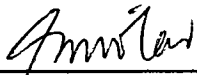
Rinisibi as



Esther S. Fleming
Ispeșiãt Na Ayudãnti Para Atministrasion Gubietnu

07/25/13
Fetcha

Pine'lu yan
Ninota as:

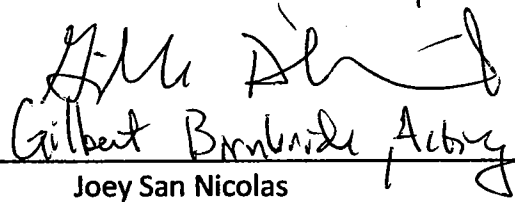


Esther M. San Nicolas
Rehistran Commonwealth

7/26/2013
Fetcha

Sigun i 1 CMC § 2153 (e) (Inapruedan Abugãdu Henerãt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisientl ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, 1 CMC § 2153 (f) (pubplikasion areklamentu yan regulasion siha).

Mafetcha gi 25th diha di July, 2013.



Joey San Nicolas
Abugãdu Henerãt

Rules & Regulations
Saipan Higher Education Financial Assistance Program
(SHEFA)

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SECTION ONE

§ 165-20.1-001 Statutory Authority

The Saipan Higher Education Financial Assistance Act of 2003 was signed into law on February 3, 2004, as Saipan Local Law (SLL) 13-21 [10 CMC § 3921-3928], which established the Saipan Higher Education Financial Assistance for the Municipality of Saipan in the Office of the Mayor of Saipan for administrative purposes, and to be administered by the Board of Saipan Higher Education Financial Assistance, hereinafter referred to SHEFA.

SECTION TWO

§ 165-20.1-005 Mission of SHEFA

The mission of the Saipan Higher Education Financial Assistance (SHEFA) under the Municipality of Saipan, Office of the Mayor is to invest in the limited human capital resources of qualified residents of Saipan (inclusive of the Northern Islands) through a supplementary financial assistance, upon availability of funds pursuant to Saipan Local Law 13-21 [10 CMC §§ 3921-3928], for purposes for pursuing post-secondary education on Saipan or abroad, and in recognition of the need for educated citizenry and workforce on Saipan, with the broad expectation of SHEFA and assurance from all applicants and recipients of SHEFA financial assistance to return to Saipan upon successful completion of a higher education with the necessary and sufficient knowledge, skill, attitude and work ethic in order to provide services on Saipan in the private sector, government, non-governmental (NGO) organization as well as not-for-profit organization.

SECTION THREE

§ 165-20.1-010 Priority for Financial Assistance

Qualified residents of the Municipality of Saipan who have been accepted or enrolled in any US accredited institution of higher education and meet all requirements as new or returning student are ranked in the order of priority to receive supplementary financial assistance as follows.

- (a) Undergraduate level in the identified priority of fields of study.
- (b) Graduate level in the identified priority of fields of study.
- (c) Advanced degree level in the identified priority of fields of study.
- (d) All other residents of Saipan who qualify as new or returning students.

SECTION FOUR

§ 165-20.1-015 Funding Source & Budget Authority

Pursuant to Saipan Local Law 13-21, section 5 on page four of the Act [10 CMC § 3925], the funding for this program is sourced from fees collected from the local license fees for poker and pachinko machines under Saipan Local Law 13-8, as continuously appropriated by SLL 13-21. Other funding sources authorized by the Act in section 5(d) on page three [10 CMC § 3924(d)] is to receive and accept from any individual, association or corporation, gifts, grants and donations of money for the purpose of providing higher education financial assistance to be established in a separate special account by the Secretary of Finance to implement the purposes of the Act.

SECTION FIVE

§ 165-20.1-020 Office of the Mayor of Saipan

The Saipan Higher Education Financial Assistance is established by SLL 13-21 [10 CMC §§ 3921-3928] in the Office of the Mayor of Saipan, and vested the Mayor of Saipan with the authority to appoint members of the board therein, subject to confirmation by the Saipan and Northern Islands Legislative Delegations (SNILD). In addition, the Office of the Mayor of Saipan is required by law to provide the board with administrative, personnel and logistical support subject to the limits of resource availability.

SECTION SIX

§ 165-20.1-025 Saipan Higher Education Financial Assistance Board (**SHEFA**)

The **SHEFA** board is established pursuant to SLL 13-21 [10 CMC §§ 3921-3928] whose members are appointed by the Mayor of Saipan subject to confirmation by the Saipan and Northern Islands Legislative Delegation. The Mayor may remove any member of the board on account of gross neglect of duty, conviction of a felony, or mental or physical incapacity. The duties and power of the board are specifically delineated in section 6 and section 8 of this Act.

SECTION SEVEN

§ 165-20.1-030 Classification of Recipients

SHEFA recognizes three types of degree categories, namely, undergraduate degree (associate degree and bachelor's degree); graduate degree (masters degree); and advanced degree (degree higher than a masters degree, e.g., J.D., medical doctor, PH.D, ED.D, etc.).

SECTION EIGHT

§ 165-20.1-035 Types of Financial Assistance

(a) Grant-in-aid is a type of financial assistance available to a student from Saipan pursuing post-secondary education in U.S. accredited college or universities. If a grant recipient does not return to Saipan after completion of his or her studies, the grant automatically becomes a loan

and the grant recipient must repay the SHEFA fund plus interest in accordance with the terms and conditions of attached promissory note/memorandum of agreement.

(b) Scholarship is a type of financial assistance that is available to a student from Saipan pursuing post-secondary education based on financial need, academic achievement and other established criteria. A second type of assistance under the scholarship program is one in which a student pursues a field of study that has been identified by SHEFA as a priority field of study+ for the island of Saipan, and having met other established criteria. The priority field of study award is granted only to Junior and Senior college students. The third type of scholarship is based on academic performance at the end of every semester or quarter, called the merit incentive award. Applicants in their first term of college are not eligible to receive the merit incentive award. Students taking remedial courses or developmental courses in fulfillment of a full-time status are not eligible for the merit incentive award. The fourth type of scholarship is a career prep scholar credit voucher valued at \$200 per voucher for a maximum of two vouchers per recipient. This voucher is for use by the recipient in obtaining career guidance and counseling or in participating in career or job fairs or any other type of training in career planning and preparation. The voucher is non-cash, and will be used toward the cancellation of any loan(s) granted to the recipient by SHEFA. Scholarship recipients must work on Saipan either in the private or public sector for as long a period as the duration of the scholarship. If a scholarship recipient does not return to Saipan after completion of his or her studies, the scholarship automatically becomes a loan and the recipient must repay the SHEFA fund plus interest in accordance with the terms and conditions of the attached promissory note/memorandum of agreement.

(c)(1) Student loan is a type of financial assistance divided into three components. One is based on financial need on criteria established by the SHEFA board. Loan on demand or demand loan is the second type of loan based upon the time of submission, receipt and acceptance of application to SHEFA. The third and final type of assistance under this loan program is referred to as a merit loan. A merit loan is strictly to enable a resident from Saipan enrolled in any accredited U. S. institutions of higher education to “challenge” up to two courses on campus in order to:

- (i) Accelerate degree/program completion, or
- (ii) Fulfill a graduation requirement.

(2) These challenges must be taken on campus only, unless otherwise authorized and approved first in writing by SHEFA. If a loan recipient does not return to Saipan after completion of his/her studies, he/she must repay the SHEFA find plus interest in accordance with the terms and conditions of the attached promissory note/memorandum of agreement.

(d) All recipients of any SHEFA loan pursuant to subsection (c) made available to a student from Saipan in pursuit of post-secondary education at any U.S. accredited institution of higher education shall have a legal obligation of paying back twenty-five percent of the total loan amount received and providing a minimum of three years of service in either the private or public sector on Saipan on all loan amounts received while in school. However, for purposes of entering into a promissory note/memorandum of agreement with SHEFA and the recipient, the recipient will be deemed and classified as a debtor of SHEFA funds unless all conditions,

requirements and stipulations of the note and **SHEFA** rules and regulations in this subchapter are abided to at all times during the term or life of the agreement, and after completion of his/her studies, or non-enrollment from school or termination from the institution of record.

+Priority Field of Study for Saipan includes accounting; nursing; teaching/specialized special education/early childhood ed./ library science/counseling/bilingual ed.; business management and administration; hospitality & information technology, anthropology/sociology for teaching; biology (science) for teaching; criminal justice leading to forensic science; lab technology; psychology other than leading to counseling; human resources development/personnel management; social worker; mathematics for teaching; engineering/architect (A&E); medical and allied fields, including psychiatry; environmental studies/conservation (e.g., natural resources, volcanology, marine biology, fish & wildlife, meteorology & archaeology); and computer graphics, including technical or specialized trades such as journalism, management information, computer programming and other fields of study sanctioned by the board in accordance with the Administrative Procedure Act '1 CMC §§ 9101 et seq.].

Note: Applicant enrolled in a U.S. accredited online program are allowed to apply for SHEFA financial assistance. However, students enrolled online, regardless of their physical location, will receive the same amount as an on-island student. Block 1/Term 1 for fall term classes must start by August or September and end by December. Block 2/Term 2 for spring classes must start by January and end by June.

SECTION NINE

§ 165-20.1-110 Qualification Requirements

Section 7 of SLL 13-21 [10 CMC § 3927] reads: "No person other than residents of the Municipality of Saipan as defined under section 2 of this Act shall be eligible for or receive assistance from the Saipan Higher Education Financial Assistance Fund." A resident in section 2 is a person who is a United States citizen or United States permanent resident, who has resided in the Municipality of Saipan for at least a year before applying for financial assistance administered by the Board and who is attending or has been accepted for enrollment at an institution of higher education in the CNMI or outside the CNMI. Proof of resident by a parent residing the Municipality of Saipan for the requisite period, or other acceptable evidence of residency of the applicant or recipient of **SHEFA** financial assistance such as the Saipan municipal identification card, CNMI driver's license, etc. must be submitted to the **SHEFA** office.

Note: Eligible SHEFA applicants new and ongoing are required to register to vote in the 3rd Senatorial District (Saipan/Northern Islands).

SECTION TEN

§ 165-20.1-115 Eligibility for **SHEFA** Fund Financial Assistance

Eligibility for SHEFA Fund Financial Assistance:

- (a) All applicants must meet the requirements in § 165-20.1-110 and the following additional requirements:
 - (1) Graduate from high school with a high school diploma or high school equivalent diploma; Except for applicants under the Early Admission Program or 2+2 program+.
 - (2) Have a cumulative high school grade point average of at least 2.5 upon graduation;
 - (3) Be accepted to or enrolled on full-time status as required by SHEFA, which does not include a developmental or remedial course(s) or a course taken as non-credit course(s) in a U.S. accredited college or university. [Exception to fulltime enrollment status of certified disabled applicants may be granted on a case-by-case basis.]
 - (4) If awarded financial assistance, a recipient must sign a promissory note/memorandum of agreement providing that all financial assistance received from the SHEFA fund be subject to debt conversion and debt convertible and that future assistance be contingent on funds availability pursuant to law;
 - (5) Meet all conditions for continuing assistance from SHEFA as provided in these Rules and Regulations;
 - (6) Provide all required documents and documentation of eligibility as required by these Rules and Regulations, including but not limited to those specifically identified in § 165-20.1-125; and
 - (7) Maintain at least the Minimum Grade Point Average as a condition and prerequisite for continuing assistance, which for Undergraduate students is 2.5 Cumulative GPA; for Performance-Based Scholarship students is 3.5 term++; for Graduate and Advanced students is 3.0 Cumulative GPA—eligibility is based on a Pass or No Pass Grading; Institution’s grading system will be accepted as long as the student is still enrolled in the program with compliance to full-time requirement; Priority field of study for Juniors and Seniors in college is 2.5 Cumulative GPA; and for loan is 2.5 Cumulative GPA.

+Early Admission Program and 2+2 program applies to students still in high school that are simultaneously enrolled at the Northern Marianas College as full-time college students taking college level courses.

++Term refers to Fall Term and Spring Term per academic year for applicant or recipient on a semester system; Fall Term, Winter Term and Spring Term for applicant or recipient on a quarter system; Winter and Spring Term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring for the quarter term.

- (b) Eligibility for SHEFA Fund Financial Assistance shall be limited to the following maximum time periods: Be eligible for financial assistance for the limited times as follows:
 - (1) For an Associate Degree (AA/AS), a maximum of two academic years not including summer;
 - (2) For a Bachelor's Degree (BA/BS), a maximum of four academic years, with a provision for one additional academic year for specialized majors and/or content-area certification by the institution, not including summer;
 - (3) For a graduate degree (MA/MS), a maximum of two academic years not including summer for a graduate degree (MA/MS);

- (4) For an advanced degree, a maximum of three academic years not including summer, with a provision for up to three additional academic years for dissertation writing, dissertation defense, and internship or medical degree training requirements, and up to two years for Jurisprudence work or related residency, internship or related training requirements.

Note: Financial Scholarship Request (FSR) to Department of Finance must be made on or before November 15th, for fall term and on or before April 15th for spring term. Other request will be accommodated on a case-by-case basis.

SECTION ELEVEN

§ 165-20.1-120 Conditions for Continuing Assistance

- (a) Any new applicant and recipient of SHEFA financial assistance must qualify and be eligible for the assistance as provided for in § 165-20.1-105 at all times and must adhere to all other rules and regulations in this subchapter, including the provisions of the promissory note/memorandum of agreement incorporated herein as a necessary and sufficient condition to receiving and continuing to receive financial assistance from the SHEFA Board pursuant to law submit to availability of funds.
- (b) The Board may consider an exception to the applicable regulations and provisions in the existing promissory note/memorandum of agreement, and grant a one-time continuing financial assistance to a currently enrolled full-time undergraduate, graduate or advanced student upon signing a supplemental agreement to the existing promissory note/memorandum of agreement, thereby allowing the Board to grant a one-time deferral on the automatic default provisions based on the most current cumulative GPA.
- (c) A written request by the recipient to the Board for an exception to § 165-20.1-115 and the existing promissory note/memorandum of agreement must be received by SHEFA not more than ten working days following the end of the most recent semester or quarter of the academic year in which the recipient failed to meet SHEFA's minimum cumulative GPA.
- (d) A show cause hearing may be held or in the alternative a written request may be submitted to the Board along with evidence based on substantiated compelling reasons or extenuating circumstances on account of medical, health, or psychological reasons, and other credible and verifiable information provided by a first-time recipient enrolled on full-time status.
- (e) Provided, however, than no course repeat or below-level course shall be considered in meeting SHEFA's full-time and cumulative GPA requirements for an undergraduate, graduate or advanced student.
- (f) Furthermore, if the Board decides to approve a one-time deferral, then it shall be deemed a conditional eligibility for a period not to exceed a semester or quarter immediately thereafter, and such eligibility shall not include eligibility for the academic performance scholarship which

requires a 3.5 cumulative GPA for an undergraduate, graduate or advance student enrolled on full-time status.

SECTION TWELVE

§ 165-20.1-125 Application Policy & Procedure; Required Documents/Deadlines

- (a) All new and continuing applicants for **SHEFA** financial assistance are required to submit the following documents as a condition for consideration for assistance. These are:
- (1) Original and completed application indicating whether for new or renewal.
 - (2) Latest sealed official transcript from high school or institution of higher education mailed directly to the **SHEFA** office or an unofficial copy faxed directly to the office by the school or college/university. Scholarship award(s) will be based on a student's timely submission of transcripts and class schedules and meeting the full-time credit requirements and other pertinent datelines and/or requirements
 - (3) Letter of acceptance or proof of admission or enrollment.
 - (4) Proof of citizenship (e.g., Saipan municipal identification card, United States passport, birth certificate, or CNMI driver's license).
 - (5) Proof of residency on Saipan as indicated by an annual tax return or other acceptable evidence such as Saipan municipal identification card or a CNMI driver's license.
- (b) In addition, all application forms for new or continuing **SHEFA** assistance must be filed together with the required documents indicated herein on July 1st unless the date falls on a weekend in which case the deadline is the first Monday of the following week for the fall semester/quarter and December 1st for the spring semester/quarter annually unless the date falls on a weekend in which case the deadline is the first Monday of the following week. Failure to submit a complete application form and the requisite supporting documents to the **SHEFA** office on the deadline will be cause for not considering the application until the next financial assistance cycle.

SECTION THIRTEEN

§ 165-20.130 Truth-in-lending Policy and Confidentiality

The information provided to **SHEFA** for purposes of determining qualification and eligibility is considered confidential, and will only be released upon written authorization from the applicant/recipient. All information contained in the completed application or renewal form, qualification and eligibility documents, person(s) used as reference(s), letter of acceptance, enrollment documents from institution of record, grade reports and transcripts, and other forms of supporting documents are considered true and complete to the best of the applicant/recipients' knowledge, and the applicant further agrees to provide proof of information stated in the application or renewal form or supporting documents submitted to **SHEFA**. Falsification of information and any documents(s) submitted by the applicant or recipient of **SHEFA** assistance may result in the immediate discontinuation of financial assistance and automatic suspension and/or disqualification for any future financial assistance. Therefore, every applicant for **SHEFA** financial assistance and ever recipient of **SHEFA** financial assistance is required to authorize **SHEFA** to request and obtain any and all information necessary and sufficient from

relevant agencies or institutions of higher education related to the application or renewal of application for financial assistance from SHEFA. Financial assistance from the SHEFA fund is contingent on availability of funds as provided in Saipan Local Law 13-21 [10 CMC §§ 3921-3928].

SECTION FOURTEEN

§ 165-20.135 Appeal Policy & Procedure

Any qualified and eligible applicant and recipient of SHEFA financial assistance may address and present any grievance in writing first to the SHEFA administrator with a copy directly to the SHEFA board. If the applicant or recipient of SHEFA financial assistance is not satisfied with the written official response from the SHEFA administration, then the applicant and recipient may appeal the decision of the SHEFA administration directly to the Chairperson of the SHEFA board within ten working days of issuance of a decision by the SHEFA administration. The appeal to the SHEFA board shall be in accordance with the Administrative Procedure Act, 1 CMC §§ 9101, et seq. To this end, all decision made by and entered into record by the board shall be final agency decision and order on the administrative level of appeal or review process and procedure.

SECTION FIFTEEN

§ 165-20.201 Availability of Supplementary Financial Assistance; Effective Date

The rules and regulations in this subchapter governing the administration of the SHEFA financial assistance shall take effect upon its publication and adoption in accordance with the administrative procedure act.

SECTION SIXTEEN

§ 165-20.205 Promissory Note/Memorandum of Agreement Form; Repayment Term

As a condition of receiving Saipan Higher Education Financial Assistance, the recipient of any type of financial assistance shall agree in writing to the terms and conditions of such financial assistance and to repay such financial assistance in accordance with Saipan Local Law No. 13-21 and any amendments thereto and the applicable Rules and Regulations. Said agreement shall be in writing and be in the form approved by the Board and incorporated herein as part of this regulation by reference.

THIS PROMISSORY NOTE/ MEMORANDUM OF AGREEMENT made and entered into this _____ day of _____, 20_____, by and between the Board of SHEFA for the Municipality of Saipan within the Office of the Mayor of Saipan and _____, and / or with his/her parent, _____, if below 18 years, hereinafter referred to as the "Debtor" at address: _____ (permanent & current postal address) residing in _____ (village) of SAIPAN.

WITNESSETH

WHEREAS, Saipan Local Law (SLL) 13-21 established the Saipan Higher Education Financial Assistance within the Office of the Mayor of Saipan to be governed by the Saipan Higher Education Financial Assistance Board (SHEFA);

WHEREAS, the SHEFA Board, in administering the SHEFA fund, will enter into a legally binding and enforceable Promissory Note / Memorandum of Agreement with a qualified and eligible resident of Saipan together with a parent, if recipient of SHEFA financial assistance is below 18 years, prior to the disbursement of any SHEFA fund. In entering into a mutually binding promissory note / memorandum of understanding, the SHEFA board becomes the “Lender” of record for SHEFA fund and the recipient of SHEFA financial assistance together with the parent, if recipient is below 18 years, become severally and collectively the “Debtor” of any and all type and amount of SHEFA financial assistance received and acknowledged herein pursuant to § 165-20.1-105 including;

1. Grant-in-Aid,
2. Scholarship, and
3. Loan.

WHEREAS, the Saipan Higher Education Financial Assistance (SHEFA) is established as a supplementary financial assistance to eligible residents of the Municipality of Saipan, inclusive of the Northern Islands who desire to pursue post-secondary education at a U.S. accredited institution of higher learning on Saipan or abroad on the condition that a recipient of SHEFA fund shall return to Saipan pursuant to SHEFA rules and regulations for purposes of employment, and to provide services to the private or public sector or both, in recognition of the need for educated citizenry and workforce on Saipan.

NOW, THEREFORE, in consideration of SHEFA financial assistance including grant-in-aid, scholarship and loan which recipient / debtor received and acknowledged by signing this promissory note / memorandum of understanding between the Debtor AND the Lender, the Debtor agrees, covenants and represents as follows:

1. The Debtor is admitted to or enrolled in _____ (name of institution), a U.S. accredited post-secondary institution of higher learning in pursuit of a degree in _____ (specify type of degree or e.g., A.A., B.A., M.A., PH.D., J.D. M.D., etc. and field of study).
2. The Debtor shall utilize all financial assistance for educational expenses directly related or incidental to attendance and continued attendance at an institution of record and shall take at least a minimum of 12 credits for undergraduate; full-time status as defined by the institution for graduate; and full-time status as defined by the institution for advanced standing and maintain the minimum or higher grade point average (GPA) in accordance with the SHEFA Rules and Regulations.

3. The Debtor shall complete the required credits at each academic term for the financial assistance received (mark one):

- i. Undergraduate Full-Time: Twelve (12) or more credits
- ii. Graduate Full-Time: As defined by the institution
Nine or more credits
- iii. Advanced Full-Time: As defined by the institution
Nine or more credits

4. The Debtor shall maintain at the end of each academic term the required cumulative grade point average and term grade point average as it applies below by marking the appropriate category:

- i. Undergraduate: 2.5 Cumulative GPA
Twelve (12) or more credits
- ii. Performance-Based Scholarship: 3.5 Term+
Twelve (12) or more credits for undergraduates
Nine or more credits for graduate and advanced degree
- iii. Graduate: 3.0 Cumulative GPA Pass or No Pass Grading
Nine or more credits As defined by the Institution
- iv. Advanced: 3.0 Cumulative GPA Pass or No Pass Grading
Nine or more credits As defined by the institution
- v. Priority Field of Study: 2.5 Cumulative GPA
- vi. Loan Applicant / Recipient: 2.5 Cumulative GPA

+Term refers to Fall Term and Spring Term per academic year for applicant or recipient on semester system; Fall Term, Winter Term and Spring Term for applicant or recipient on quarter system; Winter and Spring Term GPA may be combined in

computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring for quarter term.

5. The Debtor shall submit a copy of his/her official grade report / transcript promptly after the conclusion of each academic term directly from the institution of record to the SHEFA Office. The grade report submittal will determine the eligibility for continued assistance on every subsequent term. Within ninety days upon matriculation from the institution of record, the Debtor shall submit a copy of his/her college degree and proof of employment on Saipan or Northern Islands. The Debtor also fully understands and agrees to his/her legal obligations pursuant to the explicit and implicit terms and conditions set forth in this promissory note/memorandum of agreement.

6. The Debtor understands, acknowledges and accepts the maximum duration of eligibility for financial assistance from the SHEFA fund:

2 Academic Years	-	Associate Degree
4 Academic Years	-	Bachelors' Degree++
2 Academic Years	-	Graduate Degree
3 Academic Years	-	Advanced Degree+++

++maximum of five (5) academic years for specialized majors and/or specialized certification by the institution of record.

+++ maximum of three (3) academic years not including summer, with a provision for up to three (3) additional academic years for dissertation writing, dissertation defense, and internship requirements or medical degree training requirement, and up to two (2) years for Jurisprudence work or related residency, internship or related training requirements.

7. The Debtor hereby declares that he/she is not pursuing an academic program that leads to a religious studies degree, and shall not take religion courses not specifically prescribed in the Individualized Degree Plan (IDP).

8. The Debtor shall agree to return to Saipan within three (3) months after the completion of his/her degree plan or termination of or non-enrollment from the institution of record, and provide services by working on Saipan for any employer—whether in the private or public sector or both. The Debtor further agrees to perform services in the private or public sector or both on Saipan for a period equal to the period for which the Debtor received financial assistance under § 165-20.1-105 (a)(b) from the Lender. The Debtor agrees to pay back twenty-five (25%) of the total amount of loan received under § 165-20.1-105(c) and a minimum of three (3) years of service to either in the private or public sector or both on Saipan. If the recipient of SHEFA financial assistance does not return back to Saipan after completion of his/her studies, or non-enrollment from school or termination from the institution of record, he / she must repay the entire debt back on all SHEFA funds received under § 165-20.1-105(a)(b)(c) with interest in accordance with this Promissory Note / Memorandum of Agreement.

9. The Debtor understand and hereby agree that failure to comply with any part of sections 1-8 of this Promissory Note / Memorandum of Agreement and the **SHEFA** rules and regulations will constitute a material breach of the promissory note / memorandum of agreement and a default, and will require the Debtor to pay the entire award received. If such a default occurs, the Debtor must repay their entire debt to the Lender with equal monthly payments within (6) years of the default. The Debtor may repay according to any of the following repayment options as shown below.

Total Debt for repayment	Per Month 12 months	Per Month 24 months	Per Month 36 months	Per Month 48 months	Per Month 60 months	Per Month 72 months
\$1,000 - \$4,999	\$84 - \$417	\$42 - \$209	\$28 - \$139	\$121 - \$104	\$17 - \$84	\$14 - \$70
\$5,000 - \$9,999	\$417 - \$834	\$209 - \$417	\$139 - \$278	\$104 - \$209	\$84 - \$167	\$70 - \$139
\$10,000 - \$14,999	\$834 - \$1,250	\$417 - \$625	\$278 - \$417	\$209 - \$313	\$167 - \$250	\$139 - \$209
\$15,000 - \$19,999	\$1,250 - \$1,667	\$625 - \$834	\$417 - \$556	\$313 - \$417	\$250 - \$334	\$209 - \$278
\$20,000 - \$24,999	\$1,667 - \$2,084	\$834 - \$1,042	\$556 - \$694	\$417 - \$521	\$334 - \$417	\$278 - \$348
\$25,000 - \$29,999	\$2,084 - \$2,500	\$1,042 - \$1,250	\$694 - \$834	\$521 - \$625	\$417 - \$500	\$348 - \$417
\$30,000 - \$34,999	\$2,500 - \$2,917	\$1,250 - \$1,459	\$834 - \$973	\$625 - \$730	\$500 - \$584	\$417 - \$487
\$35,000 - \$40,999	\$2,917 - \$3,334	\$1,459 - \$1,667	\$973 - \$1,111	\$730 - \$834	\$584 - \$667	\$487 - \$556

The Debtor must inform the Lender of which repayment schedule he or she has accepted within thirty (30) days of the default. If the Debtor does not select a repayment schedule within thirty (30) days, the Debtor will be deemed to have selected the "Per Month 72 Months" repayment schedule listed above. The Debtor(s)'s first monthly payment shall be due on the first of the month following the default, but at least thirty (30) days after the default. All subsequent payments will be due on the first of each following month until the Debtor repays the entire debt to the Lender. Note: The Debtor may pay the balance in full at any time within the schedule plan.

10. If the Debtor fails to pay any monthly payment, or of any part of any monthly payment, ("Payment Default") then the whole principal sum shall become immediately due and payable at the option of the Lender, without notice, and interest shall accrue at the rate of five percent (5%) per annum on the total amount outstanding. Interest shall accrue until Debtor fully cures the Payment Default by paying all past due monthly payments and all accrued interest. Payments received shall be applied first to the accrued interest and then the balance thereof to the principal.

11. Military Deferral. The time for the Debtor to comply with the requirements of Section 8, above, shall be extended upon request if the Debtor enlist in the armed forces of the United States of America. Specifically, the Debtor's obligation to comply with the requirements of Section 8 shall be deferred, upon request, until the Debtor's service in the armed forces ends.

The Debtor may take advantage of this deferral for a maximum of three years after the termination or completion of his/her degree plan or non-enrollment from an institution of higher education of record. Once the Debtor's service in the armed forces ends or three years passes from the termination or completion of his/her degree plan or non-enrollment from institution of higher education of record, whichever event occurs first, the Debtor shall have to comply with the requirements of section 8. All deferrals granted under this section are not valid unless approved in writing by SHEFA. The Debtor must renew his or her deferral annually.

12. In the event of commencement of suit to enforce payment of this Promissory Note / Memorandum of Agreement, the undersigned agree(s) to pay to the Lender for attorney's fees as the Court in the Commonwealth of the Northern Mariana Islands may deem reasonable.

13. The recipient of SHEFA financial assistance together with the parent, if applicant is below 18 years, fully understands and agrees that compliance with the provisions in this Promissory Note / Memorandum of Agreement and all provisions of the SHEFA rules and regulations shall constitute a condition for any and all financial assistance herein by SHEFA as hereby acknowledged and attested to by both the recipient and parent, if recipient is below 18 years. Moreover, this agreement shall authorize SHEFA to request and obtain any and all necessary information from other agencies related to the application for financial assistance, and shall further authorize the SHEFA Office to provide essential information and data such as resume, diploma or degree, name and contact mailing or e-mail addresses to potential employer(s) on Saipan, including posting such information and data on SHEFA's website or its affiliate on Saipan.

14. The parties agree that the courts of the Commonwealth of the Northern Mariana Islands (Superior Court and Supreme Court) shall have exclusive jurisdiction over any Action involving this Promissory Note/Memorandum of Agreement.

This Agreement shall be interpreted using the laws of the Commonwealth of the Northern Mariana Islands.

IN WITNESS WHEREOF, the recipient (Debtor) and / or parent, if recipient is below 18 years, have hereunto set his / her or their hand(s) on the date first above written.

Print Recipient Name / Signature

Date

Print Parent Name / Signature, if Recipient is below 18 yrs.

Date

NOTARY PUBLIC:

On this ____ day _____ of 20__, before me appeared _____ and _____ (recipient parent, if recipient is below 18 years), who executed the agreement contained herein, and duly acknowledge to me that he/she and parent, if recipient is below 18 years, executed the same freely and voluntarily for the uses and purposes therein mentioned.

Notary Public (Print & Sign) My Commission expires: _____

For **SHEFA**:

Chairman, Board of SHEFA _____
Date

For the Municipality of Saipan:

MAYOR DONALD FLORES _____
Date

SECTION SEVENTEEN

§ 165-20.1-210 Career Counseling and Guidance & College Life Orientation

All new applicants to the **SHEFA** fund must undergo a career orientation, assessment, and counseling and guidance as a condition to receiving any financial assistance at the outset. **SHEFA** will coordinate the career sessions with participating government agencies, including the schools on Saipan. An orientation to college life is also a prerequisite to receiving **SHEFA** assistance. Both the career counseling and college life orientation must be undertaken on island prior to check disbursement, unless authorized in advanced to do so in writing by **SHEFA** at a location or institution acceptable to **SHEFA**.

SECTION EIGHTEEN

§ 165-20.1-215 Notification to SHEFA Board

Any recipient of SHEFA financial assistance who withdraws or drops out of any class or on less-than-full-time status must immediately notify the SHEFA board in writing, as a change in status may affect future financial assistance. Failure to inform the SHEFA board may be deemed as a material breach of the SHEFA rules and regulations, and more specifically section § 165-20.1-130. A change in a field of study must be immediately reported in writing to the SHEFA board with reasons for the change, especially for SHEFA recipients having a declared major in the SHEFA priority field of study and/or admitted by the institution of record in to the program field of study. Under no circumstances will any applicant or recipient of SHEFA funds be authorized to satisfy any fulltime status and GPA requirements of SHEFA with any remedial course, except on account of a requirement by the institution of record based on a placement test. This exception on non-acceptance of remedial courses is limited to ~~one~~ two academic years for ~~incoming~~ freshmen and sophomores only for English and Math. Any recipient of performance-based scholarship assistance is not authorized to take any remedial courses at all. Use of SHEFA financial assistance is strictly for on-campus study requiring student residency.

SECTION NINETEEN

§ 165-20.1-220 SHEFA Application Form. Terms

(a) Incorporated as part of the rules and regulations governing the SHEFA financial assistance is the SHEFA Application Form for both new applicants and on-going applicants. No application, either new or on-going, for SHEFA financial assistance, will be received, considered or reviewed by SHEFA unless the application is completed, signed and accompanied by all required documents in support of the application. The required documents include, but not limited to information indicated on the application form and / or by other written directive or public announcement. Effective spring 2013, applicants and previous recipients may submit a one-time application and promissory note/memorandum of agreement. Students are responsible to provide accurate substantial/significant information regarding their current data. Falsification of information of document will be submitted to the Office of the Attorney General for legal action.

(b) The words and terms used in these rules and regulations shall have the meanings indicated and shall include the plural unless the context clearly indicates otherwise. The definitions herein provided shall supplement the definitions provided in Saipan Local Law 13-21.

(c) "U.S. Accredited Institution of Higher Education/Learning" means an institution of higher learning which has the approval of the United States Department of Education. Such institution may be located in the United States of America, its commonwealths, possessions or territories or in foreign countries.

(d) "Institution of Record" means the U.S. Accredited Institution of Higher Education/Learning from which the SHEFA applicant or recipient is seeking a degree and which the SHEFA applicant or recipient has identified in the application for financial assistance and/or the promissory note and memorandum of agreement between SHEFA and the recipient of financial assistance.

(e) "Fulltime Status" means the registration and enrollment at the student's Institution of Record from the beginning and throughout the entire academic period (i.e., semester or quarter term) for which SHEFA financial aid is provided and shall require the following: a. Undergraduate Degree students: Twelve (12) semester or quarter credits taken concurrently throughout an entire academic term, i.e., Fall Semester, Fall Quarter, Spring Semester, or Spring or Winter Quarter;

(1) Undergraduate degree students: twelve semester or quarter credits taken concurrently throughout an entire academic term i.e., fall semester, fall quarter, spring semester or spring or winter quarter;

(2) Graduate Degree and Advanced Degree students: Given amount of credits as defined by the institution as full-time taken concurrently throughout an entire academic term, i.e., Fall Semester, Fall Quarter, Spring Semester, or Spring or Winter Quarter, unless the student is working on a dissertation, engaged in a mandatory internship required by the program, or engaged in other related required field work or studies outside of a formal didactic setting; and

(3) Sequential Class Program: Students enrolled in degree program in a U.S. Accredited Institute of Higher Learning that provides classes on a sequential instead of on a concurrent basis may be considered in fulltime status and be eligible for financial assistance on a pro rata basis depending on the number of credit hours in which the student is enrolled at a given term (i.e., Fall semester/quarter or Winter/Spring semester/ quarter).

(4) Provided, however, that no credit shall be counted toward fulltime status for a class from which the student withdraws, for a religion course (unless it is a mandatory prerequisite for a program major field of study or general education requirement), for repetition of a class for which credit has previously been counted; for audit of a class; for a class for which the student receives a grade of incomplete; for a class for which the student receives a failing grade; or for a class unrelated to a declared field of study and not included in the student's individualized degree plan (IDP).

(5) Provided further that, in the event a student does not meet the requirement of full-time status because of withdrawal from a class or because of receiving a grade of incomplete or failing grade, the student shall immediately cure the credit deficiency the following semester by taking and completing sufficient credits to constitute fulltime status plus credits sufficient to make up the credit deficiency during the previous Fall or Spring semester/quarter. A repeat course is in addition to a fulltime status and not counted toward fulltime status.

(f) "Cumulative Grade Point Average" ("GPA") means the cumulative grade point average at the student's Institute of Record as determined by the student's Institute of Record; and, if the student has not yet attended the student's Institute of Record, then the cumulative grade point average at the U.S. Accredited Institution of Higher Education/Learning last and most recently attended by the student as determined by that institution; and, if the student has not yet attended a

U.S. Accredited Institution of Higher Education/Learning, then the cumulative grade point average at the high school from which the student graduated. In other words, Cumulative Grade Point Average means the student's cumulative grade point average at the student's most recent and latest institution of learning, regardless of any grade point average previously attained in any other institute of higher learning.

(g) "Minimum Grade Point Average" means the Cumulative or Term Grade Point Average required to be attained prior to receiving Saipan Higher Education Financial Assistance and required to be attained at the end of each academic period for which Saipan Higher Education Financial Assistance has been provided. The Minimum Grade Point Average required is to meet the following:

- (1) Undergraduate students: 2.5 Cumulative GPA;
- (2) Performance-Based Scholarship students: 3.5 Term+ GPA;
- (3) Graduate and Advanced students: Pass or No Pass Grading;
- (4) Priority field of study students: 2.5 cumulative GPA; and
- (5) Loan students: 2.5 cumulative GPA

+Term refers to Fall Term and Spring Term per academic year for applicant or recipient on semester system; Fall Term, Winter Term and Spring Term for applicant or recipient on quarter system; Winter and Spring Term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring for quarter term.

(h) "Residence" means that place where that person has lived on account of birth, parental residence or established (i.e., not casual) physical dwelling on Saipan or the Northern Islands, which that person makes Saipan or the Northern Islands home by a credible and verifiable information or data.

(1) As a legitimate, established and bona fide resident, the individual and / or parent for and on whom the individual is economically dependent for financial support and is in fact claimed by either or both parent(s) as a dependent, regularly files taxes at his/her place of residence; maintains an established street and / or postal address, home telephone number and a Saipan driver's license, including but not limited to, maintaining affiliation with recognized and identifiable professional, religious or fraternal life or association at his/her place of residence and registered to vote and has in fact exercised the right to vote on Saipan or the Northern Islands.

(2) Moreover, residency as operationally applied by SHEFA is a place where a person's presence or residence is well established beyond mere physical presence on Saipan or the Northern Islands. It is not transitory residence in nature, in fact or in deed. A person's presence or residence is not on account of a temporary absence from his/her other established or legitimate residence elsewhere in the Commonwealth or outside of the Commonwealth, either on a short-term or long-term basis, or whose presence on Saipan or the Northern Islands is for other temporary purposes such as private or public employment, school, medical, or other temporary needs, temporary permit or guest or any other acts or intent, where a person's presence or residence on Saipan or the Northern Islands is deemed unequivocal or raises a specter of

reasonable doubt and more than a casual presence, and thus makes Saipan or the Northern Islands home.

(3) Also, the person's presence or residence on Saipan or the Northern Islands is not on account of a person for and on whom he/she is economically dependent on for financial support (i.e., more than half of his/her support from parent(s)) and / or claimed as a dependent on tax filing.

(i) "Individualized Degree Plan (I.D.P.)" means a prescribed course of study by major field of study of an institution delineating the core course requirements, electives, field work and thesis or dissertation requirements which leads to a degree within a prescribed timeframe for matriculation.

SECTION TWENTY

§ 165-20.1-225 Welcome Home; Your Expected Return to Saipan

Within three months of a successful completion or thirty days of termination or non-enrollment from the institution of record, whichever event occurs first, the recipient of financial assistance from the SHEFA fund is required to return to Saipan for employment and/or to provide services in the private or public sector, in recognition of the need for educated citizenry and workforce on Saipan.

As of 9/14/12

Commonwealth of the Northern Mariana Islands
Office of the Governor, Division of Environmental Quality
Frank M. Rabauliman, Director
Gualo Rai Center, Chalan Pale Arnold (Middle Road, across from "Subway")
P O Box 501204 Saipan MP 96950
Tel 670.664.8500; Fax:670.664.8540
storagetankspesticides@deq.gov.mp

PUBLIC NOTICE OF PROPOSED REGULATIONS

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Office of the Governor, Division of Environmental Quality (DEQ) intends to adopt as permanent regulations the attached Proposed Pesticide Management 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))

AUTHORITY: The Director of DEQ 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: The proposed regulations to ensure the proper management of pesticide use, sale and other requirements to meet federal standards and practices applicable to the Islands, further defines and expands the prohibited acts in accordance with federal law, Federal Insecticide Fungicide, Rodenticide Act (FIFRA). The proposed regulations, once adopted shall supersede the existing Pesticide Management Regulations, which were adopted in 1994.

COMMENTS RECEIVED DURING FIRST PUBLICATION:

1. DEQ published the proposed regulations on January 28, 2013;
2. DEQ received three (3) comments by the April 26, 2013 comment deadline.
3. DEQ responded to the comments via email on May 1, 2013.
4. DEQ is publishing its response to comments concurrently with this notice.

THE SUBJECTS AND ISSUES INVOLVED:

1. The regulations shall reduce the fee associated with obtaining pesticide applicator certification and clarifies the permit requirements and conditions relating to use of pesticides, including storage and transportation; and
2. The regulations redefine the importation of pesticide and pesticide devices shall apply to any 1) any restricted use pesticide from any country into the CNMI; (2) 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; (3) any pesticide used to control pests on fruit and/or vegetable crops or other agricultural products; and (4) pesticides used for fumigation, hospital grade disinfection and commercial purposes; and

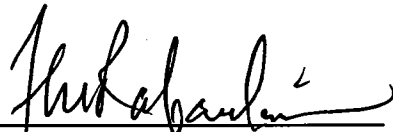
Page 1

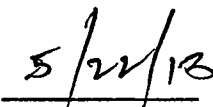
3. The regulations remain substantially the same as the proposed regulations published on January 28, 2013.

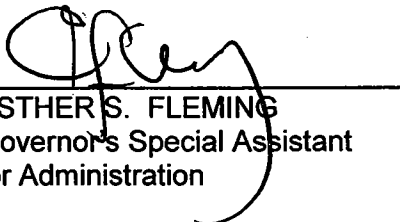
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district,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

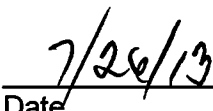
TO PROVIDE COMMENTS: Send or deliver your comments to Reina C. Camacho, Pesticide & Storage Tank Branch Manager, *Re: Pesticide Management Regulations*, at the above address or to the above fax number. Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))


These proposed regulations were approved by the Director on May ___, 2013.

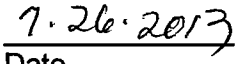
Submitted by: 
Frank M. Rabauliman
Director, CNMI Division of Environmental Quality


Date

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for Administration

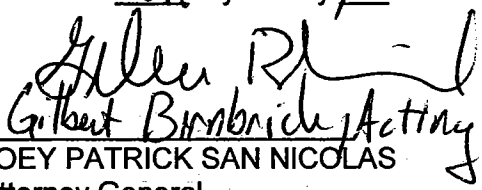

Date

Filed and Recorded by: 
ESTHER M. SAN NICOLAS
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 the 26th day of July 2013.


Per JOEY PATRICK SAN NICOLAS
Attorney General

Proposed Pesticide Management Regulations – May 3, 2013

Part 1 GENERAL PROVISIONS

Authority and Scope. These regulations have been promulgated by the Division of Environmental Quality in accordance 2 CMC §§ 3101 to 3134 (*Commonwealth Environmental 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.

Part 2 PURPOSE

The purpose of these regulations 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.

PART 3 DEFINITIONS

- 3.1 "Active Ingredient" means
- 3.1.1 in the case of a pesticide other than a plant regulator, defoliant or desiccant; an ingredient which will prevent, destroy, mitigate any pest.
 - 3.1.2 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.
 - 3.1.3 in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
 - 3.1.4 in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.
- 3.2 "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.
- 3.3 "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.
- 3.4 "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.
- 3.5 "Banned Use" means any use which is prohibited by the Division of the Environmental Quality, any use which is suspended or canceled by the U.S. EPA.
- 3.6 "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.
- 3.7 "Certified Pesticide Applicator" means any individual who is certified by the Director to use general use or restricted use pesticides under these regulations.
- 3.8 "Commercial Applicator" means any applicator that applies pesticides for commercial purposes.

Proposed Pesticide Management Regulations – May 3, 2013

- 3.9 “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.
- 3.10 “Compensation” means pay or wages, payment through services or goods, or barter of services or goods.
- 3.11 “DEQ” means the Division of Environmental Quality unless otherwise specified.
- 3.12 “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.
- 3.13 “Director” means the Director of the Division of Environmental Quality unless otherwise specified.
- 3.14 “Employer” means for the purposes of the workers protection program a person who
- 3.14.1 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 for commercial pest control (e.g. rodent and termite extermination); or
- 3.14.2 owns or operates an agricultural, resort, or commercial pest control facility.
- 3.15 “EPA” or “USEPA” means the United States Environmental Protection Agency.
- 3.16 “FIFRA” means the US Federal Insecticide, Fungicide, and Rodenticide Act, codified at 7 USC §§ 136 to 136y.
- 3.17 “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.
- 3.18 “Handler” or “Pesticides Handler” means any person, including a self-employed person
- 3.18.1 Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment, or commercial resort and who is
- A. Mixing, loading, transferring, or applying pesticides;
 - B. Disposing of pesticides or pesticide containers;
 - C. Handling opened containers of pesticides;
 - D. Acting as a flagger;
 - E. Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues;
 - F. Assisting with the application of pesticides;
 - G. 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 coverings used in fumigation or to monitoring air levels;
 - H. Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins; or
 - I. 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

Proposed Pesticide Management Regulations – May 3, 2013

ventilation criteria or in the labeling has been met and during any restricted-entry interval.

- 3.18.2 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.
- 3.19 “Label” means the written, printed or graphic matter on, or attached, to, the pesticide or device or any of its containers or wrappers.
- 3.20 “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.
- 3.21 “Licensed Dealer” means any person who is licensed by the Director to sell or distribute restricted use pesticides.
- 3.22 “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.
- 3.23 “Misbranded” means any pesticide if
- 3.23.1 The label does not conform to the US EPA requirements for labeling or packaging.
- 3.23.2 The labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.
- 3.23.3 The label is not in English, or lacks any of the following information:
- A. Name of a Pesticide in bold letters;
 - B. Restricted use designation (if applicable);
 - C. Description of which pests are controlled;
 - D. Chemical name of Pesticide;
 - E. Active ingredients;
 - F. Appropriate signal words
 - i. Caution;
 - ii. Warning; or
 - iii. Danger Poison;
 - G. Directions for proper use; and
 - H. Any additional DEQ labeling requirement not conspicuously displayed on each container.
- 3.24 “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.
- 3.25 “Person” means an individual, corporation, partnership, association, joint venture, commercial entity, government, political subdivision, commission or interstate body.
- 3.26 “Personal protective equipment” or “PPE” means apparel and devices worn to protect the body from contact with pesticides or pesticide residues, including: coveralls, chemical-resistant suits; chemical-resistant gloves; chemical-resistant footwear; chemical-resistant aprons; chemical-resistant headgear; protective eye wear; and respirators. Items of ordinary clothing, including long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of

Proposed Pesticide Management Regulations – May 3, 2013

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.

- 3.27 “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.
- 3.28 “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.
- 3.29 “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’.
- 3.30 “Restricted-Entry Interval” means the time after the end of a pesticide application during which entry to the treated area is restricted.
- 3.31 “Use” means
- 3.31.1 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:
- 3.31.2 Pre-application activities, including, but not limited to,
- A. Arranging for the application of the pesticide;
 - B. Mixing and loading the pesticide; and
 - C. 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:
- 3.31.3 Application of the pesticide;
- 3.31.4 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
- 3.31.5 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.
- 3.32 “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.
- 3.33 “40 CFR” shall mean Title 40 of the Code of Federal Regulations revised as of July 1, 2014².

Part 4 ADMINISTRATION OF THE CNMI PESTICIDE REGULATIONS

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

Part 5 UNLAWFUL ACTS

5.1 General

- 5.1.1 Except as otherwise exempted in Part 5.2 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
- A. any pesticide that is adulterated or misbranded, including, but not limited to, pesticides that are not labeled in English;
 - B. any pesticide that is banned by DEQ or, cancelled, suspended, not registered by EPA;
 - C. any pesticide or device that is misbranded or not produced in an EPA registered establishment; or
 - D. any pesticide that DEQ determines to pose an unreasonable risk to human health and the environment.
- 5.1.2 It shall be unlawful for any person
- A. 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;
 - B. 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 observe pesticide use, storage or disposal; 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;
 - C. to use any pesticide in a manner inconsistent with its labeling;
 - D. to violate any order issued pursuant to these regulations or the Acts;
 - E. to violate any ban or restriction regarding the use, importation or distribution or sale of pesticides or devices issued by DEQ;
 - F. 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;
 - G. to sell or distribute restricted use pesticides unless licensed by DEQ to do so;
 - H. to sell or distribute any restricted use pesticides to any person other than a licensed dealer or an applicator certified by DEQ;
 - I. 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;
 - J. to use or apply restricted use pesticides unless certified by DEQ or under the direct supervision of an applicator certified by DEQ;
 - K. to use or apply pesticides for commercial purposes unless under the supervision of a certified applicator;
 - L. 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;
 - M. 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; or,

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N. to manufacture or otherwise produce pesticides, including re-packaging, refilling or relabeling, for sale or resale, in the CNMI.

5.1.3 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.

5.2 Exemptions

5.2.1 The penalties provided for a violation of Part 5.1 shall not apply to

- A Any carrier 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;
- B 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;
- C Any public official while engaged in the performance of the official duties of the public official;
- D 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;
- E 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
- F Any person lawfully acting in compliance with an order from the Director to remove a pesticide from the CNMI.

5.2.2 Section 5.1.1.B does not apply to products not registered by EPA if: (a) 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 (b) 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 6 IMPORTATION

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 § 5.1.1. Importation of any unregistered pesticide, but not pesticide device, is a violation of these regulations.

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.

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6.1 Shipments Requiring Advance Notice

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.

6.1.1 Notice of Intent

- A. **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.

- B. **General Use Pesticides (GUP).**
 - 1. 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.
 - 2. 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 § 3.9, 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.

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.

6.1.2 Notice of Arrival

Upon arrival of the pesticide or device specified in section 6.1.1, 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.

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6.2 Shipments Arriving Without Notice

When a shipment of a pesticide or device specified in section 6.1 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.

6.3 Inspection

6.3.1 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.

6.3.2 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 § 6.4.

6.4 Detained, Denied, and Impounded Shipments

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.

For any detained shipment, the consignee/importer shall have sixty (60) 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.

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.

6.6 Fees

6.6.1 Persons desiring to import a Restricted Use Pesticide shall pay a non-refundable fee of fifty dollars (\$50) for each shipment, accompanying the Notice of Arrival (NOA) form.

6.6.2 Persons desiring to import a General Use Pesticide shall pay a non-refundable fee of fifteen dollars (\$15) for each shipment, accompanying the Notice of Arrival (NOA) form.

Part 7 USE OF PESTICIDES

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.

7.1 ~~Termiticide Treatment Permit~~ Pesticide Use Permit Application for Termiticide Treatment

7.1.1 Permit

For all structures to be treated for termites in the foundation or ground area surrounding or under the foundation, the applicator must submit an 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 (\$50). The request for a permit must be submitted to DEQ at least twenty (20) business days prior to the proposed date/ of application. The applicator

Upon receipt of the ~~Termiticide Application Permit~~ Pesticide Use Permit Application for Termiticide Treatment, DEQ has up to ten (10) business days to process the permit. The permit is valid for 6-months after the date of issuance.

7.1.2 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 (75) feet of the proposed application. A copy of this written notice must be submitted to DEQ prior to the termiticide application.

7.1.3 Preconstruction

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

- A. EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;
- B. Date(s) and time(s) of proposed application(s);
- C. Name(s) of each applicator and pesticide company;
- D. Certification number of each applicator involved in the project;
- E. Address of the application site;
- F. Description of the site;
- G. Size of area to be treated;
- H. Application Method; and
- I. Map, showing bodies of water within 100 feet of the area that termiticide is to be applied;

7.1.3.2 To prevent contamination of surface water, the following restrictions must be observed:

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- A. 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: 1) 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 2) the treated soil is covered if precipitation is predicted to occur before the concrete slab is scheduled to be poured;
- B. Do not treat soil that is water-saturated;
- C. Do not treat when raining;
- D. Do not allow treatment to runoff from the target area;
- E. Do not apply within 10 feet of storm drains;
- F. 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);
- G. Do not make on-grade applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height; and
- H. Follow any additional restrictions or requirements included in a permit issued by DEQ.

7.1.4 Post-construction

A. Application to surrounding soils

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

- 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;
- 3. Name 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. Method of application; and
- 9. Map, showing bodies of water within 100 feet of the area that termiticide is to be applied;

B. 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:

- 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;
- 3. Name 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. Description of equipment to be used;
8. Description or history of the company's experience conducting similar fumigations;
9. Description of any prior problems or issues with fumigations;
10. Health and Safety Plan;
11. Map showing all residential homes and businesses within 25 feet of the application site;
12. Fumigant Management Plan and any additional information required by product label;
13. The applicator must provide written notices to each household and business that is located within seventy-five (75) 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.

7.1.5 Termiticide applications exempt from permitting requirements:

- A. Injection into structural voids;
- B. Spot, crack, crevice treatments; and
- C. Treatments that use enclosed baiting systems.

7.2 Aerial Pesticide Application Pesticide Use Permit Application for Aerial Treatment

7.2.1 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.

7.2.2 ~~Aerial Pesticide Application Permit~~ Pesticide Use Permit Application for Aerial Treatment
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 (20) business days prior to the proposed date of application. Upon receipt of the Aerial Pesticide Application Permit, DEQ has up to ten (10) business days to process the permit. The permit is valid for 6-months after the date of issuance.

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

- A. EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;
- B. Purpose of application; including description of alternatives
- C. Date(s) and time(s) of proposed application;
- D. Name of each applicator and pesticide company; including pilot information;
- E. Copy of the certification for the applicant and pilot/applicator, if different from the applicant.

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- F. Copy of the pilot license
- G. Physical and mailing address of the application site;
- H. 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;
- I. Description of equipment to be used;
- J. Description or history of the company's experience conducting similar aerial treatments;
- K. Description of any prior problems or issues with pesticides; and
- L. Health and Safety Plan.

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.

7.2.3 Notification

- A. 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.
- B. Every possible effort should be made to control pesticide drift during aerial pesticide applications.

7.3 Pesticide Use Permit Application for Other Pesticide Treatment

7.3.1 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 (\$50)~~. The request for a permit must be submitted to DEQ at least twenty (20) 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 (10) business days to process the permit. The permit is valid for ~~6 months~~ after the date of issuance.

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

- A. EPA Registration Numbers (and copies of labels, if requested) for pesticide products to be used;
- B. Date(s) and time(s) of proposed application(s);
- C. Name(s) of each applicator and pesticide company;
- D. Certification number of each applicator involved in the project;
- E. Address of the application site;
- F. Description of the site;
- G. Size of area to be treated;

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- H. Application Method; and
- I. Map, showing bodies of water within 100 feet of the area that termiticide is to be applied;

7.3.3 Notification

- A. 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.
- B. Every possible effort should be made to control pesticide drift during pesticide applications.

7.3.4 To prevent contamination of surface water, the following restrictions must be observed:

- A. After the application, cover the treatment site in order to prevent runoff in the event of rain;
- B. Do not treat soil that is water-saturated;
- C. Do not treat when raining;
- D. Do not allow treatment to runoff from the target area;
- E. Do not apply within 10 feet of storm drains;
- F. 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);
- G. Do not conduct applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height; and
- H. Follow any additional restrictions or requirements included in a permit issued by DEQ.

7.3.4 Storage of Pesticides

7.34.1 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:

- A. in a locked, well ventilated, cool and dry storage area out of direct sunlight,
- B. in a location separate from food, feed, seed, or animals;
- C. in the original labeled container;
- D. in a location or such a way that they are kept out of reach of children and pests;
- E. with absorbent materials such as sand or absorbent clay adequate to absorb all potential spills;
- F. in a location away from incompatible chemicals;
- G. in a location away from flammable liquids or solids; or near a flammable source;
- H. in a location away from personal protective equipment;
- I. with a fire extinguisher;
- J. with the Material Safety Data Sheet (MSDS) of the pesticides currently in use;
- K. in a manner such that spills will not impact ground or surface waters. If storing more than twelve (12) gallons or one hundred (100) pounds of pesticides at any one time, you must, at a minimum, store the pesticides on impermeable surface, such as a

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concrete slab, and must mark the area prominently with a skull and crossbones to indicate the presence of pesticides; and

- L. in a manner consistent with its labeling.

7.34.2 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:

- A. "Warning";
- B. "Danger";
- C. "Pesticide Storage Area";
- D. "Poison Storage Area";
- E. "All Unauthorized Persons Keep Out"; or
- F. "Keep Door Locked When Not In Use".

7.34.3 Retailers, wholesalers and dealers shall store and display pesticides in the following manner:

- A. All pesticides offered for sale must be in the registrant's approved container with the appropriate labeling required by federal law.
- B. All restricted use pesticides must be separated from general use pesticides in displays of pesticides offered for sale to the general public.
- C. All pesticides (either general use or restricted use items) on display to the general public should be displayed at a minimum distance of ten (10) 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 (4) feet from canned foods or any other type of food or edible item.
- D. 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.

7.34.4 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:

- A. 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 (120) days prior to using the facility for storage as specified in this section.
- B. Permits shall be approved only when containment and secondary containment complies with 40 CFR §§ 165.80-97 (July 2007~~12~~), 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 2007~~12~~). The Director shall

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require that all plans for a new facility be prepared by a certified licensed professional engineer.

- C. The storage permit shall be valid for five (5) years from date of issuance, and applicant shall pay DEQ a \$100 processing fee.

7.45 Transportation

7.45.1 All Restricted Use Pesticides shall be transported in the following manner:

- A. not transported in the same compartment with persons, animals, food, feed, seed, clothing or consumer goods; and
- B. 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.

7.45.2 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.

7.45.3 All pesticides shall be transported as required by the label.

7.5 6 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 property. Empty non-refillable pesticide containers must be triple 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.

7.6 7 Recordkeeping

Commercial Applicators, Private Applicators and Licensed Dealers shall keep and maintain records for a period of not less than three (3) years.

7.67.1 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:

- A. the brand (common) name and EPA registration number of the product;
- B. 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;
- C. the date, time, location and method of application;
- D. total area covered;
- E. targeted area or other site; and
- F. targeted pest(s).

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

- A. the brand (common) name and EPA registration number of the product;

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- B. 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;
- C. the date, time, location and method of application;
- D. total area covered;
- E. targeted area or other site; and
- F. targeted pest(s).

7.67.3 Licensed dealers shall maintain true and accurate records of the sale and distribution of restricted use pesticides, including the following information:

- A. the name, address, and certification number or dealer's license (if applicable) number of the person purchasing or receiving the pesticide;
- B. the date of sale or distribution;
- C. the brand name, EPA registration number, and quantity of product sold or distributed;
- D. the signature of the person selling or distributing the pesticide; and
- E. label of the pesticide.

7.7 8 Worker Protection Standards

7.78.1 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.

7.78.2. General requirements for agricultural establishments and commercial application. Under the provisions of the CNMI Worker Protection Standard, employers are required to do the following:

- A. 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;
- B. 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;
- C. Provide assistance in getting medical treatment in case of work-related pesticide illness or injury;
- D. Comply with restricted-entry intervals found on the label. These are the times immediately after pesticide applications when workers may not enter treated areas;
- E. 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;
- F. Ensure that only trained, properly equipped pesticide handlers enter or remain in the treated area during a pesticide application;
- G. 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;
- H. 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

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1. 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;
2. 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.;
3. chemical-resistant gloves – gloves that are made of chemical-resistant material;
4. 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;
5. 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.
6. chemical-resistant headgear - hood or hat with wide brim, that is made of chemical-resistant material;
7. protective eye wear - goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator; and
8. respirators - a device that protects the respiratory system and is either 1) the type listed on the pesticide label or 2) more protective, and must be appropriate for the pesticide product being used and for the activity being performed;
 - I. Instruct all handlers and workers in the correct use of personal protective equipment;
 - J. Instruct all handlers in the correct use of application equipment;
 - K. Must assure that all handlers understand all label requirements;
 - L. 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
 - M. Implement other requirements as instituted by the DEQ Director.

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

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

Part 8 TRAINING AND CERTIFICATION

8.1 Training

- 8.1.1 Instructor Qualifications. Any person intending to provide pesticide certification training must first meet the requirements set forth below:
- A. sufficient pesticide education, training, and/or experience necessary to exercise professional judgment and has the ability to teach and communicate effectively with

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student-applicators to prepare them for proper performance of their occupational duties; and

- B. 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 ~~new developments~~recent updates in pesticide applications and other pertinent matters].

8.1.2 Instructor Responsibilities

- A. 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, ~~new developments~~recent updates in pesticide applications and other pertinent matters.
- B. Core Training Duration/Schedule. Training shall be a minimum of ~~one (1) day~~ eight (8) hours) of instruction, which shall include but is not limited to lecture, practicum, and exam preparation.
- C. 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 such as markets, forums, bulletin boards, etc. at least three (3) weeks prior to the scheduled training.
- D. 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.

- 8.1.3 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).

8.2 Required Certification

- 8.2.1 Any person who uses or supervises the use of any pesticide for commercial purposes must obtain a certification from DEQ.
- 8.2.2 Any person who uses, sells, or distributes restricted use pesticides must obtain a certification from DEQ.

8.3 Categories of Commercial Applicators, Private Applicators and Licensed Dealers

8.3.1 Commercial Applicators

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

- A. 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

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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.

- B. Forest pest control. This category includes commercial applicators using or supervising the use of pesticides in forests, forest nurseries, and forest seed producing areas.
- C. 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.
- D. Seed treatment. This category includes commercial applicators using or supervising the use of pesticides on seeds.
- E. 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 section 8.3.1 G.
- F. 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.
- G. 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.
- H. 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.
- I. Regulatory pest control. This category includes governmental employees using or supervising the use of pesticides in the control of regulated pests.
- J. 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.

8.3.2 Private Applicators

Any person who uses or supervises the use of any restricted use pesticide ~~for the purpose of producing any agricultural commodity (see 40 CFR § 171.2(a)(20)) 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, who is not a commercial applicator.~~ shall be classified as a private

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applicator. “Agricultural Commodity” means any plant, or part thereof, or animal product, produced by a person (including farmers, ranchers, plant propagators, aqua culturists, floriculturists, orchardists, foresters, or other comparable persons primarily for sale, consumption, propagation, or other use by man or animals.

8.3.3 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.

8.4 Standards of Competency

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

- A. labeling;
- B. safety factors;
- C. environmental consequences;
- D. pest identification and characteristics;
- E. pesticide types, formulations and dilutions;
- F. equipment maintenance and calibration;
- G. proper storage, use, and disposal of pesticides and containers;
- H. pesticide application techniques;
- I. pesticide laws and regulations;
- J. recordkeeping;
- K. worker protection standards; and
- L. other relevant information as deemed necessary, including but not limited to ~~new developments~~ recent updates in pesticide applications and other pertinent matters

8.4.2 Examinations.

- A. Any person intending to become pesticide applicator or dealer must demonstrate competency based on a written pesticide safety examination.
- B. The passing grade for the written pesticide safety examination is seventy percent (70%). ~~Competence in the use and handling of pesticides shall be determined on the basis of written examinations and, as appropriate, performance testing based upon the standards set forth below.~~ 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.
- C. Examinations are offered as needed; request for examination must be made on a form provided by DEQ for that purpose.

8.4.3 Determination of Competency for Commercial Applicators

- A. **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:

1. Label and Labeling Comprehension. Factors including general format of labels and terminology that are used on pesticide labels and labeling;

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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.

2. **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.
 3. **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
 4. **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.
 5. **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.
 6. **Equipment.** Including factors such as: Types of equipment and advantages and limitations of each type; and Use, maintenance and calibration.
 7. **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.
 8. **All local and federal requirements, applicable to the CNMI.**
- B. **Specific Standards of Competency.** Commercial Applicators shall demonstrate competence and shall be particularly qualified with respect to the standards elaborated below.
1. **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,

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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.

2. 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.
3. 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.
4. 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.
5. 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

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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.

6. **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.

7: **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.

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- (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.
8. 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.
9. 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.
10. 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 section 8.4.3 A. In addition, they shall be

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expected to know the specific standards described in section 8.4.3 B as may be applicable to their particular activity.

- C. **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
 - 1. Recognize common pests to be controlled and damage caused by them.
 - 2. 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.
 - 3. 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.
 - 4. Recognize local environmental situations that must be considered during the application to avoid contamination.
 - 5. Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

- D. **Specific Standards of Competency.** Licensed Dealers shall demonstrate additional competence and knowledge regarding but not limited to the following:
 - 1. pesticide legislation, regulations and guidelines;
 - 2. safety and toxicology;
 - 3. disposal;
 - 4. storage and transportation;
 - 5. effects on animals, plants, and environment; fish and wildlife;
 - 6. factors affecting pesticide applications;
 - 7. classification and formulations of insecticides;
 - 8. fungicides, herbicides, and other pesticides and their uses;
 - 9. definitions;
 - 10. recommendations for use of pesticides; and
 - 11. poisoning symptoms and procedures to follow in case of a pesticide accident.

8.5 Application Forms, Duration and Renewals

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

8.5.2 Duration of Certification and Renewals.

- A. All certifications shall be valid for a period of three (3) years from the date of issuance unless earlier suspended or revoked by the Director.
- B. Application for renewal shall be made to the Director on a form provided for that purpose.
- C. Applicants may renew certification by attending continuing education (CE) classes 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 classes units during the certification period in the same or similar category for which the renewal is sought.

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- i. Commercial Applicators must take a minimum of twelve (12) continuing education classes units to renew his or her certification.
 - ii. Private Applicators must take a minimum of ~~three~~ six (3 6) continuing education classes units to renew his or her certification.
- D. In the event the applicator was not able to attend CE classes 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.
- E. 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.

8.6 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 situations 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.

8.7 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.

8.8 Extension, Denial, Suspension or Revocation, and Appeal

- 8.8.1. 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.
- 8.8.2 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.
- 8.8.3 The Director may deny certification to:
- A. any person whose certification is suspended or revoked.
 - B. any person who has been found to be in violation of any part of these regulations.
 - C. any person who has failed to pass the proficiency test.
 - D. any person who fails to pay the required fees.
- 8.8.4 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.

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8.8.5 Any person who has been denied certification pursuant to Part 8.8 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.

8.9 Fees

8.9.1 Persons desiring to obtain certification through examination administered by the Division of Environmental quality shall pay a non-refundable fee of ten dollars (\$10).

8.9.2 Commercial applicators shall pay a non-refundable fee of fifty dollars (\$50) for the processing of the application.

8.9.3 Private applicators shall pay a non-refundable fee of ten dollars (\$10) the processing of the application.

8.9.4 Fees for Government Applicators may be waived, provided the Applicator only conducts such applications at Government projects.

8.9.5 Restricted use pesticide dealers shall pay a non-refundable fee of fifty dollars (\$50) for the processing of the application.

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

Part 9 LIST OF BANNED AND RESTRICTED PESTICIDES AND NOTICE OF CHANGE IN STATUS

9.1 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 8. 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.

9.2 Banning of Pesticides

DEQ may prohibit the importation, sale, distribution, and use of any pesticide or prohibit a specific use or uses 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.

9.3 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.

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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.

9.4 Responsibility of Applicators/Dealers/Importers

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.

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 use, distribution, sale or import.

9.5 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 10 ENFORCEMENT AND PENALTIES

10.1 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.

10.2 Inspections

10.2.1 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 of the CNMI.

10.2.2 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.

10.3 Administrative Orders

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.

Procedures for Administrative Orders

10.3.1 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.

10.3.2 Where the Director initiates an administrative action, the respondent is entitled to request an administrative hearing within seven (7) 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.

10.3.3 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.

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- 10.3.4 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.
- 10.3.5 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 (15) 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.
- 10.3.6 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 (10) 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 the decision. He will issue a written decision within thirty (30) calendar days.
- 10.3.7 The Director's decision shall be final. An appeal from the final enforcement decision shall be to the Commonwealth Superior Court within thirty (30) calendar days following service of the final agency decision.
- 10.3.8 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.

10.4 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.

10.5.2 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 11 APPLICATION OF LAWS

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

PART 12 SEVERABILITY

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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.

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NUTISIAN PUPBLIKU GI MANMAPROPONI NA REGULASION SIHA

I AKSION NI MA'INTENSIONA NA PARA U MA'ADAPTA ESTI SIHA I MANMAPROPONI NA REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas siha, Ufisinan Gubietnu, Dibision Environmental Quality(DEQ) ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion Pesticide Management 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 kinimplin i 1 CMC §§ 9102 yan 9104 (a) pat (b) (1 CMC § 9105 (b)).

ATURIDAT: I Direktot i DEQ nina'i fuetsa ni Leyislatura ni para u adapta i areklamentu yan regulasion siha para i atministrasion yan enforcement gi Aktun Commonwealth Environmental Protection. (2 CMC § 3122)

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I manmaproponi na regulasion siha para u mana'siguru i propiu na minanehan usun pesticide, binendi, yan ottru ni dinimanda siha para u meet i federal standards yan practices ni aplikapbli para i Isla siha, sigi mo'na, ha difina yan aomenta i mapribi na aktu siha sigun gi lain federat, Federal Insecticide fungicide, Rodenticide na Aktu (FIFRA). I manmaproponi na regulasion siha, gigun ma'adapta debi na u supercede i existing na Regulasion i Pesticide Management, ni ginin ma'adapta gi 1994.

UPIÑON SIHA NI MANMARISIBI GI DURANTIN I PRIMET NA PUPBLIKASION:

1. I DEQ ha pupblika i maproponi na regulasion siha gi Ineru 28, 2013;
2. I DEQ ha risibi tres(3) na upiñon siha gi Abrit 26, 2013 comment deadline.
3. I DEQ ha oppi i upiñon siha kontra i email gi Måyu 1, 2013.
4. I DEQ ha pupblilika i ineppen-ña para i upiñon kinonfotmin esti na nutisia.

I SUHETU NI MASUMARIA YAN ASUNTU NI MANTINEKKA:

1. I regulasion siha debi na u maribaha i apas ni associated yan i hinentan pesticide applicator na certification yan clarifies i dinimandan lisensia yan kundision siha ni mana'achuli' ni para usun pesticides, ingklulusu i storage yan i transpottasion; yan
2. I regulasion siha ha ta'lun dumifina i impottanti na pesticide yan pesticide devices ni debi na u inaplika para maseha hafa (1) maseha hafa na usun pesticide pribidu ni ginin maseha manu na lugat ni humalum gi CNMI;

(2) maseha hâfa na pesticide pat pesticide device ni ma-manufactured gi halum pat ma-shipped ni pat ginin i foreign country; maseha hâfa na termiticide, ingklulusu atyu siha u ma'usa gi ka'ka', crevice, yan spot treatment; (3) maseha hâfa na usun pesticide ni para u ma-control i pests gi fruta yan/pat gollai siha pat ottru pruduktun agrikultura siha; yan (4) usun pesticides para fumigation, hospital grade disinfection yan hinangain kumetsiânti siha; yan

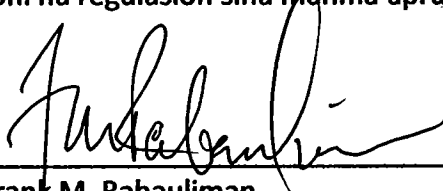
3. I regulasion siha para u sâga parehu kumu i manmaproponi na regulasion ni manmapublika gi lneru 28, 2013.

DIREKSION PARA U MAPO'LU YAN PUBLIKASION: Esti i Manmaproponi na Regulasion siha debi na mapublika gi halum i Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adâpta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi halum i mangkumbinienti na lugât siha gi halum i civic center yan i halum ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan lingguâhin natibu. (1 CMC § 9104(a)(1))

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânâo pat intrega i upiñon-mu guatu gi as Reina C. Camacho, Pesticide & Storage Tank Branch Manager, Re: Regulasion siha gi Pesticide Management, gi sanhilu' na address pat gi sanhilu' na numirun fax. Todu upiñon debi na u fanhâlum trenta(30) dihas ginin i fetchan publikasion esti na nutisia. Put fabot na'hâlum i upiñon, imfotmasion pat kinontestan kinentra siha. (1 CMC § 9104(a)(2))

Esti i manmaproponi na regulasion siha manma'apruiban ni Direktot gi Mâyü _____, 2013.

Nina'hâlum as:



Frank M. Rabauliman
Direktot, CNMI Dibision Environmental Quality



Fetcha

Rinisibi as:


Esther S. Fleming
Espisiât Na Ayudânti Para l Atministrasion

7/29/13
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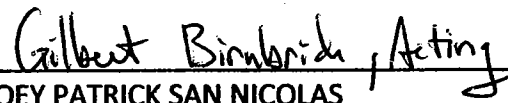
Pine'lu Yan Ninota as:


Esther M. San Nicolas
Rehistran Commonwealth

7.26.2013
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Sigun i 1 CMC § 2153 (e), (Inapruedan Abugâdu Henerât i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisientl ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 26th ^{July} di Mayu, 2013.


JOEY PATRICK SAN NICOLAS
Abugâdu Henerât

Manmaproponi na Regulasion Pesticide Management Siha

Påtti 1 PRUBENSION HENERÁT SIHA

Åturidåt yan Scope. Esti na regulasion siha manmacho'gui ginin i Dibision Environmental Quality sigun gi 2 CMC §§ 3101 asta 3134 (*Commonwealth Åktun Environmental Protection*) yan 2 CMC §§ 3511 asta i 3521 (*Åktun Solid Waste Management*). Esti na regulasion siha debi na guaha fuetsa yan effect of law yan debi na ginege'ti todû petsona siha yan ottru legal entities ni sinuhetu para i jurisdiction i Commonwealth gi Sangkattan na Islas Marianas Siha.

Påtti 2 HINANGAI

I hinangai esti siha na regulasion para u estaplesi i system of control kontra i importation, distribution, sale, use storage yan disposal of pesticides ni petsona siha gi halum i Commonwealth gi Sangkattan na islas Marianas siha para i pruteksion hinemlu' pupbliku yan hinadahin i environmental contamination.

Påtti 3 DIFINISION SIHA

3.1 "Active Ingredient" kumeke'ilekña

- 3.1.1 sienkåsu i pesticide ottru ki i plant regular, defoliant pat desiccant; i ingredient para u atåha, distrosa, mitigate maseha håfa na pest.
- 3.1.2 sienkåsu i plant regulator, i ingredient ni, through physiological action. para u accelerate pat u retard i growth pat i rate maturation pat sino u alter i behavior of ornamental pat i crop plants pat i produktu guihi.
- 3.1.3 sienkåsu i defoliant, i ingredient ni para u nina'uyu i hagon siha pat para u famoddung pâpa' ginin i tinanum.
- 3.1.4 sienkåsu na ha desiccant, i ingredient ni para u artificially accelerate i inanglu' i tissue gi tinanum.

3.2 "Adulterated" kumeke'ilekña maseha håfa na pesticide na yanggin metgut pat purity falls gi papa' i professed standard i quality kumu ha ekspresa gi labeling gi papa' ni mabendi, pat maseha håfa na substance ni kuantan i wholly pat gi pâtti para i pesticide, pat yanggin maseha valuable constituent i pesticide has been wholly pat in part abstracted.

3.3 "Agricultural Establishment" kumeke'ilekña maseha håfa na operation engaged gi halum i production yan maintenance i agricultural plants, ni siña ingklusu i farm, nursery, green house pat forest area.

3.4 "Banned Pesticide" kumeke'ilekña maseha håfa na usu ni ha pruhibi i Dibision Environmental Quality, para importation, distribution, sale, yan usu pat ni mapruhîbi para distribution pat sale ginin i U.S. Environmental Protection Agency.

3.5 "Banned Use" kumeke'ilekña na maseha håfa na usu ni mapruhîbi ginin i Dibision Environmental Quality, maseha håfa na usu ni masuspendi pat makansela ni i U. S. EPA.

Manmaproponi na Regulasion Pesticide Management Siha

- 3.6 “Core Training” kumeke’ilekña na i basic pesticide safety yan education training ni madimãnda para i settifikasion para kumietsu yan private applicators; i training debi na u sãonão lão ti minidi para i labeling, safety factors, environmental consequences, pest identification yan characteristics, pesticide types, formulations yan dilutions, equipment maintenance yan calibration, application techniques, pesticide laws yan regulations, yan ottru relevant information kumu matungu’ na nisisãriu, sãsonão lão ti minidi para i worker protection standards, recordkeeping, new developments yan ottru pertinent matters.
- 3.7 “Cerified Pesticide Applicator” kumeke’ilekña na maseha hãyi na indibiyuãt ni masettifiku ginin i Direktot para u usa i general use pat prihibi i usun pesticides gi papa’ esti na regulasion siha.
- 3.8 “Commercial Applicator” kumeke’ilekña maseha hãfa na applicator ni ha aplika i pesticides para hinangain kumietsu.
- 3.9 “Commercial Purposes” kumeke’ilekña na i usun pesticides (1) ni petsona siha gi halum i bisnis ni ha pribeniyi pest control services pat contracting para u pribeniyi pest control plans pat pribeniyi pest control services para hire, sãonão, lão ti minidi para, i extermination of ants, termites, rodents, pat tinanum siha yan (2) ni petsona siha ni umu’usa i pesticides gi halum maintenance of exterior resort grounds, golf courses, green houses pat ottru inestapblesin agrikuttura siha.
- 3.10 “Compensation” kumeke’ilekña ãpas pat suetdu siha, ãpas kontra sitbisiu siha pat fektus siha, pat barter of services pat fektus siha.
- 3.11 “DEQ” kumeke’ilekña i Dibision Environmental Quality osina ma’espisifika.
- 3.12 “Device” kumeke’ilekña maseha hãfa na instrument pat contrivance (ottru ki firearm) ni ma’intensiona para trapping, destroying, repelling, pat mitigating maseha hãfa na pest pat maseha ottru na fotman tinanum pat lina’la’ gã’gã’ (ottru ki tãotão yan ottru ki bacteria, virus, pat microorganism gi pat halum lãla’la’ na tãotão pat ottru lala’la’ na gã’gã’ siha); lão ti minidi i ma’usan ramienta para i aplikasion i pesticides yanggin mabendi separão ginin atyu.
- 3.13 “Direktot” kumeke’ilekña na i Direktot i Dibision Environmental Quality osino ma’espisifika.
- 3.14 “*Amu” kumeke’ilekña na para hinangai siha gi prugrãman pruteksion emple’ão siha ni
- 3.14.1 emple’a pat contracts para i setbisiun emple’ão siha (sãsonão siha yan i miembrun familian-ñiha) para maseha hãfa na klãsin compensation para u cho’gui i che’chu’ ni mana’achuli’ para production tinanum agrikuttura siha, maintenance i resorts, pat para i commercial pest control (e.g. rodent yan termite extermination); pat
- 3.14.2 dueñu pat ha maneneha agrikuttura, resort, pat fasilidãt commercial pest control.

Manmaproponi na Regulasion Pesticide Management Siha

- 3.15 "EPA" pat USEPA" kumeke'ilekña na United States Environmental Protection Agency.
- 3.16 "FIFRA" kumeke'ilekña na i US Federal Insecticide, Fungicide, yan Rodenticide na Åktu, ni makodigu gi 7 USC §§ 136 asta 136y.
- 3.17 "Fumigant" kumeke'ilekña na maseha hãfa na pesticide ni vapor pat gas pat fotman i product ni vapor pat gas gi application yan atyu i method of pesticide action ni ginin i gaseous state.
- 3.18 "Handler" pat Pesticide Handler" kumeke'ilekña na maseha hãyi na petsona, sãosãonão i self-employed na petsona.
- 3.18.1 Hãyi ma'emple'a para maseha hãfa na klãsin compensation ni agricultural establishment pat commercial pesticide handling establishment, pat commercial resort yan hãyi na
- A. Tinempla, diniskãtga, trinansferi, pat inaplikan pesticides;
 - B. Dinespuetun pesticides pat sahguan pesticide siha;
 - C. Handling i mababa na sahguan i pesticides;
 - D. Acting kumu flagger;
 - E. Cleaning, adjusting, handling, pat repairing i pãtti gi binatti siha, kinatga, pat aplikasion equipment ni siña gai sinahguan pesticide residues;
 - F. Inasisti gi aplikasion pesticides;
 - G. Hinalum gi greenhouse pat ottru mãchum na lugãt dispues di aplikasion yan åntis i inhalation exposure level ni malista gi mamãtka kumu tinaka' pat unu gi ventilation criteria pat gi mamãtka kumu umafakcha' para operasion ventilation equipment, para u adjust pat u mana'suha i tãmpi ni ma'usa gi fumigation pat para uma'a'atan i air levels;
 - H. Hinalum i ma'ãmti na lugãt gi sanhiyung dispues di aplikasion i maseha hãfa na soil fumigant para u adjust pat manasuha i soil coverings tãtkumu i tarpaulins; pat
 - I. Machocho'gui i che'chu' siha kumu crop advisor gi durãntin maseha hãfa na aplikasion pesticide, åntis di maseha hãfa na inhalation exposure level ni malista na mamãtka kumu tinaka' pat kumu unu gi ventilation criteria pat gi halum i mamãtka ni umafakcha' yan gi durãntin maseha hãfa na restricted-entry interval.
- 3.18.2 I tema ti ha na'sãonão maseha hãyi na petsona ni ingkatgão ha' ni pesticide containers ni esta manhokkuk pat mangãsgas sigun gi pesticide product ni gai instruksion ni mamãka siha, pat gi tinaigui kumu i instruksion siha, ni manmasuheu para i triple-rising pat its equivalent.
- 3.19 "Mãtka" kumeke'ilekña i matugi', imprenta pat graphic matter gi, pat chechettun, gi, i pesticide pat device pat maseha hãfa na sahguan-ña pat balutãn-ña siha.

Manmaproponi na Regulasion Pesticide Management Siha

- 3.20 “Minatka” kumeke’ilekña na todū mātka siha yan todū ottru tinigi’, inemprenta, pat graphic matter ni inesgagaihun i pesticide siha, pat ni ma-reference ni mamātka pat gi literature ni inakupāpaña i pesticide, solu para i prisenti na publikasion ufisiāt siha gi U. S. Environmental Protection Agency, i United States Department of Agriculture yan Interior, pat i U. S. Department of Health yan Human Services.
- 3.21 “Lisenced Dealer” kumeke’ilekña maseha hāyi na petsona ni malisensia ginin i Direktot para u bendi pat u distribute restricted use pesticides.
- 3.22 “MSDS” kumeke’ilekña Material Safety Data Sheets kumu madimānda gi papa’ i Occupational Safety yan i Āktun Health gi 1970, 29 USC § 651 et seq., kumu ma’amenda yan i ma’implementāña i regulasion siha.
- 3.23 “Misbranded” kumeke’ilekña maseha hāfa na pesticide yanggin
- 3.23.1 I matka ti ha konfotma para i US EPA i dinimānda siha para i mamātka pat mapaketi.
- 3.23.2 I mamātka ha bear maseha hāfa na sinangan, design, pat graphic representation relative ni para pat para i ingredients ni latchi pat misleading gi halum maseha hāfa na pattikulāt.
- 3.23.3 I matka ti gi English, pat ti nahung maseha hāfa gi sigienti na imfotmasion:
- A. Na’an i Pesticide gi bold na lettra siha;
 - B. Restricted use designation (yanggin aplikāppli);
 - C. Description of which pests are controlled;
 - D. Na’an i Chemical na Pesticide;
 - E. Active Ingredients;
 - F. Manasientādu na siñāt palābra siha
 - i. Caution;
 - ii. Warning; pat
 - iii. Danger Poison;
 - G. Direksion siha para ma’usa propiu; yan
 - H. Maseha hāfa na ināomenta i DEQ na minatka madimānda ni ti conspicuously displayed gi kada sahguan.
- 3.24 “Dueñu” kumeke’ilekña maseha hāyi na petsona ni gai possessory interest (e.g. fee, leasehold, rental, pat ottru) gi tanu’ pat i bisnis, solu amānu i dueñu nai ha relinquished control over yan matransferi todū āturidāt para ottru ni para u minaneha i usun i tanu’ pat i bisnis.
- 3.25 “Petsona” kumeke’ilekña na indibiyuāt, corporation, partnership, association, joint venture, commercial entity, government, political subdivision, commission pat interstate body.

Manmaproponi na Regulasion Pesticide Management Siha

- 3.26 "Personal protective equipment" pat "PPE" kumeke'ilekña magâgu yan ramienta siha ni ma'usa para u prutehi i tataotão kontra i pesticides pat pesticide residues, sâsãonão: coveralls, chemical-resistant suits; chemical-resistant na guântis; chemical-resistant dogga; chemical-resistant tâpis; chemical-resistant headgear; protective eye wear; yan respirators. Attikulu ni manotdinãriu na magâgu, sâsãonão na mânggas chinina, kadada' na mânggas chinina, katsunis anãkku', katsunis kadada' siha, sapátus, meyas siha, ottru attikulun magâgun cho'chu', ni ti makunsidera na personal protective equipment para i hinangai siha gi esti na seksiona yan ti masuhetu para i dinimãnda siha gi esti na seksiona, lão i pesticide labeling siña madimãnda na kumu magâgun cho'chu' ma'usa gi durãntin palu na aktibidãt siha.
- 3.27 "Pesticide" kumeke'ilekña maseha hãfa na substance pat mixture of substances ni ma'intensiona para u inatãha, dinistrotrosa, repelling, pat mitigating maseha hãfa na pest ni madifina sigun gi FIFRA. I produktu ni ti pesticide yanggin i produktu ni ma'intensiona para usa ha' para ma-control i fungi, bacteria, viruses, ottru na microorganisms pat invertebrated parasites pat nematodes gi halum pat gi lãla'la' na tãotão pat gã'ga' siha yan mamãtka gi sigun ni ginagagão; yan produktu siha ni manma'intensiona para u mã'-exclude i pests ha' ginin i prinebiyi ni physical barrier kontra i pest access.
- 3.28 "Private Applicator" kumeke'ilekña i certified applicator ni umu'usa maseha hãfa na pesticide ni maklisifika kumu restricted use para hinangai siha gi manprodusi maseha hãfa na agricultural commodity gi propiadãt-ña pat ha atkila pat (yanggin inaplika sin compensation ottru ki umatulaika ni petsonãt na sitbisio siha gi entalu' i producers i agricultural commodities) gi propiadãt ottru na petsona.
- 3.29 "Restricted Use Pesticide" pat "RUP" kumeke'ilekña i pesticide, unu pat mãs meggai ma'usãña ni mã'-restricted ni USEPA gi papa' i Federl Insecticide, Fungicide; yan Rodenticide na Åktu, kumu mã'amenda, pat ginin DEQ gi papa' esti na regulasion siha, pat which bears gi matkã-ña i phrase 'restricted use pesticide'.
- 3.30 "Restricted-Entry Interval" kumeke'ilekña i tiempu dispues di ottimun i aplikasion pesticide durãnti ni humãlum para i matrãta na lugãt ni mã-restricted.
- 3.31 "Usu" kumeke'ilekña
- 3.31.1 Todu aktibidãt siha ni mamparehu gi instrãksion yan precautions g imamãtka, sâsãonão lão ti minidi para, direksion ni para u ma'usa, handling yan disposal, precautionary statements, pruteksion i manmachocho'chu', protective equipment, yan storage yan dinimãndan transpottasion siha:
- 3.31.2 Pre-application na aktibidãt siha, sâsãonão, lão ti minidi para;
- A. Areklamentu para i aplikasion i pesticide;
 - B. Binatti yan kinatgan i pesticide; yan

- C. Machocho'gui nisisãriu na preparasion siha para i aplikasion i pesticide, sãsonão i responsãpblidãt siha ni mamparehu para i notifikasion emple'ão, training of handlers, decontamination, usu yan inadahin personal protective equipment, yan stress management:

3.31.3 Aplikasion Pesticide;

3.31.4 Post –application na aktibidãt siha nisisãriu na u ribãha i risk of illness yan injury resulting ginin i handlers' yan workers' occupational exposures gi pesticide residues gi durãntin i restricted-entry interval plus 30 dihas. Esti siha na aktibidãt sãonão, lão ti manminidi para, i responsãpblidãt siha ni mamparehu gi worker training, notifikasion, yan decontamination; pat

3.31.5 Ottru pesticide-related na aktibidãt siha, sãsonão lão ti minidi para, prinebiniyi emergency assistance, transporting pat storing pesticides yan disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, yan ottru pesticide-containing materials.

3.32 "Fafa'cho'chu'" kumeke'ilekña maseha hãyi ni: (1) ni ma'emple'a (sãsonão gui'ni self employed) yan (2) ha chocho'gui i che'chu' siha, tãtkumu mangusesecha, guãguasan, pat manrerega, mamparerehu gi production i tinanum agrikuttura siha gi lanchu, forest, nursery, pat greenhouse.

3.33 "40 CFR" debi na u kumeke'ilekña na i Titulu 40 gi Kodigun Federãt na Regulasion siha ni maribisa kumu gi Hului 1, 2011.

Pãtti 4 REGULASION GI ATMINISTRADOT CNMI PESTICIDE SIHA

I Direktot ma'ãturisa para u chuli' tãtkumu aksion anai siña nisisãriu gi halum effective administration yan enforcement esti na regulasion siha.

Pãtti 5 ÆKTUN TI PRIBI SIHA

5.1 Henerãt

- 5.1.1 Solu lão kumu ma'-exempted gi Pãtti 5.2 debi na ti u pribi para maseha hãyi na petson gi halum i CNMI para u usa, para u import, pat para u bendi, u distribute, deliver pat para u ufresi para u intrega gi maseha hãyi na petson
- A. maseha hãfa na pesticide ni adulterated pat misbranded, sãsonão, lão ti minidi para, i pesticides ni ti manmamãtka gi finu' Englis;
 - B. maseha hãfa na pesticide ni maprohibi ni DEQ pat, makansela, masuspendi, ti marehistra ni EPA;
 - C. maseha hãfa na pesticide pat device ni ma-misbrande pat ti produci gi halum EPA registered establishment; pat

Manmaproponi na Pesticide Management na Regulasion Siha

- D. maseha hâfa na pesticide ni i DEQ ha detitmina para u pega unreasonable risk gi hinemlu' tâotâo yan i environment.

5.1.2 Debi na ti u mapribi para maseha hâyi na petsona

- A. para u châppak, alter, deface, pat distrosa, gi trosu pat gi pãtti, maseha hâfa na minatka solu tâtkumu machuli' i aksion ni inaprueban Direktot ni para u na'dinanchi i propiu na mâtka pat minatka;
- B. para u rinunsia para u go'ti maseha hâfa na rekot siha ni madimânda sigun gi esti na regulasion siha; pat para u rinunsia para u sedi i rinikosin maseha hâfa na rekot siha; para u rinunsia para u sedi i Direktot pat i dinesiknan Direktot para u observe i ma'usan pesticide, storage pat disposal; pat para u rinunsia para u sedi i Direktot pat dinesiknan Direktot para u imbestiga i potential pesticide violations pat para u chuli' sample siha gi pesticides yan i pesticide residues kumu ma'aturisa ni lai para maseha hâfa hinangai kinensisti yan esti na regulasion siha;
- C. para u ma'usa maseha hâfa na pesticide gi manera ni ti konsisti yan i minatka;
- D. para u kontra i lai maseha hâfa na otdin ni malaknus sigun gi esti na regulasion siha pat i Âktu siha;
- E. para u kontra i lai maseha mapribi pat restricting sigun i usu, nina'hâlum pat distribusion pat binendin pesticides pat i devices ni malaknus ni DEQ;
- F. para u tungu' na mandadagi gi todû pat pãtti gi maseha hâfa gi aplikasion para i settifikasion, lisensia, nina'hâlum pat use, pat maseha hâfa na rekot ni madimânda para u maintained gi papa' esti na regulasion siha;
- G. para u mabendi pat distribute restricted use pesticides solu malisensia ni DEQ ni para u cho'gui
- H. para u mabendi pat distribute restricted use pesticides para maseha hâyi na petsona ottru ki malisensia na dealer pat i masettifiku na applicator ginin i DEQ;
- I. para u ma'usa, store, transport, mix pat discard maseha hâfa na pesticide pat kumu sahguan pesticide siha gi manera ni para u pose piniligru para i hinemlu' tâotâo pat i environment;
- J. para u ma'usa pat ma'aplika i restricted use pesticides solu masettifika ni DEQ pat gi papa' i direct supervision ni applicator ni masettifiku ginin i DEQ;
- K. para u ma'usa pat ma'aplika i pesticides para hinangain kumetsu siha solu gi papa' supervision i masettifika na applicator.
- L. para u mana'annuk maseha hâfa na konfidensiât na imfotmasion ni maganyi' gi halum atministrasion ni esti na regulasion siha ni pumarehu na formulas of products para i petsona siha ottru ki propiu na ufisiâlis pat emple'âo siha gi DEQ pat i U. S. government, pat para u ineppi ni kotti siha gi subpoena, pat i physicians, pat, gi emergencies, i pharmacists pat ottru kualifikâo na petsona siha para u ma'usa gi preparasion i antidotes pat para ma'usa gi konfidensiât imfotmasion para personal advantage;

Manmaproponi na Pesticide Management na Regulasion Siha

- M. para u kontra i lain esti na regulasion siha gi manera ni sâsâonão lão ti minidi ni para i kinentran i dinimânda siha sigun i storage, usu, record keeping, yan worker's protection maseha mapega mo'na guini na regulasion siha, i matka, i permit, an order pat settifikasion; pat
- N. para u ma-manufacture pat lão produce pesticides, sâsâonão re-packing, refilling pat relabeling, para mabendi pat mata'lun mabendi, gi halum CNMI.

5.1.3 Yanggin i aplikasion i permit madimânda ântis di aplikasion i pesticide, i aplikasion i pesticide tai permit ha kontra i lain esti na na regulasion siha. I aplikânti siha debi na u matattiyi todû dinimânda siha gi halum lisensia.

5.2 Exemptions

5.2.1 I mapribeniyi mutta siha para i violation gi Pâtti 5.1 na ti debi na u inaplika

- A. Maseha hâfa na carrier ni mapribi mangâtkâ, transporting, pat delivering kâtga ni maseha hâfa na pesticide pat device ni in violation uniku ginin i carrier's reasonable failure ni para u detect na i fektus ni ma-shipped na ti ligât na pesticide pat device. Yanggin hâfa na carrier mamaisin maseha hâyi na ufisiâlis pat emple'ão ni ma disikna ginin i DEQ debi na u sedi tâtkumu i ufisiâlis pat emple'ão para u fama'tinas kopia todû gi rekot-ña siha sigun gi tinetekka kumu pesticide pat device.
- B. I ma'usan i pesticide ni ha blend ni ha conforms para i standards gi 40 CFR § 167.3 para i custom blenders, anai i petsona ha usa i pesticides gi propiadât-ña;
- C. Maseha hâyi na ufisiâlis publiku anai ha engaged gui' gi halum i performance gi obligation ufisiât siha gi ufisiât publiku;
- D. Maseha hâyi na petsona ni umu'usa pat ha possess i experiemental use permit ginin i EPA sigun i lain federât yan i concurrent approval ginin i DEQ para i ma'usan pesticide's pat possession;
- E. Maseha hâyi na petsona ni muna'hânão substance pat mixture of substances ni mapega para u mates gi hinangai anai uniku ni para u madetitmina i bali-ña para i hinagai pesticide siha pat para u madetitmina i beninu-ña pat ottru properties yan gi anai i user ti ha ekspekta para u risibi hâfa na benifisiu gi pest control ginin i ma'usâ-ña; pat
- F. Maseha hâyi na petsona libri para acting in compliance yan i etdin ginin i Direktot para u na'suha i pesticide ginin i CNMI.

5.2.2 I Seksiona 5.1.1.B ni ti ha aplika para i products ni ti ma rehistra ni EPA yanggin: (a) distribute yan u bendi sin rehistrasion anai ma'âturisa ni EPA gi 40 CFR 152.20 (pesticides ni sufisienti ma-regulate ni ottru na ahensian federât); 40 CFR 152.25 (pesticides ni i character ni ti dinimâmanda ni rehistrasion FIFRA); pat 40 CFR 152.30(e), (f) yan (g) (pesticides ni siña matransferi, mabendi, pat ma-distribute sin rehistrasion) mapribeniyi na kumu product ni ti mapribi ni DEQ pat (b) ma'usan i ti marehistra na pesticide yanggin atyu na pesticide ti mafa'tinas pat maprodusi gi violation i Seksiona 5.1.1.N, ni ti mapribi ni DEQ, yan ti matransferi, distributed pat mabendi gi violation i FIFRA.

Manmaproponi na Pesticide Management na Regulasion Siha

Påtti 6 NINA'HALUM

I DEQ ha maneha i nina'halum pesticides gi halum Commonwealth. I nina'halum maseha hâfa mapribi pat misbranded na pesticide pat pesticide device ni violation esti na regulasion siha gi papa' § 5.1.1. Nina'halum maseha hâfa na ti marehista na pesticide, lão ti pesticide device, violation esti na regulasion siha.

Maseha hâfa mapribi, misbranded pat ti marehista na pesticide, maseha hâfa na device sin ma'estaplesi na numiru, pat maseha hâfa na pesticide shipment solu ti compliance yan esti na regulasion pesticide siha, siña maditieni, pat mapuni hinalom para i extended permit ni lai, ginin i Direktot DEQ pat ginin i Customs Officers, pat Agricultural Quarantine Officers.

6.1 Dinimânda Kuntiempu gi Nutisian Shipments

I DEQ ha maneha i nina'hålum pesticides gi halum Commonwealth, espisifikåtmienti maseha hâfa na restricted use pesticide ginin maseha mânu na lugât asta hålum gi CNMI; maseha hâfa na pesticide pat pesticide device ni mafa'tinas gi pat shipped by pat ginin i foreign country; maseha hâfa na termiticide, sãsaonão atyu i ma'usa para i ka'ka', crevice, yan spot treatment; yan todú usun henerât pesticides ni ma'usa para u ma-control i pests gi fruta yan/pat tinanum gollai siha pat ottru produktun agrikultura siha.

6.1.1 Nutisian Intension

- A. **Restricted Use Pesticide (RUP).** Maseha hâyi na petsona ni malagu' para u na'halum ni Restricted Use Pesticide (RUP) maskiseha ginin manu pat i kantidã debi na u na'hålum nutisian intension para i Direktot gi fotma ni mapribeniyi para atyu na hinangai. I fotma debi na u gina'chungi ni Material Safety Data Sheet yan i kopia ni mamåtka gi pesticide. Gigun inaprueba ni RUP, i munana'halum siña mama'tinas important arrangements. Para i hinangai siha guini na seksiona, maseha hâfa na pesticide ni gai pattikulât na usu ni mapribi ni DEQ, lão anai siña mana'hålum gi CNMI, debi na u madimânda kuntiempu na nutisia kumu mapega mo'na guini na Påtti. Nina'halum i mapribi na pesticide esta ha maprohibi para u hålum lokkui' i violation esti na seksiona.
- B. **Usun Pesticides Henerât (GUP).**
 1. I petsona ni malagu' numa'halum pesticide pat pesticide device ni mafa'tinas gi pat mana'hålum ginin pat ginin maseha mânu na lugât ottru ki Estãdus Unidu pat U.S. Territories asta hålum gi CNMI debi na u na'hålum nutisian intension guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai. I fotma debi na u gina'chungi ni Material Safety Date Sheet yan i kopian i pesticide label. Gigun inaprueba ni GUP, i muna'halum siña mama'tinas importation arrangements.

Manmaproponi na Pesticide Management na Regulasion Siha

2. I petsona ni malagu' para u na'halum pesticide labeled para usun tinanum agrikuttura siha, hospital-grade disinfection, fumigation, pat termite control, sãsaonão kã'ka', crevice yan spot treatment gi gima' siha, apartment buildings, hotels, restaurants, eskuela siha, tenda siha, warehouses yan ottru industrial buildings, debi na u na'hålum i nutisian intension guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai. Petsona siha engaging gi hinangain kumetsiãnti kumu madifina gi § 3.9, tãtkumu resorts, lancheru siha yan exterminators, debi lokkui' na u na'hålum i nutisian intension kosa ki siña u mana'hålum maseha hãfa na pesticide ni ma'usa parahinangain kumetsiãnti. I fotma debi na u gina'chungi ni Material Safety Data Sheet yan i kopia gi pesticide label. Gigun inaprueba ni GUP, i muna'halum siña ha fa'tinas importation arrangements.

Kada Nutisian Intension para Muna'halum (NOI) debi na u ma'indika taimanu i importer ha intensiona para u usa i pesticide, kosa ki DEQ siña ha na'siguru na i ma'usãña ha tattiyi i lai, ãntis di u fãttu i pesticide. I fotma debi na u gina'chungi ni Material Safety Data Sheet yan i kopian i pesticides label. Gigun inaprueba ni NOI, i pesticide pat i pesticide device siña ma'oda pat ma-shipped. I Importer debi na u na'hålum guatu gi DEQ i label yan i MSDS para kada pesticide pat device ni mana'hålum gi primet biãhi gi sakkan kalendãriu. Yanggin i importer ha intensiona para u na'hålum i parehu na pesticide pat pesticide device gi durãntin i parehu na sãkkan kalendãriu, yan ha na'hålum todou i apropositu na che'chu' pãppit, i label yan i MSDS ti madimãnda para u na'hålum ta'lu gi parehu na sãkkan kalendãriu.

6.1.2 Nutisian Finattu

Gigun mãttu i pesticide pat i device ni ma'espisifika gi seksion 6.1.1, i Direktot debi na u manutisia ni importer gi fotma ni pribeniyi ni DEQ. I Nutisian Finattu ti debi na u ma-substituted ni Nutisian Intension para finattu. Tãya' pesticide pat device siña mana'fãttu pat u mana'huyung gi halum i CNMI sin i inaprueban i DEQ gi Nutisian Finattu. Inaprueba gi Nutisian Intension pat Nutisian Inaprueba ti debi na defense against liability yan ti debi na minidi maseha hãfa na aksion machuli' ni DEQ para maseha hãfa na violation esti na regulasion siha.

6.2 Shipments Manmãttu Sin Nutisia

Yanggin i shipments pesticides pat i device ni ma'espisifika gi seksiona 6.1 mãttu gi halum CNMI sin maskiseha i Nutisian Intension pat Nutisian Finattu, i shipment debi na u maditieni pat mapuni i hinalom-ña gi CNMI. I Direktot debi na detitmina kão i pesticide debi na u ma'atmiti hãlum gi CNMI yan u pribeniyi instrãksion para i disposition i shipment.

Manmaproponi na Pesticide Management na Regulasion Siha

6.3 Rinikonosi

6.3.1 Rinikonosi

Gigun mǎttu maseha hǎfa na shipment ni ha sasahguan pesticide pat device, i DEQ pat ottu ahensia siha pat iyon-ñiha personnel kumu kuntientu ni Direktot, siña marikonosi i pesticide pat i device.

6.3.2 Dinimǎndan Nutisia Gi Rinikonosin Shipments

Gigun i finattun i shipment pesticide pat device dinimǎnda nutisia gi papa' esti na seksion, i DEQ, pat ottru ahensia siha pat iyon-ñiha personnel kumu mangontentu ni Direktot, siña marikonosi i pesticide pat device yan debi na u ma'akumpǎra i sinedda' siha ginin i ma'esksaminan i pesticide pat device para i hinalum pǎppit siha para i shipment ni prinibeniya ni consignee/importer gi nutisia para i DEQ. Yanggin tǎya' discrepancies manota pat violations masodda', i shipment siña maditieni estaki i Direktot ha sǎtba i discrepancies pat ha detitmina i pesticide pat device na debi na u mapuni i hinalon-ña, manana'lu pat madistrosa sigun gi § 6.4.

6.4 Maditieni, Mapuni, yan Ma'-Impounded i Shipments

Todu i gǎstu siha ginin maditieni, mapuni, ma'-impoundment pat madistrosa i pesticide pat i device shipment siña ha' mohun masuhǎyi ni compliance esti na regulasion siha, sǎsǎonǎo lǎo ti minidi gi tiempun mana'hǎlum i Nutisian Intension i Finattu, debi na u payable ni ginin i importer.

Maseha hǎfa maditieni na shipment, i consignee/importer debi na guaha sisenta (60) dihas ginin i finattu gi ni para u mana'na'lu pat madistrosan i pesticide pat device gi manera ni ma'aprueba ni Direktot. Yanggin i importer/consignee ti ha na'na'lu pat distrosa i pesticide pat device gi halum i sisenta (60) dihas na tiempu, i Direktot siña ha bendi, ha distrosa i pesticide pat device gi manera gi kinensistin i lai yan todú i gǎstun storage, cartage, labor, shipping yan gǎstun distrosu debi na u payable ni consignee/importer yan ha default i tǎt ǎpas debi na u constitute i lien kontra itmǎs kosas siha gi maseha hǎfa na manera ni mana'hǎlum ni consignee/importer.

Yanggin i consignee/importer ti satisfetchu gi hǎfa yan todú liens kontra i imports gi halum i sisenta (60) dihas dispues di nutisifikasion gi tinigi' gi kantidǎ ni mamensiona na liens, i Direktot debi na u na'tungu' i Abugǎdu Henerǎt na para u hǎlum gi hǎfa na aksion kumu siña nisisǎriu para u effect i matransferin i dueñu gi imports para i Gubietnun CNMI para u satisfetchu i mamensiona na liens. Esti na seksion ti ha preclude i recovery gi hǎfa mǎs na inǎomenta gi gǎstu siha nai siña ma-expended ni Gubietnu.

6.6 ǎpas Siha

6.6.1 Petsona siha ni malagu' muna'halum ni Restricted Use Pesticide debi na u ǎpasi non-refundable na ǎpas gi singkuenta(\$50) pesus para kada shipment, inakumpǎpaña ni Nutisian Finattu (NOA) na fotma.

6.6.2 Petsona siha ni malagu' muna'halum General Use Pesticide debi na u ǎpasi non-refundable na ǎpas gi kinsi(\$15) pesus para kada shipment, inakumpǎpaña ni Nutisian Finattu (NOA) na fotma.

Manmaproponi na Pesticide Management na Regulasion Siha

Påtti 7 MA'USAN I PESTICIDE SIHA

I DEQ siña, gi dispusion-ña, sigun gi kundision siha kumu acreage, klâsin pesticides, kantidån pesticides, lugåt, yan geological features, sâsâonão i uriya asta surface water yan hånnum magimin, ha dimånda i hinalum integrated pest management para inapruedan DEQ. I integrated pest management plan tinattiyi para minanehan pests ni mana'danña' i biological, cultural, physical yan chemical tools gi manera ni ha minimizes economic, health yan environmental risks. I DEQ siña ha prescribe i fotma siha para i mana'hålum i plånu. I plånu debi na u ma'aprueda ni DEQ åntis di ma'usan i pesticide. I plånu debi na u maribisa yan u mata'lun mana'hålum un biåhi kada dos(2) åñus para inapruedan i DEQ. I applicator madimånda para u tattiyi i ma'aprueda na plånu yan deviations na debi na u ma'aprueda ni DEQ kuintempu. I ti tumattiyi i plånu debi na u makunsidera i violation esti na regulasion siha.

7.1 Lisensian Aplikasion gi Usun Pesticide para Termiticide Treatment

7.1.1 Lisensia

Para todun structures ha nisisita na u ma-treat ni termites gi halum foundation pat gi årian i tanu' ni inuririya pat gi papa' i foundation, i applicator debi na u na'hålum i Lisensian Aplikasion gi Usun Pesticide para Termiticide Treatment guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai, inakumpåña ni i non-refundable na åpas gi singkuenta(\$50) pesos. I ginagåo i lisensia debi na u mana'hålum guatu gi DEQ putlumenus benti(20) dihas gi ha'ånin bisnis åntis di i maproponi na fetcha/i aplikasion.

Gigun marisibi i Lisensian Aplikasion gi Usun Pesticide para Termiticide Treatment, i DEQ guaha dies(10) dihas gi ha'ånin bisnis para u process i lisensia. I lisensia bumåli sais(6) mesis na tiempu dispues di fetchan malaknos-ña.

7.1.2 Nutisifikasion

I applicator madimånda para u tugi'i nutisia i DEQ kuarentai'otchu(48) oras åntis di håfa na termiticide application mafa'tinas gi papa' ma'apruedan lisensia. Solu pre-approved ni DEQ, i termiticide treatment ti debi na u phased pat u madibidi para unu na structure. I termiticide applications makundukta gi papa' i ma'aprueda na lisensia na debi na u masiñåla gi duråntin i DEQ gi naturåt na oran cho'chu'. Itmås, i applicator debi na u mapribeniyi nutisian tinigi' siha ni fetchan i aplikasion yan i na'an yan numirun rehistrasion ni ma'usa para kada household yan bisnis ni manggaigi gi halum i sitentaisingku (75) pie gi maproponi na aplikasion. I kopian esti na tinigi' nutisia debi na u mana'hålum guatu gi DEQ åntis di aplikasion termiticide.

7.1.3 Preconstruction

7.1.3.1 I sigienti na imfotmasion debi na u mapribeniyi kumu påtti gi lisensian aplikasion para i pre-construction termiticides na aplikasion siha:

- A. I EPA Numirun Rehistrasion siha (yan kopian labels, yanggin ma gagåo) para i pesticide products ni para u ma'usa;
- B. Fetcha yan ora siha gi maproponi na aplikasion;
- C. Nå'an siha gi kada applicator yan kumpanian pesticide;

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- D. Numirun settifikasion gi kada applicator ni tinekka gi halum i prâyek;
- E. Address i lugât aplikasion;
- F. Description i lugât;
- G. Mineddung i âria ni para u ma-treated;
- H. Application Method; yan
- I. Mâpa, a'annuk i bodies of water gi halum i 100 pie gi âria anai mânu na u inaplika i termiticide;

7.1.3.2 Para u pribeni i contamination i sanhilu' hânum, i sigienti restrictions debi na u observed:

- A. Dispues i aplikasion, u matâmpi i lugât i treatment anai siña para u mapribeni runoff yanggin siakâsu na uchan; Nota: I applicator debi na u tâmpi mismu i edda' pat u pribeniyi tinigi' nutisifikasion gi sanhilu' na dinimânda para i contractor gi lugât yan para i petsona ni commissioning i application (yanggin ti parehu ki i contractor). Yanggin mapribeniyi nutisia para i contractor pat i petsona commissioning i aplikasion, pues siempri siha manrisponsâpbli para u mana'siguru atyu: 1) yanggin i concrete slab ti siña machuda' kontra i waterproof covering (tât kumu i polyethylene sheeting), yan 2) i ma-treated na odda' tinampi yanggin ma-predicted i precipitation para u fâttu ântis di concrete slab masiñâla para u machuda';
- B. Ti siña ma-treat i edda' ni mampus fotgun;
- C. Ti siña ma-treat yanggin u'uchan;
- D. Ti siña masedi i treatment na para u falâgu ginin i ma-target na âria;
- E. Ti siña ma'aplika gi halum 10 pie gi storm drains;
- F. Ti siña ma'aplika gi halum 25 pie gi bodies of water pat aquatic habitats (tât kumu, lâo ti minidi para, sadduk, reservoirs, laguna, permanent streams, marshes pat ponds, estuaries, yan commercial fish farm ponds);
- G. Ti siña mafa'tinas on-grade applications yanggin ha sustieni wind speeds gi tinakkilu' gi 10 mph (gi inaplika na lugât) at nozzle end height; yan
- H. Tattiyi hâfa mâs na restrictions pat dinimânda siha ni ingklusu gi lisensia ni malaknus ni DEQ.

7.1.4 Post-construction

- A. Inaplikasion para uriyan i edda' siha
I sigienti na imfotmasion debi na u mapribeniyi kumu pâtti gi aplikasion lisensia para post-construction termiticide na aplikasion siha para i edda' ni inuririya i structures:
 - 1. EPA Numirun Rehistrasion Siha (yan kopian labels, yanggin magâgâo) para i pesticide products ni para u ma'usa;
 - 2. Fetcha yan ora siha gi maproponi na aplikasion;
 - 3. Na'an i kada applicator yan i kumpanian pesticide;
 - 4. Numirun Settifikasion gi kada applicator ni tinekka gi halum i prâyek;

Manmaproponi na Pesticide Management na Regulasion Siha

5. Address i lugåt aplikasion;
6. Description i lugåt;
7. Mineddung i lugåt ni para u ma-treated;
8. Method gi aplikasion; yan
9. Måpa, a'annuk i bodies of water gi halum 100 pie gi åria ni i termiticide ni para u inaplika;

B. Fumigation

I fumigation i ma'usan i vapor pat gas pat u ma'achuli' na fotma siha gi anai para u linimus, punu' pat mitigate termites. I fumigation maseha håfa na pesticide ni ha vapor pat gas pat fotman produktu ni vapor pat gas na aplikasion yan ni håfa na method fi pesticidal action ni ginin i gaseous state.

I sigienti na imfotmasion debi na u mapribeniyi kumu påtti gi aplikasion lisensia para post-construction termiticide fumigations:

1. EPA Numirun Rehistrasion Siha (yan kopian labels, yanggin magågão) para i produktun pesticide siha ni para u ma'usa;
2. Fetcha yan ora gi aplikasion ni maproponi;
3. Na'an kada applicator yan kumpanian pesticide;
4. Numirun settifikasion gi kada applicator ni tinekka gi præyek;
5. Address i lugåt aplikasion;
6. Description i lugåt;
7. Description i equipment ni para u ma'usa;
8. Description pat history i ekspirensian kumpania ni kundukta similar fumigations;
9. Description maseha håfa na problema eståba pat manera siha gi fumigations;
10. Hinemlu' yan Plånun Sinåfu';
11. Måpa anai a'annuk todun residentin guma' siha yan bisnis gi halum i 25 pie gi lugåt aplikasion;
12. I Plånun fumigant Management yan håfa mås na imfotmasion madimånda ni product label;
13. I applicator debi na u mapribeniyi nutisian tinigi' para kada household yan bisnis ni gaigi gi halum sitentaisingku(75) pie gi maproponi na aplikasion. Yanggin i årian aplikasion unu ha' na dueñun complex ni meggai units, pues i applicator debi na imfotma todun mañåsaga gi fumigation project. Nutisia siha debi na u macho'gui putlumenus ki katotsi(14) dihas åntis di fumigation project.

7.1.5 Aplikasion Termiticide siha ma'-exempt gi dinimåndan linisensia siha:

- A. Injection gi halum structural voids;
- B. Chåtku, kå'ka', crevice treatments; yan
- C. Treatments ni ma'usa i enclosed baiting systems.

Manmaproponi na Pesticide Management na Regulasion Siha

7.2 Lisensian Aplikasion gi Usun Pesticide para Aerial Treatment

7.2.1 Aerial pesticide applications manmanã'i kãosa put kãosa yan mapribi para i lugãt aplikasion siha ni man 150 acres pat ladangkulu. Maseha hãyi na petsona ha intensiona para u aplika i pesticides ni aircraft debi na u bãli i lisensian Aerial Pesticide Application (lisensian pilotu ni para u inaplika i pesticides aerially) ginin maseha manu na state pat territory of the United States. I aircraft ni ma'usa para i aerial application debi na u sigun gi areklamentu yan regulasion i Federal Aviation Administration siha.

7.2.2 Lisensian Aplikasion gi Usun Pesticide para Aerial Treatment

Para todú i lugãt siha ni para u fanma-undergoing aerial pesticide treatment, i applicator debi na ha hãlum i aplikasion guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai, ni inakumpãnia ni non-refundable na ãpas ni \$500. I ginagão para i lisensia debi na u mana'hãlum guatu gi DEQ putlumenus di benti (20) ha'ãnin bisnis ãntis di ha'ãnin i fetchan maproponin aplikasion. Gigun marisibi i Lisensian Aerial Pesticide Application, i DEQ guaha dies(10) ha'ãnin bisnis ni para u cho'gui i lisensia. I lisensia bumãli 6-mesis dispues di fetchan i malaknos-ña.

I sigienti na imfotmasion debi na u mapribeniyi kumu pãtti gi lisensian aplikasion para i aerial pesticide applications:

- A. I Numirun EPA na Rehistrasion siha (yan kopian i labels, yanggin magãgão) para i ma'usan i pesticide products;
- B. Hinangai i aplikasion; sãsaonão i description of alternatives
- C. Fetcha yan ora siha gi maproponi na aplikasion
- D. Nã'an gi kada applicator yan i kumpanian pesticide; sãsaonão imfotmasion pliotu;
- E. Kopian i settifikasion para i aplikãnti yan pilotu/applicator, yanggin difirensião yan i aplikãnti.
- F. Kopain i lisensian pilotu
- G. Fisikãt yan mailing address gi lugãt aplikasion;
- H. Description i lugãt, ni debi na sãonão i mãpa gi aplikasion lugãt, aidentififika i bodies of water pat aquatic habitats, residential homes, iskuela siha, hospitãt, yan bisnis siha ni manggaigi gi halum 1000 pie gi aplikasion lugãt;
- I. Description i equipment ni para u ma'usa;
- J. Description pat historian i ekspirensian i kumpania ni kumundudukta i pumareha na aerial treatments;
- K. Description i hãfa finene'na na problema siha pat manera ni pesticides siha; yan
- L. Plãnun Hinemlu' yan Sinãfu'.

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I Direktot DEQ siña ha rinunsia para u laknus i Lisensian Aerial Application yanggin madetitmina na i maproponi na aerial pesticide application ha threatens para u cause pat causes unreasonable adverse effects para i hinemlu' tãotão pat i environment.

7.2.3 Nutifikasion

- A. I applicator madimãnda para u tugí'i nutisia i DEQ gi halum 48 oras ántis di u guaha hãfa na aerial application mafa'tinas gi papa' i ma'aprueba na lisensia. Solu ma-pre-approved ginin i DEQ, i aerial application ti debi na u ma-phased pat u madibidi. I Aerial pesticide applications makondukta gi papa' i ma'aprueba na lisensia ya debi na u masifãla gi durãntin i DEQ's naturãt na oran cho'chu' siha. I tmãs, i aplikasion debi na u mapribeniyi nutisian tinigi' siha gi fetcha yan oran aplikasion yan i brand pat common name yan rehistrasion EPA gi pesticide ni para u ma'usa gi kada household yan bisnis ni manggaigi gi halum i one-mile radius gi maproponi na aplikasion. I kopian esti na tinigi' nutisia debi na u mana'hãlum guatu gi DEQ ántis di aplikasion pesticide.
- B. Kada guaha ánimu debi na u macho'gui para u ma-control i finalãgun pesticide gi durãntin aplikasion aerial pesticides.

7.3 Lisensian Aplikasion gi Usun Pesticide para Ottru na Pesticide Treatment

7.3.1 Yanggin siakãsu na i DEQ ti siña ha kundukta i routine inspections gi anai ti mapribi u usun pesticides pat henerãt na usun pesticides gi regulãt na inaplika, tãtkumu i remote locations, i establishment siña madimãnda para u na'hãlum i Lisensian Aplikasion gi Usun Pesticide para Ottru na Pesticide Treatment guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai, inakumpãña ni non-refundable na ápas gi singkuenta(\$50)pesus. I finaisin para i lisensia debi na u mana'hãlum guatu gi DEQ putlumenus benti(20)gi ha'ánin bisnis ántis di maproponin i fetchan/i aplikasion. Gigun marisibi i Lisensian Aplikasion gi Usun Pesticide para Ottru na Pesticide Treatment, i DEQ guaha dies(10) gi ha'ánin bisnis para u macho'gui i lisensia. I lisensia u bãli para sais(6) mesis dispues di fetchan malaknos-ña.

7.3.2 I sigienti na imfotmasion debi na u mapribeniyi kumu pãtti gi lisensian aplikasion para ottru na pesticide na inaplika siha:

- A. I Numirun Rehistrasion EPA (kopian i labels, yanggin mafaisin) para i prudukun pesticide siha ni para u ma'usa;
- B. Fetcha yan Ora siha gi manmaproponi na aplikasion siha;
- C. Nã'an siha gi kada applicator yan kumpañian pesticide;
- D. Numirun settifikasion gi kada applicator in sãonão gi halum i prãyek;
- E. Address i lugãt i aplikasion;
- F. Dikripsion i lugãt;
- G. Mineddung i ária ni para u ma'ãmti;

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- H. Method Aplikasion; yan
- I. Mâpa, ni a'annuk hânum gi halum sientu(100)pie na âria ni termiticide para u ma'aplika;

7.3.3 Nutifikasion

- A. I applicator madimânda para u tugi'i nutisia i DEQ gi halum kuarentai(48)oras ântis di maseha hâfa na aplikasion pesticide u mafa'tinas gi papa' i ma'aprueba na lisensia. Sigi mo'na, i applicator debi na u pribeniyi tinigi' nutisia gi fetcha yan ora gi aplikasion yan i brand pat common name yan i rehistrasion EPQ gi pesticide ni para u ma'usa gi kada household yan bisnis ni manggaigi gi halum un miyas gi maproponi na aplikasion. I kopian esti na tinigi' nutisisa debi na u manahâlum gi DEQ ântis di aplikasion i pesticide siha.
- B. Todu ânimu ni pusipbli debi na u mafa'tinas ni para u ma'adahi i pesticide drift gi durântin aplikasion pesticide siha.

7.3.4 Para u ma'atâha i contamination i surface water, i sigienti siha na restrictions debi na u ma'-observed:

- A. Dispues di aplikasion, tâmpi i treatment site gi anai para u ma'atâha i runoff yanggin siakâsu na uchan;
- B. Mungnga ma'âmti i edda' ni mampus fotgun;
- C. Mungnga ma'âmti yanggin u'uchan;
- D. Mungnga masedi i treatment na u falâgu ginin i target area;
- E. Mungnga ma'aplika gi halum dies(10)pie gi storm drains;
- F. Mungnga ma'aplika gi halum benti(25)pie gi bodies of water pat aquatic habitats(tâtkumu, lâo ti minidi para, sadduk, reservoirs, laguna, permanent streams, marshes pat ponds, estuaries, yan commercial fish farm ponds)
- G. Mungnga makundukta i aplikasion siha gi anai i manglu' ha sustetieni mâs ki dies(10) miyas chinaddek-ña (gi lugât aplikasion) gi nozzle end height; yan
- H. Tattiyi hâfa mâs na restrictions pat dinimânda siha ingklusu gi halum i lisensia ni malaknus ni DEQ.

7.4 Pine'lun i Pesticide Siha

7.4.1 Todu masettifiku na pesticide applicators yan manmalisensia na dealers debi na u mapega i pesticides sigun gi para i instructions gi pesticide gi iyon-ña label yan i dinimânda siha, tâtkumu, todou pesticides debi na u fanmapega gi halum i sigienti na manera:

- A. gi halum i makandâlu, well ventilated, fresku yan ânglu' na storage area out of direct sunlight,
- B. gi halum i lugât ni separâo kontra i nengkannu', feed, simiya, pat gâ'ga' siha;
- C. gi halum i matkan oriyinât na sahguan;

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- D. gi halum i lugât pat gi manera gi anai mana'suha out of reach of children yan pests;
- E. matiriât siha ni siña mañopchup tâtkumu unai pat absorbent clay ni nahung para u chopchup todû potential spills;
- F. gi halum lugât châgu' kontra incompatible chemicals;
- G. gi halum lugât châgu' kontra flammable liquids pat solids; pat fi'un i flammable source;
- H. gi halum lugât châgu' kontra personal protective equipment;
- I. yan i fire extinguisher;
- J. yan i Material Safety Data Sheet (MSDS) gi pesticides ni currently in use;
- K. gi manera gi anai machuda' ti u impact i tanu' pat sanhilu' hânum. Yanggin pine'lu mâs ki dossi(12) gallon pat sientu(100) libra na pesticides kada biâhi, debi na un, gi minimum, store i pesticides gi impermeable surface, tâtkumu i concrete slab, yan debi na u mamâtka i âria prominently ni skull yan crossbones para u indika i ginaigin pesticides; yan
- L. gi manera ni kunsisti yan i mâtka.

7.4.2 Todû masetiifiku na pesticide applicators yan malisensia na dealers debi na u ma-store restricted use yan general use pesticides gi halum i sagan pine'lu ni mapega warning sign ni ha states maseha hâfa, todû pat maseha hâfa na combination gi sigienti na statements, kumu aplikâpbli:

- A. "Warning";
- B. "Piligrû";
- C. "Sagan Pine'lun Pesticide";
- D. "Sagan Pine'lun Binenu";
- E. "Todû Unauthorized Persons Keep Out"; pat
- F. "Kandâlu i Petta Yanggin Ti Ma'u'usa".

7.4.3 Retailers, wholesalers yan dealers debi na u mapo'lu yan ma-display i pesticides gi halum i sigienti na manera:

- A. Todû pesticides ma'ufresi para u mabendi debi na gaigi gi halum i registrant's approved container ni asintâdu na minatka ni dinimânda ni lain federât.
- B. Todû restricted use pesticides debi na u masipâra kontra i general use pesticides in displays of pesticides ni ma'ufresi para mabendi guatu gi pupbliku.
- C. Todû pesticides (either general use pat restricted use items) gi display para i pupbliku henerât debi na u ma-displayed gi minimum distance gi dies (10) pie kontra todû fresh, soft, loosely packaged pat ottru klâsin nengkannu' pat feed items gi lâta pat siña ha absorb odors, ginin i pesticides. Put ihemplu sâsâonão lâo ti minidi para i pân, pastries, batâtas, kâtnin fresku, kesu, pugas, pasta, chips yan kandi siha. Todû pesticides debi na u ma-displayed gi minimum distance gi kuâttru (4) pie ginin i nengkannu' latiria siha pat maseha hâfa ottru na klâsin nengkannu' pat edible item.

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- D. Maseha hãfa na sahguan pesticide ni susumi' pat maseha dañão debi na insigidas mana'suha ginin i display area asta i lugãt anai i contents siña ma-fully contained an siakãsu na i ha deteriorates i kundision-ña mãs. I ma'usan "overpack" na sahguan siha pat similar devices sufisienti para u afakcha' esti na dinimãnda. Maseha hãfa na pesticide material ni machuda' pat mãski seha masedi para u mana'suha huyung gi sahguan debi na insigidas u mana'gãsgas ni apropositu na decontamination method. I lugãt anai mãnu na gaigi i maseha hãfa na pesticide material ni machuda' debi na u parehu ha' na insigidas u ma-decontaminated ni apropositu na method para i machuda' na matiriãt.
- 7.4.4 I lisensian storage DEQ madimãnda para i storage pesticides ni gaigi gi halum i aggregate ni inipus 500 galon siha pat 4,000 libra pat equivalent combination of liquids yan solids gi sigun i sigienti na manera siha:
- A. Dueñu yan operators siha gi fasilidãt debi na u aplika guatu gi Direktot sientu benti (120) dihas ãntis di ma'usan i fasilidãt para storage kumu ma'espisifika guini na seksiona.
- B. Lisensia siha debi na u ma'aprueba solu yanggin i containment yan secondary containment complies ni 40 CFR §§ 165.80-97 gi (Huliu 2012), ni ha dimãnda i containment yan secondary containment para todũ kumu fasilidãt siha yan sãonão i ma'usan i specific materials yan i incorporation technical design standards. I lisensian i sagan pine'lun DEQ siña ma'-specify i minimum na mineddung i dinangkulun i secondary containment ni manisisita para storage pesticides ni masuhetu guini na regulasion, lão gi huyung i scope tinampi ni 40 CFR §§ 165.80.97 gi (Huliu 2012). I Direktot debi na dimãnda atyu todũ na plãnu siha para i nuebu na fasilidãt ya u mapripãra ni malisensia, professional engineer
- C. I lisensian storage debi na u bãli gi singku (5) ãñus ginin i fetcha ni malaknus, yan i aplikãnti debi na u apãsi i DEQ sientu (\$100) pesus para i processing fee.

7.5 Transpottasion

- 7.5.1 Todũ Restricted Use Pesticides debi na u matranspotta gi halum i sigienti na manera:
- A. ti matranspotta gi halum i parehu na compartment yan i petsona siha, gã'ga', nengkannu', feed, simiya, magãgu pat consumer goods; yan
- B. todũ sahguan siha debi na u mahuchum mafñut yan loaded gi manera anai ti u dãñu gi durãntin matranspotta, atyu na mãtkan-ñiha siha ni ti u maguesguis huyung pat sino compromised yan atyu i ti u ma-shift pat u poddung huyung gi tumobit.
- 7.5.2 I pesticides gi maseha hãfa na tumobit ma'usa para i pest control ti debi na u transpotta gi halum i compartment pasaheru yan i petsona siha, gã'ga', nengkannu', feed, simiya, magãgu pat consumer goods.

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7.5.3 Todu pesticides debi na u matranspotta kumu madimânda gi matka

7.6 Dispuestu

Pesticides, mantai sinahguan na sahguan siha, pat equipment ni manggogo'ti (pat ginin manggogo'ti) pesticide, debi na ti mana'tai sinahguan pat u mayuti' gi hâfa na manera nai siña gai piniligru para tãotão siha, gã'ga', nengkannu' feed, tinanum siha pat propiadât. Basiha i non-refillable pesticide na sahguan siha ni ti siña machalãochão tres biãhi yan punctured to render useless. Para u mayuti' i maseha hâfa na non-refillable pesticide na sahguan ni ti siña machalãochão tres biãhi yan i user debi na tattiyi direksion siha gi mâtkan sahguan pesticide. Para u mayuti' maseha hâfa na sahguan pesticide (sãsãonão i refillable na sahguan siha yan i non-refillable na sahguan siha ni ti siña machalãochão tres biãhi yan punctured), i user debi na u tattiyi direksion siha gi mâtka yan ottru na dinimândan federât siha.

7.7 Recordkeeping

Commercial Applicators, Private Aplicators yan Malisensia na Dealers debi na u keep yan u maintain records para i tiempu ni ti menus ki tres (3) âñus.

7.7.1 Commercial applicators debi na u maintain i magãhit yan dinanchi na records gi usu yan aplikasion parehu i dos ni mapribi i usu yan usun henerât na pesticides, sãsãonão i sigienti na imfotmasion:

- A. i brand (common) na nã'an yan i EPA na numirun rehistrasion gi produktu;
- B. i kantidãn produktu ni ma'usa yan, yanggin para u mabãtti yan ottru na substance ântis di ma'usa, i na'an i ottru substance yan i tutât kantidãn binatti ni mapripãra;
- C. i fetcha, ora, lugât yan method i aplikasion;
- D. tutât i âria ni kinubri;
- E. i ma'a'atan na âria pat ottru lugât; yan
- F. ma'a'atan i pest(s).

7.7.2 Private applicators debi na u maintain i magãhit yan dinanchi na records gi ma'usa yan aplikasion i mapribi na usun pesticides, sãsãonão i sigienti na imfotmasion:

- A. i brand (common) na nã'an yan i EPA na numirun rehistrasion gi produktu;
- B. i kantidãn produktu ni ma'usa yan, yanggin para u mabãtti yan ottru na substance ântis di ma'usa, i na'an i ottru substance yan i tutât kantidãn binatti ni mapripãra;
- C. i fetcha, ora, lugât yan method i aplikasion;
- D. tutât i âria ni kinubri;
- E. i ma'a'atan na âria pat ottru lugât; yan
- F. ma'a'atan i pest(s).

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- 7.7.3 Malisensia na dealers debi na u maintain i magâhit yan dinanchi na records i mabendi yan distribusion i mapribi na usun pesticides, sâsâonâo i sigienti na imfotmasion:
- A. i na'an, address, yan numirun settifiku pat lisensian i dealer (yanggin aplikâpbli) numirun tâotâo ni mamâmahan pat manrrisibi pesticide;
 - B. i fetchan mabendi pat distribusion;
 - C. i na'an i brand, EPA numirun rehistrasion, yan i mineggai produktu mabendi pat ma-distributed;
 - D. i finitman i petsona ni mambebendi pat distributing i pesticide; yan
 - E. mâtkan i pesticide.

7.8 Worker Protection Standards

7.8.1 Applicability yan Scope

I CNMI Worker Protection Standards ha dimânda i mafa'tinas na para u pribeniyi agricultural yan guaha ottru emple'âo siha yan pesticide handlers ni pruteksion kontra i possible exposure yan tinailayi ginin i pesticides gi halum sagan cho'chu'. I CNMI Worker Protection Standards ha aplika para maseha hâfa na agricultural establishment, yan maseha hâfa na commercial application gi pesticides.

7.8.2 Dinimândan henerât siha para i agricultural establishments yan aplikasion commercial. Gi papa' i prubension siha gi CNMI Worker Protection Standard, manmadimânda i employers para u macho'gui i sigienti:

- A. Pega gi talu' na lugât anai siña chaddik mali'i' yan mataitai ni emple'âo siha gi lingguâhi ni makumprendi i specific na imfotmasion put i sinâfu' i pesticide, emergency procedures yan recent pesticide applications;
- B. Supply pesticide safety training para i emple'âo siha kumu madiskribi gi 40 C.F.R. 170.130 yan para i handlers kumu madiskribi gi 40 C.F.R. Pâtti 170.230;
- C. U mapribeniyi assistance in getting medical treatment yanggin siakâsu na work-related pesticide illness pat injury;
- D. U kumpli i restricted-entry intervals ni masodda' gi matka. Esti siha na tiempu anai insigidas dispues i aplikasion pesticide siha anai i emple'âo siha siña ti manhâlum gi treated areas;
- E. U manutisia i emple'âo siha kontra manmasângani pat mapega i warnings gi manera ni makumprendi put i âria siha anai i aplikasion pesticide siha na masusedi yan i âria siha anai restricted-entry intervals ni maninafekta;
- F. Mana'siguru na atyu ha i ma-trained, propiu equipped pesticide handlers humâlum pat remain gi halum i ma-treated area gi durântin i aplikasion pesticide;
- G. U mapribeniyi decontamination sites para emple'âo siha yan handlers para u mafa'gâsi i residues gi kannai-ñiha yan tataotâo-ñiha. I decontamination sites debi na u sâonâo nahung hânun para routine washing yan emergency eye flushing yan sufisienti na kantidân habbun yan single-use na tu'âya siha;

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- H. U mapribeniyi yan maintain maseha hâfa apropositu na personal protective equipment yan mana'siguru na u mafa'maolik maolik, châgu' kontra i pesticides yan ottru mampiligru na chemicals, u ma'usa maolik ni ma'intensiona na hinangai yan u ma'usasigun gi instrâksion manufacture's yan i direksion i matka siha. Personal protective equipment sâonão lão ti minidi para;
1. coveralls ni loose-fitting unu pat dos na pidâsun magâgu ni tinampi todû, at a minimum, i interu tâotão solu i ilu, kannai, yan adding; ni mafa'tinas cotton pat cotton polyester blend fabric; yan ti chemical-resistant. I pesticide na produktu labeling siña ma'espisifika na i coveralls u ma'usa gi hiyung ottru magâgu. Yanggin chemical-resistant suit ma-substituted para i coveralls, ti ha nisisita na u ma'usa gi hiyung ottru magâgu;
 2. i chemical-resistant suits – a loose-fitting unu pat dos pidâsu na chemical-resistant na magagu ni ha tâmpi, gi minimum, gi interu tâotão solu i ilu, kannai, yan adding siha.;
 3. i chemical-resistant gloves – gloves ni mafa'tinas ni chemical-resistant material;
 4. i chemical-resistant footwear- sapâtus, boots, pat tâmpin sapâtus pat boots siha ni mafa'tinas chemical-resistant material. Yanggin chemical resistant footwear ni sufisienti durability yan tread ni apropositu para u ma'usa gi halum terrain ni ti obtainable para emple'ão siha, pues i kueru na boots siña ma'usa gi such terrain;
 5. i chemical-resistant na tâpis siha – i tapis ni mafa'tinas chemical-resistant material yan tinampi i sanme'na gi tatãotão ginin i talu' gi petchu asta i temmu siha.
 6. i chemical-resistant headgear – hood pat tuhung ni ânchu i brim, ni mafa'tinas chemical-resistant material;
 7. protective eye wear - goggles; face shield; safety glasses with front, brow, yan temple protection; pat full-face respirator; yan
 8. respirators- i device ni ha prutetehi i respiratory system yan maseha mânu 1) i klâsi ni malista gi pesticide label pat 2) mâs protective, yan debi na u apropositu para i pesticide product ni ma'usa yan para i aktibidât ni macho'gui;
- I. U mana'fanmanungu' todû handlers yan emple'ão gi dinanchi ni ma'usan i personal protective equipment;
- J. U mana'fanmanungu' todû handlers gi dinanchi ni ma'usan i application equipment;
- K. Debi mana'siguru na todû handlers makumprendi todû mâtka ni madimânda siha;
- L. Debi mana'siguru na maseha hâfa na pesticide handler ni bumâbatti, kumakatga, ha aplilika pat sino handling maseha hâfa na pesticide a skull yan crossbones na simbulu gi mâtka ni monitored visually pat ni voice communication kada ora; yan
- M. Ma'implimenta ottru na dinimânda siha kumu instituted ni Direktot DEQ.

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- 7.8.3 Mås dinimânda siha. Todu agricultural establishments (lânchu, forest, nursery pat greenhouse) debi na u tattiyi i federât Worker Protection Standards gi 40 C.F.R. Pâtti 170.
- 7.8.4 Yanggin siakâsu na guaha conflict gi entalu' maseha hâyi na relevant Worker Protection Standards, mås gumuaha rinektu na dinimânda ni para u inaplika.

Pâtti 8 TRAINING YAN SETTIFIKASION

8.1 Training

- 8.1.1 Kuâlifikasion Instructor Siha. Maseha hâyi na petsona ha intensiosiona para u pribeniya pesticide training settifikasion debi finene'na na u afakcha' yan i dinimânda siha ni mapega mo'na gi sampapa':
- A. sufisienti na edukasion pesticide, training, yan/pat ekspirensia u nisisâriu para u eksisiu i professional judgment yan u gai abilidadâ para u fama'nâ'gui yan u mâolik i kumunikasion yan i student-applicators para u pripâra siha para i propiu na performance gi iyon-ñiha occupational duties; yan'
 - B. u pass i written eksaminasion pesticide safety [testing i tiningu' aplikânti ni pesticide labeling, safety factors, environmental consequences, aidentifikasion pest yan i characteristics, klâsin pesticide siha, formulations, yan dilutions, equipment maintenance yan calibration, proper storage, usu, yan disposal i pesticides yan sahguan siha, pesticide application techniques, applicable local yan federât lai yan regulasion pesticide siha, recordkeeping, worker protection standards, yan ottru relevant na imfotmasion kumu ma-deemed nisisâriu, sâsâonâo lão ti minidi para i recent updates gi aplikasion pesticide yan ottru pertinent matters].
- 8.1.2 Risponsâpblidât Instructor Siha
- A. Plânun training. Develop i hands-on, interactive training plan ni ha na'sâonâo lão ti minidi para i labeling, safety factors, environmental consequences, aidentifikasion pest yan i characteristics, klâsin pesticide siha, formulations yan dilutions, equipment maintenance yan calibration, application techniques, applicable na lain local yan federât yan regulasion pesticide siha, yan ottru relevant na imfotmasion kumu ma-deemed na nisisâriu, sâsâonâo lão ti minidi para i worker protection standards, recordkeeping, recent updates gi aplikasion pesticide yan ottru pertinent matters.
 - B. Core Training Duration/Schedule. I training debi na u minimum gi otchu(8) oras na instruction, ni debi na u sâonâo lão ti minidi para lecture, practicum, yan preparasion eksam.
 - C. Anunsiun Training/Rehistrasion. I training debi na u ma'anunsia kontra i local media (gasetâ, reidiu', television yan ottru manera siha) yan ma-utilize ottru manera siha gi kumunidât pupbliku na anunsiu siha tâtkumu markets, forums, bulletin boards, etc. putlumenus tres (3) simâna siha ântis di para i masiñâlan i training.

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D. Matiriât Training Siha. I instructor debi na u pribeniyi todû matiriât siha (lepblu, handouts, etc.) para i workshop yan update todû matiriât siha (lepblu, handouts, etc.) kumu madimânda pat kumu manisisita.

8.1.3 Reporting. I instructor debi na u ripot todû pesticide yan i aktibidât i prugrâma gi safety education siha para i Dibision Environmental Quality gi uttimun i kada quarter (Disembri 31, Mâtsu 31, Huniu 30 yan Septembri 30).

8.2 Dinimândan Setifikasion

8.2.1 Maseha hâyi na petsona ni ha usa pat ha supervise i ma'usan maseha hâfa na pesticide para hinangain commercial siha debi na u ma'ahenta i settifikasion ginin i DEQ.

8.2.2 Maseha hâyi na petsona ni ha u'usa, bebendi, pat ha distribute i restricted use pesticides debi na u ahenta i settifikasion ginin i DEQ.

8.3 Katigurât Siha gi Commercial Applicators, Private Applicators yan Licensed Dealers

8.3.1 Commercial Applicators

Katigurât siha gi applicators (ottru ki private) manma'aidentifika gi sampapa':

A. Agriculture pest control

(i) Tinanum. Esti na katigurât sâonâo i commercial applicators ni ha u'usa pat ha supervising i ma'usan i pesticides gi produksion i agricultural crops, sâsâonâo sin minidi i foregoing, tobacco, kakakuâtis, cotton, feed grains, soybeans yan forage; gollai; dikiki' na fruta siha, trongkun fruta siha yan nuts; kumu well as gi grasslands yan non-crop agricultural lands.

(ii) Gâ'ga'. Esti na katigurât sâonâo i commercial applicators ni ha u'usa pat supervising i ma'usan i pesticides gi ga'ga' siha, sâsâonâo sin minidi i foregoing, beef cattle, dairy cattle, swine, sheep, kabâyu, chiba siha, poultry, yan livestock, yan para i lugât siha gi pat gi anai manmapega i ga'ga' siha. Doctors of Veterinary Medicine ni ha engaged gi halum i bisnis ni inaplilika pesticides for hire, publicly ha gogo'tin maisa siha huyung kumu pesticide applicators, pat engaged gi large-scale na ma'usan i pesticides ni mañâonâo gi halum esti na katigurât.

B. Forest pest control. Esti na katigurât sâonâo i commercial applicators ni ha u'usa pat supervising i ma'usan i pesticides gi forests, forest nurseries, yan forest seed producing areas.

C. Ornamental yan turf pest control. Esti na katigurât sâonâo i commercial applicators ni ha u'usa pat ha supervising i ma'usan i pesticides para u ma-control i pests gi maintenance and production i ornamental trees, shrubs, floris, turf, sâsâonâo i maintenance i resort grounds, golf courses, pat i greenhouses.

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- D. Seed treatment. Esti na katigurât sãonão i commercial applicators ni ha u'usa pat supervising i ma'usan i pesticides gi simiya siha.
- E. Aquatic pest control. Esti na katigurât sãonão i commercial applicators ni ha u'sa pat supervising i ma'usan i pesticide hinangain inaplika gi tumotohgi pat malãlagu na hãnum, ti sãonão i applicators engaged gi hinemlu' pupbliku ni mana'achuli' na aktibidãt siha ni mapega mo'na gi halum i seksiona 8.3.1 G.
- F. Right-of-way pest control. Esti na katigurât sãonão i commercial applicators ni ha u'usa pat supervising i ma'usan i pesticides gi halum i maintenance i chalan pupbliku siha, electric power lines, pipelines, railway right-of-way pat ottru ária siha ni u ma'achuli'.
- G. Industrial, institutional, structural yan health related pest control. Esti na katigurât sãonão i commercial applicators ni ha u'usa pat supervising i ma'usan i pesticides gi halum, gi hilu' pat uriyan i fasilidãt food handling siha, human dwelling, institutions, tãtkumu i eskuela, yan hospitãt, industrial facilities, sãonão i warehouses yan grain elevators, yan maseha ottru na structures yan adjacent areas, public pat private; yan para i pruteksion i stored, processed, pat manufactured products.
- H. Public health pest control. Esti na katigurât sãonão i governmental employees ni ha u'usa pat supervising i ma'usan i pesticides gi halum i prugrãman hinemlu' pupbliku siha para i minaneha yan control pests anai guaguaha medical yan public health importance.
- I. Regulatory pest control. Esti na katigurât sãonão i governmental employees ni ha u'usa pat supervising i ma'usan i pesticides gi halum i control of regulated pests.
- J. Demonstration yan research pest control. Esti na katigurât: i indibiyuãt siha ni ha demonstreha gi pupbliku i propiu ma'usa yan techniques gi application i pesticides pat supervise tãt i demonstrehasion, yan i petsona siha ni kumondudukta i field research ni pesticides, yan gi halum ha chocho'gui, usa pat supervise i ma'usan i pesticides. Sumãonão gi halum i primet gurupu gi tãt petsona siha kumu extention specialists yan country agents, commercial representatives ni ha demonstretreha i pesticide products, yan atyu na indibiyuãt siha ni mademonstretreha i methods ni ma'usa gi prugrãman pupbliku. I sigundu gurupu sãonão: State, Federãt, commercial yan ottru petsona siha ni kumondudukta i field research gi pat ma'u'usa i pesticides.

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8.3.2 Private Applicators

Maseha háyi na petsona ni ha u'usa pat supervises i ma'usan i maseha háfa ni ti mapribi ni usun pesticide gi propiadát-ña pat ha atkikila, ni ti commercial applicator debi na u maklasifika kumu private applicator.

8.3.3 Licensed Dealer

Maseha háyi na petsona ni ha engages gi importation, mambendi, pat distribution i mapribi na usun pesticide debi na u maklasifika kumu malisensia na dealer yan debi na u masettifika gi parehu na manera kumu commercial applicator.

8.4 Standards of Competency

8.4.1 I sinâfu' pesticide yan education training ma'ufresi gi halum i CNMI debi na u sãonão lão ti minidi para:

- A. labeling;
- B. safety factors;
- C. environmental consequences;
- D. aidentifikasion pest yan characteristics;
- E. klâsin pesticide siha, formulations yan dilutions;
- F. equipment maintenance yan calibration;
- G. proper storage, usu, yan disposal i pesticides yan i sahguan siha;
- H. pesticide application techniques;
- I. lai yan regulasion i pesticide siha;
- J. recordkeeping;
- K. worker protection standards; yan
- L. ottru relevant na imfotmasion kumu ma-deemed na nisisãriu, sãsonão lão ti minidi para i recent updates gi pesticide applications yan ottru pertinent matters.

8.4.2 Eksaminasion Siha.

- A. Maseha háyi na petsona ni ha intensiosiona para u pesticide applicator pat dealer debi na u demonstreha competency sigun gi pesticide safety eksaminasion tinigi'.
- B. I passing grade para i sigurât na tinigi' eksaminasion pesticide i sitienta(70%) put sientu. Tãtkumu i eksaminasion yan testing debi na u sãonão i general standards applicable gi todú katigurât siha yan i pumalu na standards ni ma'espisifika ni ma'aidentifika para kada katigurât pat subcategory gi ni i applicator ni para u maklasifika, yan para i pesticide pat klas pesticides ni minaneha ni settifikasion i petsona.
- C. I eksaminasion siha ni ma'ufresi kumu manisisita; mafaisin para eksaminasion na debi u mafa'tinas gi fotma ni mapribeniyi ni hinangai atyu i DEQ.

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8.4.3 Detitminasion i Competency para Commercial Applicators

A. General Standards of Competency.

Todu applicators debi na u demonstreha i practical knowledge gi principles yan practices gi pest control yan safe use gi pesticides kumu madiskribi gi sampapa'. Testing debi na u ma-based gi ihemplun i prublema siha yan i sichuasion ni apropositu para i pattikulât na katigurât pat subcategory gi settifikasion i applicator yan i sigienti na ârian competency:

1. Label yan Labeling Comprehension. Factors sâsâonão i general format gi labels yan terminology ni manma'usa gi pesticide labels yan labeling; instructions, warnings, terms, symbols, yan ottru imfotmasion ni sessu annuk gi pesticide labels; Klasifikasion gi produktu, general pat restricted; yan Nisisidât gi usu ni konsisti gi label.
2. Sinâfu'. Factors ingklusu : Pesticide toxicity yan hazard para i taotão yan common exposure routes; Common types yan causes i pesticide accidents; Precautions nisisâriu para u maguâdia kontra injury gi applicators yan ottru indibiyuât siha gi pat fi'un i ma'âmti na âria siha, Ha nisisita para yan usu gi protective clothing yan equipment; Symtoms i pesticide poisoning; First Aid yan ottru manera siha para u matattiyi yanggin siakâsu pesticide accident; yan Propiu na aidentifikasion, storage, transport, handling, mixing procedures yan disposal methods para i pesticides yan ma'usa na sahguan pesticide siha, sâsâonão precautions ni para u machulí' para u mapribeni famagu'un kontra u fangai access gi pesticides yan i sahguan pesticides siha.
3. Potential Environmental Consequences of Use yan Misuse of Pesticides. Ingklusu i influential factors tâtkumu: Weather yan ottru kundision klema siha; Types of terrain, soil pat ottru substrate; Presence of fish, wildlife yan ottru non-target organisms, Drainage patterns
4. Pests. Ingklusu i factors tâtkumu : Common features of pest organisms yan characteristics of damage manisita para i pest recognition; Recognition of relevant pests; yan Pest development yan biology kumu siña relevant para i prubleman aidentifikasion yan control.
5. Pesticides. Ingklusu i factors tâtkumu: Klâsin pesticides; Klâsin formulations; Compatibility, synergism, persistence yan gâ'ga' yan tinanum toxicity gi formulations; Hazards yan residues associated yan i ma'usu; Factors ni ha influence effectiveness pat lead gi tât prublema siha kumu resistance para i pesticides; yan Dilution procedures, sâsâonão calculations para u achieve dinanchi na rate aplikasion.

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6. Equipment. Inklusu i factors tatkumu: Klâsin equipment yan advantages yan limitations gi kada klâsi: yan Usu, maintenance yan calibration.
 7. Techniques aplikasion. Inklusu i factors tatkumu: Methods i manera siha ni ma'usa para u aplika i palu siha na formulations i pesticides, solutions, yan gases, dumanña yan tingu' ni technique i aplikasion para u ma'usa gi hâfa na sichuasion; Relationship gi discharge yan placement i pesticides ni para u propiu ma'usa, ti nisisâriu na usu, yan misuse; yan Prevention of drift yan pesticide loss asta halum i environment.
 8. Todu local yan federat na dinimânda siha, ni aplikâppli para i CNMI.
- B. Specific Standards of Competency. I Commercial Applicators debi na u mademonstreha i competence yan debi na i pattikulâmenti i kualifikâo yan rispetu gi standards elaborated gi sampapa'.**
1. **Agricultural Pest Control.**
 - (a) **Tinam Siha.** I applicators debi na u mademonstreha i practical knowledge gi dinekku' tinam siha yan i specific pests of-these crops ni siña ma u'usa i RUPs. I impottânenña tât i competency is amplified ni i extensive areas ni tinekka, i kantidân pesticides ni manisisita, yan i ultimate use of many commodities kumu nengkannu' yan feed. I practical knowledge madimânda sigun gi prubleman i edda' yan i hanum, pre-harvest interval, re-entry interval, phytotoxicity, yan potential para i environmental contamination, non-target injury yan problema gi kumunidât ginin i ma'usan i mapribi na pesticides i halum i ârian agrikultura siha.
 - (b) **Gâ'ga' Siha.** Petsona siha ni manaplilika pesticides direktamenti para i ga'ga' siha debi na u mademonstreha i tingu'-ña tatkumu ga'ga' siha yan i iyun-ñiha associated pests. I practical knowledge lokkui' madimânda sigun gi specific pesticide toxicity yan residue potential, desdi i ga'ga' sessu ma'usa para nengkannu'. Itmâs, i applicator debi na u tungu' i relative hazards associated yan tât factors kumu i formulation application techniques, idât i ga'ga' siha, stress yan extent of treatment.

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2. Forest Pest Control. I applicators debi na u mademonstreha i practical knowledge gi extent yan klâsin forests, forests nurseries, yan produksion simiya gi halum i Sangkattan na Marianas siha yan i pests ni tinekka. Debi na u ma possess i practical knowledge gi cyclic occurrence gi pumalu na pests yan specific population dynamics kumu basis para i programming pesticide applications. I practical knowledge madimânda gi relative biotic agents yan iyun-ñiha vulnerability para pesticides ni para u ma'aplika. Sa' put i forest tumotohgi sessu ingklusu i aquatic habitats yan harbor wildlife, i consequences i pesticide i usu siña gai minapput para ma'-assess. I applicators debi atyu na u demonstreha i practical knowledge of control methods ni minimize i possibility gi secondary problems tâtkumu i unintended effects gi wildlife. Propiu ma'usa i specialized equipment debi na u mademonstreha, ispisiâtmienti kumu siña mana'achuli' yan i meteorological factors yan adjacent land use.
3. Ornamental yan Turf Pest Control. I applicators debi na u mademonstreha i practical knowledge gi prublema pesticide siha ni associated yan i production yan maintenance of ornamental trees, shrubs, plantings, yan turf, ingklulusu i cognizance of potential phytotoxicity pudi meggai klâsin matiriât tinanum, drift, yan persistence inipus i ma'intensiona na tiempu gi pest control. Sa' put sessu i proximity of human habitations para aktibidât aplikasion siha, i applicators guini na katigurât debi na u demonstreha i practical knowledge gi application methods ni para u minimize pat u pribeni i hazards para i taotâo, pets, yan ottru domestic animals.
4. Seed Treatment. I applicators debi na u mademonstreha i practical knowledge gi klâsin simiya siha ni ha nisisita chemical protection kontra i pests yan factors tâtkumu i seed coloration, carriers, yan surface active agents ni ha influence i pesticide binding yan siña inafekta i germination. Debi na u ma demonstreha i practical knowledge of hazards associated yan i handling, sorting yan mixing, yan misuse of treated seed tâtkumu i introduction i treated seed hâlum gi nengkannu' yan feed channels, kumu i proper disposal gi unused treated seed.

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5. Aquatic Pest Control. I applicators debi na u mademonstreha i practical knowledge gi secondary effects ni siña ha caused ginin improper application rates, incorrect formulations, yan faulty application gi mapribi u usun i pesticides ni ma'usa gi esti na katigurât. Siña ma demonstreha i practical knowledge gi pumalu na hånun siha use situations yan i potential of downstream effects. Itmås, siña ma na'guaha practical knowledge sigun gi potential pesticide effects gi tinanum siha, guihan, paluma, beneficial insects yan ottru organisms nai siña manggaigi gi aquatic environments. Esti siha na applicators siña ma demonstreha i practical knowledge gi principles of limited area application.
6. Right-of-way Pest Control. I applicators debi na u ma demonstreha practical knowledge gi meggai na klâsin environments pudi rights-of-ways siña traverse meggai klâsin terrains, ingklusu waterways. Debi na u ma demonstreha practical knowledge gi prubleman runoff, drift, ingklusu drift control measures yan procedures, yan excessive foliage yan abilidad para u rekognisa i target organisms. Debi lokkui' na u ma demonstreha practical knowledge gi nature of herbicides yan i nisisidât para containment gi esti na pesticides gi halum i right-of-way na âria, yan i impact gi iyon-ñiha aplikasion aktibidât siha gi halum adjacent areas yan communities.
7. Industrial, Institutional, Structural yan Health-Related Pest Control.
 - (a) General yan Structural Pest Control. I applicators debi na u mademonstreha i practical knowledge gi meggai klâsi na pests ingklusu iyon-ñiha life cycles, tâtkumu klâsin formulations apropositu para i iyon-ñiha control yan methods gi application ni ha avoid contamination gi food damage yan contamination gi habitat, yan exposure gi taotâo yan pets. Ginin human exposure, ispisiâtmienti para neni siha, famagu'un, manmapotgi' na famalâo'an, yan manâmku' na taotâo siha, ni sessu i potential problem. i applicators debi na u mademonstreha i practical knowledge gi specific factors ni siña chumachalâlani i hazardous condition, ingklusu continuous exposure gi halum i kantidâ na sichuasion siha ni ha encountered guini esti na katigurât. Sa' put i health related pest control siña humålum i outdoor applications, i applicators guini na katigurât debi lokkui' na u demonstreha i practical knowledge gi environmental conditions pattikulâtmienti i mana'achuli' gi esti na aktibidât.

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- (b) **Structural yan Commodity Fumigation.** Gi halum esti na subcategory, klâsin structures ingklusu, lão ti manminidi para i inhabited buildings, containers, boti. I applicators debi na u mademonstreha i practical knowledge gi core requirements covering lai yan regulasion fumigant yan fumigation, basic principles gi fumigant use, gi handler yan worker safety na dinimãnda siha ispisiãtmienti pesticide safety training, preventing heat-related illnesses, gi fumigant labels, taimanu ma'intetpitiyi yan matattiyi i direksion siha gi label yan i dinimãnda siha. I applicators debi na u mademonstreha i practical knowledge gi hazards associated yan i fumigant use yan mapribebeni i human exposure, environmental contamination, off-site movement/drift, yan phytotoxicity, gi safe fumigant emergencies. I applicators debi na u demonstreha i practical knowledge gi propiu fumigant application procedures, a'atyik yan u'usa i apropositu na application equipment yan iyon-ña calibration, yan gi hazards safe use practices.
- (c) **Soil Fumigation.** I applicators debi na u mademonstreha i practical knowledge gi core na dinimãnda siha ni tinatampi fumigant yan fumigation ni usun lai yan regulasion siha, i basic principles gi usun fumigant, gi handler yan worker safety na dinimãnda siha ispisiãtmienti i pesticide safety training, prinibebeni i heat-related illnesses, gi fumigant labels, taimanu para u ma'intetpitiyi yan matattiyi i direksion yan i dinimãnda siha gi label. I applicators debi na u mademonstreha i practical knowledge gi hazards associated yan i usun fumigant yan prinibebeni human exposure, environmental contamination, off-site movement/drift, yan phytotoxicity, gi safe fumigant handling practices, propiu na sileksion, usu, yan inadahi, yan responding gi fumigant emergencies. I applicators debi na u demonstreha i practical knowledge gi propiu na fumigant aplikasion manera siha, inatyik yan ma'usa apropositu aplikasion equipment yan iyon-ña calibration, yan gi hazards yan sinãfu' na prinaktika siha.

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8. **Public Health Pest Control.** I applicators debi na u mademonstreha i practical knowledge gi pests gi public health importance, stor-disease relationships, yan etiology gi disease-host relationship. Desdi i mineggai na klâsin pests mantinekka, esti siha na pests debi na u matungu' yan u marekoknisa ni public health control applicators, yan i life's cycles yan i habitats gi kada thoroughly understood. Esti siha na applicators debi na u fan-familiar yan i meggai na klâsin environmental conditions desdi i streams asta dwellings. Debi na u ma cognizant tâtumu non-chemical control methods kumu sanitation, waste disposal, yan drainage. I applicators debi na u mademonstreha i practical knowledge gi regulated pests, ni aplikâpbli na lai ni mana'achuli' ni para i quarantine yan ottru na regulasion i pests, yan i potential impact gi environmenta ni mapribi i usun pesticides ni ma'usa gi halum i suppression yan eradication na prugrâma siha. Debi na u ma demonstreha i tiningu' gi factors ni ha influencing introduction, spread, yan population dynamics of relevant pests.
9. **Regulatory Pest Control.** I applicators debi na u mademonstreha i practical knowledge gi aplikâpbli na lai siha, sinâfu', regulated pests, pesticides yan i impact i restricted use introduction, spread, yan population dynamics gi relevant pests. I applicators debi na u mademonstreha i practical knowledge kontra yan hilu' atyu i madimânda ni iyon-ñiha immediate duties desdi i emergency measures ni mansessu madimânda yan i individual judgments gi nuebu na sichuasion ni debi na u mafa'tinas.
10. **Demonstrasion yan Research Pest Control.** Petsona siha ni mademonstretreha i sinâfu' yan ifektibu na ma'usa pesticides para ottru applicators yan i pupbliku para u ma'espekta para u afakcha' yan i comprehensive standards ni ha reflelekta i broad spectrum gi ma'usan pesticides. Meggai disfrentis klâsi na prubleman pest siha ni para u encountered gi durântin aktibidât siha ni associated yan i demonstrasion, yan practical knowledge gi problema siha, pests, yan population levels ni masusedi gi kada demonstrasion sichuasion ni madimânda. Itmâs, debi na u ma demonstreha gi kinemprendi gi pesticide-organism interactions yan i importance of integrating pesticide na usu yan ottru na control methods. I applicators ha chocho'gui i demonstrasion gi pest control work, ni ha kondudukta i field research pat method improvement na

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cho'chu' yan i RUPs ni debi na u possess i practical knowledge gi todu i general standards ni ma-detailed gi halum i seksion 8.4.3 A. Putmâs, debi na u ma ekspekta para u matungu' i specific standards ni madeskribi gi seksiona 8.4.3 B kumu siña u maplikâpbli gi pattikulâtmienti na aktibidât-ñiha.

- C. Specific Standards of Competency. Private Applicators debi na u mademonstreha atyu i ha possesses i practical knowledge gi prubleman pest ni associated yan iyon-ña agricultural operations. Private applicators debi para u
1. U rekognisa i common pests ni para u ma-controlled yan dañão ni muna'tailayi.
 2. U mataitai yan u makumprendi i label yan i labeling na imfotmasion, ingklusu i common name i pesticides ni ha aplika, pests ni para u ma-controlled, timing yan i methods, i aplikasion, safety precautions, maseha hâfa na pre-harvest pat re-entry restrictions, yan maseha hâfa na pre-harvest pat re-entry restrictions, yan maseha hâfa na specific disposal procedures.
 3. U ma'aplika i pesticides sigun gi label instructions yan warnings, ingklusu i abilidad para u pripâra i proper concentration gi pesticide ni para u ma'usa gi papa' i pattikulât na sikumtânsia siha ni ha chuchuli' into an account tâtkumu i factors kumu i âria ni para u covered yan i kantidâ ni ha dispersed gi halum i tiempun operasion.
 4. U rekognisa i local environmental situations debi na u makunsidera gi durântin i application para u avoid i contamination.
 5. U rekognisa i poisoning symptoms yan i manera siha para u tattiyi yanggin siakâsu pesticide accident.
- D. Specific Standards of Competency. I Malisensia na Dealers debi na u mademonstreha mâs i competence yan knowledge sigun lão ti ingklusu lão ti minidi para i sigienti:
1. legislation pesticide, regulasions yan giniha siha;
 2. safety yan toxicology;
 3. disposal;
 4. storage yan transpottasion;
 5. effects gi ga'ga' siha, tinanum, yan environment; guihan yan wildlife;
 6. factors ni inafefekta i aplikasion pesticides;
 7. klasifikasion yan formulations gi insecticides;
 8. fungicides, herbicides, yan ottru pesticides yan i usun-ñiha;
 9. definision siha;
 10. rekomendasion siha para usun pesticides; yan
 11. poisoning symptoms yan manera siha ni para u matattiyi yanggin siakâsu i pesticide accident.

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8.5 Fotman Aplikasion Siha, Durão yan Rininueba Siha

8.5.1 I aplikasion para settifikasion kumu pesticide applicator pat malisensia na dealer debi na u mafa'tinas para i Direktot gi fotma ni mapribeniyi para atyu na hinangai.

8.5.2 Durão Settifikasion yan Rininueba Siha

- A. Todu settifikasion siha debi na u bâli para tres (3) âñus na tiempu ginin i fetcha ni malaknus solu lataftaf na masuspendi pat ma-revoke ni Direktot.
- B. Para i marinueban aplikasion debi na u mafa'tinas gi fotma ni mapribeniyi para atyu na hinangai.
- C. I aplikânti siha siña ma rinueba i settifikasion ni ma'atetendi i continuing education (CE) units, relevant gi katigurât settifikasion, ni ma'ufresi ni maseha mânu na U. S. state pat territory. Lâo, i rininueba siha ginin i classes siña ha' makunsidera yanggin i aplikânti ha chuli' i CE units gi durântin i tiempu settifikasion gi parehu pat pumarehu na katigurât ni para i masâtba i rininueba.
 - i. Commercial Applicators debi na u machuli' i minimum dossi (12) na continuing education units para u rinueba i settifikasion-ña.
 - ii. Private applicators debi na u machuli' i minimum sais (6) na continuing education units para u rinueba i settifikasion-ña.
- D. Yanggin siakâsu na i applicator ti ha atendi i CE classes, i aplikânti debi na madimânda na para u pass ottru na eksaminasion gi parehu na klâsin dinimânda para i rininueba siha gi settifikasion siha para u na'siguru i abilidad na para u chuli' i dinimânda siha gi tinilaikan technology yan para u na'siguru i continuing level of competency yan abilidad ni para u usa pesticide safely yan propiu.
- E. Yanggin siakâsu na i applicator malagu' para u na'dañña'i pat u tulaika i katigurât settifikasion, i aplikânti debi na u pass i demonstrate competency gi halum i nuebu na katigurât.

8.6 Standards para i Spervisory gi Non-Certified Applicators ni Certified Applicators

I non-certified lâo i competent na petsona ni u ma'-acting gi papa' i direct supervision i certified applicator siña manaplika general use pesticides gi sichuasion ni pat osino u madimânda i aplikasion ni certified applicator. I availability yan active supervision gi certified applicator debi na u direktamienti u a'achuli' gi para hazard gi sichuasion yan i ma'usan pesticide. I non-certified applicators siña ha' manaplika gi mapribi na usun pesticides gi papa' i direct supervision ni certified applicator ni gaigi gi lugât. Responsâpblidât para i propiu na aplikasion gi henerât pat mapribi i usun pesticides debi na u sâga parehu yan i non-certified yan i certified applicator.

8.7 Reciprocity yan Ottru Jurisdictions yan Temporâriu na Settifikasion

I Direktot siña ha laknus i temporâriu na settifikasion para i petsona ni gumogo'ti i valid pesticide applicator's certification ni malaknus ni ottru na state pat territory of the United States ni guaguaha inapruuban state plan. I temporâriu na settifikasion debi na u sâga bâli para anâkku' na tiempu ni underlying certification ni bâli.

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8.8 Extension, Denial, Suspension pat Revocation, yan Appeal

8.8.1 Yanggin i Direktot ha detitmina na manisisita para i specific type na pesticide applicator yan atyu i para i minâolik intires gi CNMI, siña ha ekstendi i validity gi temporâriu na settifikasion. I tinigi' aplikasion para i temporâriu na settifiku debi na u mafa'tinas guatu gi Direktot gi fotma ni mapribeniyi para atyu na hinangai. I temporâriu na settifikasion debi na u minidi para i parehu na klâsi yan katigurât gi usun pesticide ni para i aplikânti ni masettifiku gi ottru na state pat territory. Solu gi papa' tât na sitkumtânsia siha kumu i Direktot siña ha rekognisa, i temporâriu na pesticide applicator na settifiku debi na u non-renewable.

8.8.2 I Direktot siña ha puni, suspendi, pat revoke i settifiku yan u assess i criminal yan/pat civil penalties para i misuse i pesticide pat falsification gi hâfa na records ni madimânda para u maintained ni certified applicator.

8.8.3 I Direktot siña ha puni i settifikasion para:

- A. maseha hâyi na petsona ni gai settifikasion ni masuspendi pat ma-revoked.
- B. maseha hâyi na petsona ni masodda' na gai violation gi maseha mânu na pâtti gi esti na regulasion siha.
- C. maseha hâyi na petsona ni ha failed para u pass i proficiency test.
- D. maseha hâyi na petsona ni ha fail para u apâsi i madimânda na âpas siha.

8.8.4 Maseha hâfa na settifikasion ni malaknus sigun gi esti na pâtti u marinueba para suspension pat revocation ni Direktot para i violation gi maseha hâfa na kundision gi settifiku pat esti na regulasion siha, gi criminal conviction gi papa' i Seksiona 14(b) ni ma'amenda FIFRA, i ottimu na otdin ha imposing civil penalty gi papa' Seksion 14(a) gi ma'amenda FIFRA, pat i CNMI enforcement action.

8.8.5 Maseha hâyi na petsona ni mapuni i settifikasion sigun gi Pâtti 8.8 pat ni hâyi na settifiku ni masuspendi pat ma-revoked siña mamaisin gi DEQ para u mapo'lu gi un bânda tât i pinuni, suspension pat revocation sigun gi Âktun Administrative Procedure, 1 CMC §§ 9101, et seq. I tingi' Direktot na disision gi manera debi na u final yan inapela na u available sigun gi lai.

8.9 Âpas Siha

8.9.1 Petsona siha ni madiseseha para u mahenta i settifikasion ginin examination ni ma'atministra ginin i Dibision Environmental Quality debi na i apas u non-refundable gi dies (\$10) pesus.

8.9.2 Commercial applicators debi na i apas u non-refundable gi singkuent (\$50) pesus para i processing ni aplikasion.

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- 8.9.3 Private applicators debi na i apas non-refundable gi dies (\$10) pesus para i processing i aplikasion.
- 8.9.4 Ápas siha para i Government Applicators siña ma-waived, u mana'siguru na i Applicator atyu ha' ha kundukta tât i aplikasion siha gi prâyek Gubietnamentu siha.
- 8.9.5 Mapribi i usun pesticide dealers na debi i apas non-refundable gi singkuenta (\$50) pesus para i processing ni aplikasion.
- 8.9.6 Todu renewal na settifikasion (commercial applicator, private applicator, RUP dealer) debi na u apâsi i ma'istapblesi i processing fee.

Pâtti 9 LISTAN I MAPROHIBI YAN MANMAPRIBI NA PESTICIDES YAN NUTISIAN TINILAIKA GI ESTÃO

9.1 Prinibin Pesticides

I DEQ siña ha pribi maseha hâfa na usun maseha hâfa na pesticide yanggin ma-deemed para u prudusi significant adverse effects gi hinemlu' tâotâo pat i environment. Yanggin i DEQ ha detitmina na i pesticide Mapribi i Usun Pesticide ("RUP"), i aplikasion-ña minidi para i certified applicators gi todus manera siha, kumu mapega mo'na gi halum i Pâtti 8. I applicators ha chuli' responsâpblidât para u detitmimina maseha hâfa na pesticide gi RUP gi papa' esti na regulasion siha. Yanggin i usun maseha hâfa na pesticide mapribi ni U. S. EPA, debi na insigidas u fama' RUP gi papa' esti na seksiona, mâski seha yanggin i pesticide ma-contained gi lista ni ma-maintained ni Direktot. Yanggin siakâsu na guaha conflict gi halum i malista na estâo i pesticide, mâs siempri stringent inaplika siha gi klasifikasion.

9.2 Prinohibin Pesticides

I DEQ siña prohibit i importation, mabendi, distribution, yan usun maseha hâfa na pesticide pat ha prohibit i specific use pat usu siha gi maseha hâfa na pesticides anai i usu pat i usu ha produced pat ha deemed para u produce substantial adverse effects gi hinemlu' tâotâo' pat i environment. I hinangai siha gi esti na regulasion siha, maseha hâfa na produktu masuspendi pat makansela ni EPA pat i registrant gi papa' i FIFRA debi na u constitute i maprohibi i usu maseha ki ha contained gi lista ni ma-maintained ni Direktot gi Ufisanan DEQ siha. Siakâsu na conflict ni malista na estâo i pesticide, mâs stringent inaplika siha gi klasifikasion.

9.3 Nutisian Tinilaika gi Estâo

I Direktot debi na u keep present na listan pesticides ni mapribi yan maprohibi ni DEQ gi halum CNMI gi prinsipât na ufisanan DEQ giya Saipan, ni debi na u serve i update, yan siakâsu na conflict, supercede, maseha hâfa i mofo'na gi lista ni maprohibi yan mapribi i usun pesticides. Anai mapribi i usu pat maprohibi i pesticide ni mana'danña' gi pat mana'suha gi listan CNMI, i DEQ debi na u laknus nutisia gi local newspaper yan i website DEQ.

Manmaproponi na Pesticide Management na Regulasion Siha

I DEQ ti u responsápbli para u nutisia i pupbliku na i EPA pat i registrant masuspendi pat makansela maseha háfa na usu pat madisikna i pesticide kumu mapribi na usu, yan ti nahung tát nutisia na u para defense gi maseha háfa na aksion ni machuli' ni DEQ.

9.4 Responsáplidát Applicators/Dealers/Importers

Debi na u responsáplidát maseha háyi umu'usa, distributing, selling pat importing pesticides para u na'siguru na matungu' i presentí na estáo pesticide gi papa' i FIFRA ántis di u ma'usa distribution, mabendi pat import.

Debi na u máas gai responsáplidát gi maseha háyi na petsona ni umu'usa, distributing pat selling pat importing pesticides para u na'siguru na matungu' i presentí na estáo i pesticide gi papa' i lain CNMI ántis di u ma'usa, distribution, mabendi pat import.

9.5 Experimental Use Permits

Experimental Permits para usu gi Pesticides siña ma'usa ha' yanggin i pesticide ha resibi i lisensia ginin i EPA kumu madimánda gi papa' FIFRA § 5 yan 40 CFR Pátti 172 Subpart A (kumu siña ma'amenda), yan i concurrence ginin DEQ.

Pátti 10 ENFORCEMENT YAN MUTTA SIHA

10.1 Ma'institutuyi na Aksion Siha

I Direktot siña ha enforce i regulasion siha guini na Kapitulu ni initiation i administrative action yan/pat requesting i initiation gi civil pat criminal case gi halum Commonwealth Courts sigun gi para i Áktun Commonwealth Environmental Protection, 2 CMC § 3131.

10.2 Inspeksion Siha

10.2.1 Gi maseha háfa na fasilidát anai mánu i pesticides na ma'-imported, mabendi, ma'usa, stored transported pat ma-disposed, i Direktot yan i representante-ña siha siña makondukta i inspeksion siha, hálum gi propiadát siha, rinueba i records, yan u machuli' samples sigun gi 2 CMC § 3132 anai siña ma'-enforce esti na regulasion siha yan u maprutehi i hinemlu' pupbliku yan environment gi CNMI.

10.2.2 I Direktot siña ha laknus tinigi' pat u imprenta "pára mabendi, usa, pat na'suha" na otdin para maseha háyi na petsona ni dueño, controls, pat gai custody gi misbranded pesticide, yan dispues di marisibi i tát na otdin týa' petsona debi na u bendi, usa pat u na'suha i pesticide ni madeskribi gi anai solu gi sigun gi prubension siha gi otdin

Manmaproponi na Pesticide Management na Regulasion Siha

10.3 Administrative Orders

I Direktot siña ha laknus i administrative orders yan ha chuli' ottru na administrative actions, ingklulusu i madimãmanda na remedial action yan issuing penalties ni ma'espisifika gi 2 CMC § 3131. I administrative action debi na u machuli' gi sigun gi Åktun Administratve Procedures, 1 CMC §§ 9101 et seq.

Manera siha gi Administrative Orders

10.3.1 I Direktot siña ha laknus yan ha otdin maseha hãyi na petsona para u apãsi i civil fine ti u mãs ki bentisingku (\$25,000.00) mit pesus para kada violation i Åktu, i regulasion siha ma'adãpta sigun gi Åktu, pat maseha hãfa na permit pat lisensia ni malaknus sigun gi Åktun yan tãt regulasion siha.

10.3.2 Amãnu i Direktot na ha initiates i administrative action, i respondent entitled para u famaisin administrative hearing gi halum sietti (7) dihas gi kalendãriu gigun marisibi i otdin. I finaisin tinigi' para i hinekkunguk debi na u serve kumu ineppi gi DEQ's administrative order pat complaint. I finaisin hinekkunguk pat "ineppi" debi na klãru yan atmiti direktamenti, puni, pat eksplika kada factual allegations contained gi halum i complaint yan sigun gi mãnu i respondent nai gai tiningu'. Amãnu i respondent na tai tiningu' gi pattikulãt na factual allegation yan so states, i allegation ma-deemed na mapuni. I ineppi debi lokkui' na u state

- (i) I sitkumtãnsia siha pat i atgumentu siha ni man-alleged para u constitute i grounds i defense; yan
- (ii) I facts ni respondent ha intensiona para u po'lu gi manera.

10.3.3 Failures para u atmiti, puni, pat eksplika maseha hãfa na material factual allegation ha contained gi halum i complaint ni ha constitutes i nina'hãlum allegations. Ineppin sinangan siña lokkui' manã'i gi oran hinekkunguk kão debi magãgão hinekkunguk .

10.3.4 I respondent siña lokkui' magãgão informal settlement conference. I informal settlement conference ti debi na u inafekta i respondent's obligation para u file a timely na ginagão para i hinekkunguk. Yanggin i settlement ha hagu' i pattida siha debi na u ma-forward i maproponi consent order para i inaprueban i Direktot.

10.3.5 Yanggin makondukta i hinekkunguk, i Direktot pat i ha disikna u preside i hinekkunguk. I Direktot debi na u control chinili' i testimony yan ebidensia yan debi i cause u mafa'tinas gi audio, audio-video, pat stenographic record i hinekkunguk. I klãsin record mafa'tinas debi na i discretion i Direktot. I ebidensia mapresenta gi tãt i hinekkunguk ti ha nisista para u conform i mapreskribi na areklamentun ebidensia, lão siña mamidi ni Direktot gi maseha hãfa na manera ni ha detitmina na risonãppli para u just yan efficient yan promote i ends of justice. I Direktot siña ha laknus i matugi' na disision gi halum kinsi (15) dihas gi ha'ãnin cho'chu' gi hihut i mahuchum i enforcement hearing. I disision debi na u ingklusu sinedda' tinigi' siha gi fãktu yan i conclusions i lai. I standard of proof para tãt i hinekkunguk yan disision siha debi na i preponderance i ebidensia.

Manmaproponi na Pesticide Management na Regulasion Siha

10.3.6 Gigun malaknus i matugi' na disision, i respondent siña ma'aligão alibiu ginin i disision i Direktot. I magãgão na alibiu debi na u mapo'lu gi halum dies(10) dihas gi fetchan i malaknus i disision. Tãya' mǎolik para u maribisa pat u mata'lun ma'ekkunguk gi me'nan i Direktot. I Direktot siña gi iyon-ña discretion para u elect para u ribisa i case yan u laknus i tinigi' na disision ni ma'amemenda pat mana'siguru i disision. Para u laknus i matugi' na disision gi halum trenta (30) dihas gi kalendãriu.

10.3.7 I disision Direktot debi na u final. I inapela ginin i final enforcement na disision na debi u para i Commonwealth Superior Court gi halum trenta (30)dihas gi kalendãriu ni tinattitiyi i sitbisiu gi final agency na disision.

10.3.8 Para filing deadline na hinangai siha matutufung i ha'ãni siha na debi na u matutuhun gi ha'ãni dispues di marisibi i administrative order pat complaint. Yanggin maseha i filing date poddung gi Sabalu, Damenggu, pat Commonwealth Holiday, i filing date debi na u ma'ekstendi para i sigienti diha gi ha'ãnin cho'chu'.

10.4 Seizures

I Direktot siña ha chuli' maseha hãfa maprohibi, adulterated, misbranded, pat unregistered pesticide para i violation esti siha na regulasion yanggin i pesticide ha poses a risk para i public welfare yan i environment, yan siña guaha emergency actions ni nisisãriu kumu mapetmiti ni lai para u pribeni a serious yan imminent hazard para i hinemlu' tãotão pat welfare.

10.5.2 Pena Siha

Maseha hãyi na petson ni ha violates pat ha rinunsia pat neglects para u comply yan maseha hãfa na provision gi regulasion siha gi halum esti na Kapitulu pat maseha hãfa na settifikasion, standard, notifikasion, petmiti, pat otdin ni malaknu ni ginin i Direktot pat i Dibision debi na u masuhetu para i pena siha ni mapega mo'na gi 2 CMC § 3131.

PÃTTI 11 APLIKASION I LAI SIHA

Yanggin siakãsu na guaha conflict gi entalu' legally applicable standards, itmãs stringent standard debi na u inaplika.

PÃTTI 12 SEVERABILITY

Kumu guaha maseha hãfa na pãtti, parãfu, sentensia, clause, phrase, pat aplikasion esti na areklamentu yan regulasion siha madiklãra na unconstitutional pat invalid gi maseha hãfa na rason ni competent authority, i remainder pat maseha ottru na aplikasion gi esti na areklamentu yan regulasion siha ti u debi na u inafekta gi maseha hãfa na manera guihi.

Commonwealth of the Northern Mariana Islands
Office of the Governor, Division of Environmental Quality
Frank M. Rabauliman, Director
Gualo Rai Center, Chalan Pale Arnold (Middle Road, across from "Subway")
P O Box 501204 Saipan MP 96950
Tel 670.664.8500; Fax:670.664.8540
storagetankspesticides@deq.gov.mp

ARONGORONGOL TOULAP REEL POMWOL ALLÉGH

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMWOL ATIWLIGH KKAAL:

Commonwealth téel faluw kka Efang Marianas, bwulasiyool Sow Lemelem, Dibision il Environmental Quality (DEQ) ebwe adaptáali me bwunguló allégh kkaa e appasch Proposed Pesticide Management Regulations, sangi mwóghutughutul Administrative Procedure Act, 1 CMC§§ 9102 me9104 (a) ngare (b), (1 CMC §9105(b))

BWÁNGIL: Direkktodil DEQ ebwughi bwangil mereel Legislature ebwe adaptáali allégh reel administration me amamawal Commonwealth Environmental Protection Act (2 CMC § 3122)

KKAPASAL ME AWEWEEL: Pomwol allégh kkaal ebwe asiguruli bwe e ffil mwóghutughuti yááyál pesticide, akkamélól me akkaw bwal requirements reel ebwe atabwey standards me mwóghutughut kka yaal federóód kka e aplikka ngali falawasch, me ebwal maas awewey ghatchuw mwóghutughut kka ese ffil reel ebwe atabwey alléghul federóód, Federal Insecticide Fungicide, Rodenticide Act (FIFRA). Pomwol allégh kkaal ngare schagh a adapta ebwe liweli alléghul Pesticide Management kka e ghomw, me ikkewe re ghomwal adaptaali lól 1994.

Mwalili kkaa re ghomwal bwughi otol aeewal akkatowowul:

1. DEQ e akkatewow pomwol atiwligh kkaal wóól Enero 28, 2013.
2. DEQ e risibi li eluww (3) mwalili wóól Abrid 26, 2013 comment deadline
3. DEQ e apaleweli mwalil via email wool Móózo 1, 2013.
4. DEQ e akkatewow yaal apalewal ngali mwalili ewewe ngali arong yeel.

KKAPASAL ME ÓUTOL:

1. Allégh kkaal ebwe aghitighitativ méél bweibwoghil pesticide applicator certification me ebwe bwal afata permit requirements me kkondition kka e fil ngali yááyál pesticide, e bwal toolong isisiil me transportation, me
2. Allégh kkaal ebwal awewey sefali bweibwoghlongol pesticide me piseghil pesticide ebwe aplikka ngali 1) restricted use pesticide sangi eew falúw kkaal e toolong CNMI; (2) pesticide ngare piseghil pesticide kka e feér llól ngare re afanga sangi eew foreign country; inamwo mweta na termiticide, e toolong milikka re yááyá reel crack, crevice, me spot treatment, (3)yááyál pesticide reel rebwe aighúghú maal wóól fruta me/ngare gholay me bwal akkaw

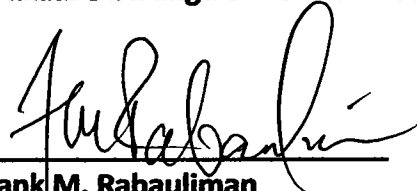
agricultural products; me (4)yááyál pesticide reel fumigation, aghasaghasal ispitód me commercial; me

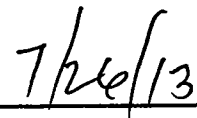
3. Allégh kkaal nge e wewe ngali pomwol allégh kkewe e akkatewow wóól Ennero 28, 2013.

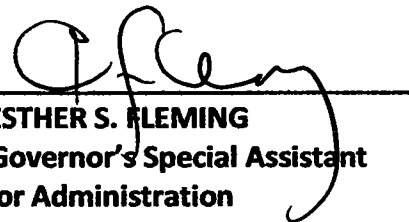
AFAL REEL AMWELIL ME ARONGOWOWUL: Pomwol Allégh kkaal e appasch llól Commonwealth Register llól section proposed me newly adopted regulations (1 CMC §9102(a)(1) me ebwe apasch llól bwuley kka llól civic center me bwulasyool gobetno llól eew senatorial district llól English, Remeralis me Refaluwasch. (1 CMC §9104(a)(1)).

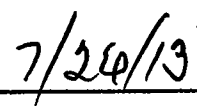
ATOTOOLONGOL MWALILI: Afanga ngare bwughiló yóómw mángemáng reel Reina c. Camacho. Pesticide & Storage Tank Brach Manager, Re: Pesticide Management Regulations, reel address me fax iye weilang. Isisilongol mangemang nge ebwe llól 30 raal sangi raalil iye e appasch arongorong yeel. Isalilong yóómw data, mangemang me angingi. (1 CMC § 9104(a)(2))

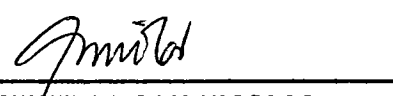
Pomwol allégh kkaal e bwunguló mereel Director wóól Móózo _____ 2013.

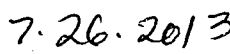
Isáliiyallong: 
Frank M. Rabauliman
Director, CNMI Division of
Environmental Quality


Ráil

Aramas iye: 
E bwughi ESTHER S. FLEMING
Governor's Special Assistant
For Administration

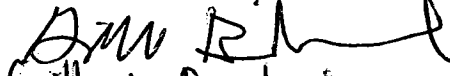

Ráil

File me
Rekoodliiyal: 
ESTHER M. SAN NICOLAS
Commonwealth Register


Ráil

Sáangi 1 CMC § 2153(e) Allégh kkaal e lléghló sáangi AG bwe e fil reel ffeerúúl me 1 CMC §9104(a)(3)(mwiir sáangi AG) Pomwol amenda kkaal e appasch a takkal amwuri fiischiy, me angúungú ló ffeerul me legal sufficiency sáangi CNMI Attorney General me ebwel akkatewoow ! CMC § 2153(f)(Arongowowul allégh kkaal.

Rááílil iye 26th ^{July} Ilól Móozo 2013.


Gilbert Birnside

for JOEY PATRICK SAN NICOLAS
Attorney General.

Proposed Pesticide Management Regulations

Part 1 Meeta kka Óutol

Authority and Scope: Atiwligh kkaal e akkatowow mereel Division of Environmental Quality sáangi 2 CMC §§ 3101 ngáli 3134 (Commonwealth Environmental Procedure Act) me 2 CMC §§ 3511 ngali3521 (Solid Waste Management Act). Atiwligh kkaal ebwe amamawa alégh me ebwe ngalir alonger aramas me bwal akkaw entities kka re lo faal lemelemil Commonwealth of the Northern Marianas Islands.

Part 2 Bwulul

Bwulul atiwligh kka nge ebwe ayoora systemal control reel bweibwoghlóngol, isisiwowul, akkamelo, me isisil me akkaschlol pesticides reel aramas lól Commonwealth of the Northern Marianas Islands reel protection il limilimil iligh me atipal angawal weleyor.

Part 3: Meta Faal

3.1 "Active Ingredient"faal nge

3.1.1 Reel pesticide, lughul plant regulator, defoliant me ngare desiccant, eew ingredient iye ebwe alipa, angawa me miligate lil maal.

3.1.2. Reel plant regulator, eew autol iye ebwe sangi yaal physiological action, emwal ebwe accelerate me retard li yaal ebwe waa me rate il yaal maturation me ngare yaal behavior reel ornamental me crop plants me ngare yaal product.

3.1.3 Reel defoliant, eew óutol nge emwal ebwe atoratiw ulul.

3.1.4 Reel desiccant, eew óutol nge ebwe amwetemweta yaal plant tissue ebwe pwass.

3.2 "Adulterated"faal nge inamo meta na pesticide ngare mamawal me yaal purity elo faal professed standard of quality igha e abwari wóól label igha re amwéw ló, me ngare eyoor substance iye re liweli ngali ngare eghus me ngare alongal reel pesticide, me ngare eew autchea óutol pesticide re liweli reel alongal me ngare eghus.

3.3 "Agricultural Establishment"faal nge angaangil féérul me affelil agricultural plants.E toolong lemat, nursery, green house me ngare leil walawal.

3.4 "Banned Pesticide"faal nge pesticide kka re ayuwlo mereel Division of Environmental Quality kka e tolong faley, isisiwow, akkamelo me yayal igha re aleshuw mereel U.S. Environmental Protection Agency.

3.5 "Banned Use"faal nge meeta kka re yaya ikka re aleshu mereel Division of the Environmental Quality, me yayal ikka.re ayuwlo me U.S. EPA.

3.6"Core Training"basic pesticide training reel safety me education il certification reer commercial me private applicators, training nge e toolong nge ese bwal aighugh reel labeling, safety factors, environmental consequences, pest identification, me characters, pesticide types, formulations me dilutions, equipment maintenance me calibration, application techniques, aleigh me atiwlighil pesticides, me bwal akkaw arong kka a ffil , e tolong me ese aighugh ngali bwal worker protection standards, isisil rekkod, me meta kka e fféé.

3.7"Certified Pesticide Applicator"inamo iyo aramas iye e certified mereel Director be ebwe yaya general me ngare restricted pesticide faal atiwligh kkal.

3.8"Commercial Applicator"faal nge applicator iye eghal yaya pesticide reel commercial .

Proposed Pesticide Management Regulations

3.9"Commercial Purposes"faal nge yayal pesticide reel (1)aramas iye eghal business reel ebwe ayora pest control services me ngare contract reel ebwe ayora plóónol pest control, me ebwe ayora setbisiol pest control reel umumwul schóól angang, e toolong me ese bwal aighughu reel extermination il loomw, termites, rodents, me plants, me (2)aramas kka re yaya pesticide reel maintenance il lughul resort grounds, leliyal golf, green houses me akkaw leliyal ammat.

3.10"Compensation"faal nge obwoss me ngare wages, óbwóós sangi setbisiol me ngare pisegh, liwel reel setbisiol me ngare pisegh.

3.11"DEQ"faal nge Division of Environmental Quality me ngare iyo iye e affat.

3.12""Device" pisegh ngare meta iye e fféér(lughul ppakk) iye rebwe yaya reel susubw, ferey lo, repelling me ngare rebwe mitigate li malawal maal ngare ira(lughul mwal me bwal akkaw bacteria, virus, me akkaw microorganism iye e lo wool aramas me akkaw maal kka re malaw);, ese tolong pisegh kka re yaya reel rebwe mila ngali pesticides igha re amwew fesengi.

3.13"Director"faal nge Direkktodol Division of Environmental Quality ngare re affatatiw.

3.14"Employer"reel bwulul rebwe protehi li schóól angang me aramas kka re lo lol progróóma yeel

3.14.1 iye re laylay schóól angaang me ngare contract li schóól angaang (re toolong me membrol yaar schóól) reel inamo meta tappal óbwóós reel rebwe fééru angang ikka e arap ngali fééru agricultural plants, maintenance il resorts, me ngare reel commercial pest control(e.g rodent me termite extermination); me ngare

3.14.2 re yaya me ngare re ghal operate li eew agricultural, resort me ngare commercial pest control facilidóód.

3.15"EPA"me ngare "USEPA"faal nge United States Environmental Protection Agency.

3.16" FIFRA" faal nge US Federal Insecticide, Fungicide, me Rodenticide Act, codified me 7 USC §§ 136 ngali 136y.

3.17" Fumigant" faal nge pesticide iye e lo lol ululul vapor me ngare gas me ngare e féeri eew product iye ebwal ululul vapor me gas wóol application me móghutughutul pesticide nge gaseous state.

3.18" Handler" ngare Pesticide Handler" faal nge eschay aramas me ebwal, toolong aramas iye e angaang ngali schaagh.

3.18.1 Aramas iye e angaang ngali inamo meta tappal óbwóss, reel agricultural establishment, commercial pesticide handling establishment, me commercial resort iye

- A. Mixing, loading, transferring, me apply il pesticide
- B. Akkatch lol pesticide me leliyal pesticide
- C. Handling il leliyal pesticide ikka e suusu.
- D. Eschay flagger
- E. Aghasaghasa, awela, bwughi, me fferu reel mixing, loading, application equipment ikka eyoor pesticide residue.
- F. Aililis reel application il pesticides
- G. toolongol lol greenhouse me ngare akkaw leli kka e tit mwuril yayal me mwal inhalation exposure level iye e lista tiw lol labeling a ghula me ngare eew ventilation criteria me ngare lol labeling a ghula reel rebwe operate li ventilation equipment, reel rebwe adjust me saghi lo tampil kka re yaya reel fumigation me monitoring air levels.
- H. Toolongol eew leli iye e lo lughul iye ra takkal safeya reel soil fumigant reel rebwe awela me saghi lo tampil ppwel reel tarpaulins; me ngare
- I. Pomwoli angangal crop advisor duranti il igha re yaya pesticide, mwal inhalation exposure level iye e lista lol labeling ra ghula me ngare eew ventilation criteria lol labeling raghula me duranti il restricted-entry interval.

3.18.2 Term yeel ese bwal toolong reel aramas iye eghal schagh handle il pesticide containers ikka ra takkal alipalo me aghasaghasa wow nge re attabwey pesticide product labeling instructions, me ngare esoor instructions, nge re triple-rinsing liir me pisegh.

3.19" Labels" faal nge meta kka e iisch, printed, zuungwa iye re appascha ngali pesticide me device, containers, me wrappers.

3.20" Label" faal nge labels kka re iischiy, printed, zunguwali iye e schuu ngali pesticide me ngare e reference ngali wóol label reel literature iye e schu ngali pesticide nge esabw ngali official publication reel U.S. Environmental Protection Agency, the United States Department of Agriculture me Interior, U.S. Department of Health and Human services ikka e ghomw.

3.21"Licensed Dealer"faal nge aramas iye e licensed mereel Direkktod bwe ebwe akkamwelo me isisiwos restricted use pesticide.

3.22"MSDS"faal nge Material Safety Data Sheet igha e required faal Occupational Safety me Health Act of 1970, 29 USC § 651 et seq., igha re amendaali me re pomwoli atiwligh kkal.

3.23" Misbranded"faal nge pesticide ngare

3.23.1 Yaal label ise atabwey US EPA requirements reel labeling me packaging.

3.23.2 Wóól label nge eyoor tapaiál kkepas design, zungwa iye e arap ngali meta óutol nge e mis.

3.23.3 Labels nge sabw lol kkesal English, me esoor tapaiál kkepas kkal.

- A. Itai pesticide lol bold letters.
- B. Yayal nge ese ffil
- C. Discription il reel tapal pest e control li.
- D. Itai Chemical reel pesticide
- E. Yaal active ingredient
- F. Signal words kka a ffil
 - i. afeli
 - ii. arong
 - iii. Danger poison
- G. Afal reel yayal, me
- H. Akkaw DEQ labeling requirement kka ese appasch me lo wóól container

3.24"Owner" faal nge Aramas iye eyoor yaal interest(e.g.obwoss, leasehold, rental, me bwal akkaw)wóól faluw me ngare business, me ngare a relinquished li yaal lemelem me alusu bwangil ngali eschay bwe ebwe le lemelem wóól yayal faluw me business.

3.25"Person"faal nge eschay aramas, corporation, partnership, association, joint venture, commercial entity, gobetno, political subdivision, commission me interstate body.

3.26"Personal protective equipment"me ngare "PPE" faal nge mwongogh me ngare pisegh iye re yaya reel rebwe afali ilighir reel pesticides me ngare pesticides residues, e tolong : coverail, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, chemical-resistant aprons, chemical-resistant headgear, protective eye war, me respirators. Mwongogh kka si ghal yaya eteital raal e tolong sipiring kka e lalay me moschomwosch payul, ghasuli lalay me mwoschomwosch, tubwotus, menzas, me bwal akkaw pisegh kka signal yaya reel angaang, nge resebwal kkonisdera li bwe personal protective equipments reel section yeel me rese bwal lolong reel alugh kkal. emwei bwe wóól pesticide labeling nge ebwe require yayal tappal mwongogh kkal nge re angaang.

3.27" Pesticide" faal nge substance ngare mixture il substance iye yayal nge reel preventing, destroying, repelling, me mitigation il maal igha e awewe sangi FIFRA. Eew product nge sabw pesticide ngare product we nge rebwe yaya reel control il fungi, bacteria, viruses, me akkaw microorganisms me invertebrate parasites, nematodes wool aramas me maal, me e labeled accordingly, me products kka yayal nge reel rebwe ayoora tit reel pest access.

3.28" Private Applicator" faal nge eschay certified applicator iye e yaya pesticide kka e classified bwe restricted use nge reel schagh ebwe ayoora agricultural commodity wool faluw iye yaal me ngare e akkilali (ngare re yaya nge esoor obwoss, lughul trading reel personal services lefiler producers il agricultural commodities) wool faluwal eschay aramas.

3.29" Restricted Use Pesticide" ngare "RUP" fall nge pesticed, e laap sangi faal eew yayal nge re aleghu mereel USEPA faal Federal Insecticide, Fungicide, me Rodenticide Act igha re amendali me ngare mereel DEQ faal atiwilgh kkal, me ngare eyoor wool label "restricted use pesticide.

3.30" Restricted-Entry Interval" faal nge outul mwiril yayal persticide reel rebwe tolong lol igha re safeya iye .

3.31" Use" faal

3.31.1 Alongal mwóghutughut iye e ffil ngalii afalafalii me precautions kka elo wóói label, e toolong me ese bwal aighugh reel afalafalii reel yayal, handling me disposal, precautionary statements, aleghul isis me transportation.

3.31.2 Pre-application activities, e toolong me ese bwal ighugh reel.

- A. Areglal igha rebwe yaya iya pesticide**
- B. Mixing il me loading il pesticide; me**
- C. Prepora li yayal pesticide, e toolong, arongorongol ngali schóól angang, training il handlers, decontamination, yayal me afalii protective equipment, arongorong kka ebwal ghi atabwal, me heat stress management.**

3.31.3 Yayal pesticide

3.31.4 Post-application activities kka e nesesarío ebwe asosolatiw risks il somway me feyengaw reel schóól ffeeri me schóól angaang igha re expose ngali pesticide residues durantii restricted-entry interval me 30 reel. Activities kkal nge e tolong, me ese aighugh reel responsabilidod reel working training, arongorong, me decontamination; me ngare

3.31.5 Akkaw mwoghutughutul pesticide, e toolong , me ese bwal aighugh reel, ayoora alilis reel emergency, bwughi me ngare isissil pesticide and akkasch lol sobw lai pesticides, spray mix, equipment wash waters, pesticide containers, me bwal akkaw materiod kka eyoor pesticide.

3.32 "Worker" faal nge inamo iyo(1) e angaang(e bwal toolong ngare self employed) reel inamwo meta na obwoss me (2) e ffeeri angaang, reel, harvesting, weeding me watering, iye e wewe ngali production il agricultural plants wóól lemat, nursery, me greenhouse.

3.33 "AKPH" ebwe awewe bwe title 40 reel Code of Federal Regulations e liwei wool July 1, 2012.

Proposed Pesticide Management Regulations

Part 4 ADMINISTRATION-IL ATIWUGHIL CNMI PESTICIDE

Eyoor bwangil Direkktod ebwe mwoghutaghili me amamawa atiwughil kkal.

Part 5 MWOGHUTUGHIL KKA ESE BWLUNG.

5.1 General

5.1.1 Reel ese bwal toolong lol Part 5.2. E alugh reel inamo iyo aramas lol CNMI ebwe yaya, bweibwogh long, akkamelo, pati fetal, me diliba me ofresi li ngali aramas

- A. pesticide iye re liwei, misbrand li, e toolong, me ese aighugh pesticide kka ese iisch lol English.
- B. pesticide kka re aieghu mereel DEQ, me cancel li, suspended me ese register mereel EPA.
- C. pesticide me device iye e misbranded me ese ffeer lol eew imwal EPA e register.
- D. inamwo meta pesticide iye DEQ re aieghu bwe ebwe angawa ilighi aramas me faluw.

5.1.2 E alugh reel inamo iyo aramas

- A. ebwe ati, liwei, angawa, me ffeerey lo, alongal ngare eghus, reel labeling, ngare schagh bwe Direkktod e ischil bwe e apreba li reel rebwe awelalo label me ngare labeling.
- B. ese mwuschel ebwe isis rekkood kka e required sangi atiwughil kkal, ebwe mwut ngali rebwe inspection lil rekkood, mwut ngali Direkktod me iye e afali bwe ebwe ppiiply yayal pesticide, isisil me akkasch lol, mwut ngali Direkktod me iyo e afaliy ebwe investigate li yaya ngawal pesticide, me bweibwoghul samples pesticides me pesticides residues igha re bwungu mereel lay reel inamo meta yayal nge e fiti aieghul atiwughil kkal.
- C. yayal pesticide nge ese wei ngali yaal label.
- D. Ebwe atay aieghul sangi atiwughil me Act.
- E. Ebwe violate li reel ban me restriction reel yayal, bweighbwogh longol, isisiwowul, akkamelol pesticide me ngare device isisiwow mereel DEQ.

F. U ghuley bwe e mis alongal ngare eghus wool application reel certification, license, importation reel yayal, me rekkod faal atiwiligh kkal.

G. Akkamelo, distribute restricted pesticides ngare schaggh bwe e licensed mereel DEQ.

H. Akkamelo me ngare distribute pesticide ngali eschay aramas lughul malle e licensed dealer me applicator iye e certified mereel DEQ.

I. yaya, isali, transport, mix me akkaschiol pesticide me ngare leliyal igha ebwe angawa limilimil iligh me weleyor.

J. yayal restricted pesticides ngare schaggh bwe re certified mereel DEQ me elo faal supervision il certified applicator.

K. yayal pesticides reel commercial ngare schaggh bwe re supervised faal eschay certified applicator.

L. Abwari confidential information ikka re bwughi mereel administration il atiwiligh kkal reel formulas reel products ngali eschay aramas lughul proper officers me employees il DEQ. U.S. Governments. me ngare ngali kkoti reel subpoena, dokkto, ngare lol emergencies, ngali pharmacists me akkaschay qualified aramas reel ffeeril antidotes me ngare yayal confidential information reel personal advantage.

M. Ngare u atay atiwiligh kkal, e toolong me ese bwal aighul reel requirements Reel storage. use. record keeping. worker's protection ikka a affatiw lol atiwiligh kkal. label. eew permit. order me certification me ngare.

N. Ffeer pesticide, e tolong re-packaging, refilling me relabeling reel rebwe akkamelo me resale lol CNMI.

5.13. Ngare e nesibitay permit application mwai yayal pesticide, nge ra ghomwal yaya pesticide nge esoor permit . e atay aaleghul atiwiligh kkal. Application ne ebwe atabwey aaleghul wóol permit

5.2 Exemption

5.2.1 Penalties kka eyoor reel violation reel Part 5.1 nge ese bwal apply nagli

A. carrier iye e lawfully ship, transport, deliver reel shipment il pesticide me device nge e in violation bwe igha ese ghuley bwe e kki ship li illegal pesticide me device. ngare carrier we e ngaley school angangal DEQ bwe rebwe copy li alongal yaal rekkod reel pesticide me device:

B. yayal pesticide iye e schuu fengal nge e atabwey standard il 40 CFR § 167.3 reel custom blenders. igha aramas we e yaya reel pesticide wool faiuwal.

C. public official iye e ffeeru yaal angang reel official duties reel public official.

D. aramas iye e yaya. me eyoor yaal experimental permit mereel EPA sangi federal law me re apreba il mereel DEQ reel yayal pesticides.

E. Aramas iye a ship li substance me ngare mixture il substance ikka re test li reel yaar rebwe detetmina li yaal value reel pesticide purposes me ngare detetminali

yaal toxicity me akkaw properties me ngare school yaya we esabw risibi benefit reel yaal pest control we.

F. aramas iye e attabwey order mereel Direkktod bwe ebwe asiwlo pesticide me lol CNMI.

5.2.2 Section 5.1.1.B nge esebwal ngali products kka ese registered mereel EPA ngare distribution me sale nge esoor registration nge e autoriza mereel EPA mereel 40 CFR 152.20 (pesticides kka re regulated mereel bwal eew federal agency); 40 CFR 152.25 (pesticide iye yaal character nge ese bwal nesisitay yaal FIFRA registration); me ngare 40 CFR 152.30(e), (f) me (g) pesticide iye emwal rebwe transfer li, akkamelo, me distribute inamo ngare esoor registration)ngare schaagh bwe product we ese banned mereel DEQ me(b)yaval eew pesticide iye ese register nge ffeerul nge ese bwal atay alughul Section 5.1.1.N nge ese banned mereel DEQ, ese transfer, distributed, sold lol violation il FIFRA.

Part 6 BWEIBWOGHLONG

DEQ e regulate li bweibwoghlongil pesticide lol Commonwealth. Bweibwoghlongil pesticide me pesticide device kka re aleghu me e misbranded nge e atay alegh faal §5.1.1. Bweibwoghlongil pesticide kka rese register li, nge saabw pesticide device nge e atay alughul atiwligh kkal.

Pesticide kka e alugh, misbranded, ese register, pesticide device kka esoor yaal establishment number, pesticide kka re afanga nge ese atabwey aleghul atiwlighil pesticide, emwal rebwe emwuschu lo, resabw atolongow ngali extend permitted mereel alugh, mereel Direkktodil DEQ, me school angangal Custom, me Agricultural Quarantine.

POMWOL ATIWLIGHIL PESTICIDE MANAGEMENT

6.1. Shipment kka e nesisitay ghomwal among.

DEQ e regulate li bweibwoghlong il pesticide lol Commonwealth, specifically reel vaval pesticide kka e tolong CNMI mereel akkaw faluw; pesticide me pesticide device kka e ffeer nge ra afanga mereel eew foreign country; termiticide, etoolong reel vaval ngat, crevice, me spot treatment, me alongal vaval pesticide reel pests wool frutta, ghollav me bwal akkaw agricultural products.

6.1.1 Notice of Intent

A. Restricted Use Pesticide(RUP)Aramas iye emwuschel ebwe bweibwoghlong Restricted Use Pesticide(RUP)mereel eew faluw inamwo igha e to meya me ngare yaal quality nge ebwe ghomwal isisilong yaal notice of intent ngali Direkktod wool schéél la re ayoora reel awewe la. Schéél yeel nge ebwe schuu me Material Safety Data me eew kkopial pesticide label.Ngare ra apreba li RUP, importer we emwal ebwe le ffeeri yaal importation arrangements. Reel bwulul section yeel, pesticide kka re yaya nge re

aleghu mereel DEQ, nge emwal rebwe import li long lol CNMI, ebwe ghommwal voor advance notice igha e affat lol part yeel. Import il banned pesticide nge ebwal alugh reel import nge ebwal violate li section yeel.

B. General Use Pesticide(GUP)

1. Aramas iye emwuschel ebwe import li long lol CNMI pesticide me pesticide device sangi eew faluw lughul United States me U.S. Territories ebwe isisilong notice of intent ngali Direkktod wóol eew schéel ive re avoora re aweewe lai. Scheel veel nge ebwe schuu me Material Safety Data Sheet me kkopial pesticide label. Ngare ra apreba li GUP, nge importer we emwal ebwe le ffeeru vaal importation arrangements.
2. Aramas ive emwuschel ebwe import pesticide ive rebwe vava areel agricultural plants, hospital-grade disinfection, fumigation, me termite control e toolong crack, crevice me spot treatment lol liimw, apartment buildings, hotel, restaurants, gakko, tenda, warehouse me bwal akkaw industrial buildings, rebwe isisilong notice of intent ngali Direkktod wóol scheel la re avoora, Aramas kka re lo lol commercial iye re awewev lol § 3.9, ngare resorts, farmers me exterminators, rebwe bwal isisilong notice of intent ngare rebwe bweibwozhlong pesticide reel vaval commercial. Scheel veel ebwe schuu me Material Safety Data Sheet me kkopial pesticide label, ngare ra apreba li GUP, importer emwal ebwe bwulu vaal importation arrangements.

Esche Notice of Intent to Import ("NOI") ebwe afata ebwe faisul vaval pesticide, bwe DEQ rebwe ensure li bwe re atabwey aleghul lay, mwal ebwe itto pesticide we. Pappit we ebwe schuu fenzal me Material Safety Data Sheet me kkopial pesticide label. Ngare ra apreba li NOI, pesticide me device nge emwal rebwe odali me afanga. Importer ebwe isisilong reel DEQ label me MSDS reel eew me eew pesticide me device kka e imported long nge ivel aeewal lol calendar year. Ngare ebwal mwuschel ebwal import long maas pesticide me device durantil lol calendar year we nge e takkal isisilong alongal dokkomento kka e nesisitav, nge ese bwal nesisitav ebwe bwal isisilong sefal label me MSDS

6.1.2 Notice of Arrival

Ngare a tutto pesticide me ngare device ive e affat lol section 6.1.1, Rebwe aronga Direkktod mereel importer nge ebwe woo scheel la re avoora mereel DEQ. Notice of Arrival nge resabwe liweli ngali Notice of Intent to import. Esabw voor pesticide ngare device re bwe atowowav lol CNMI ngare rese apreba li lol iisch Notice of Arrival mereel DEQ. Approval of Intent me ngare Notice of Approval nge esabw eew defense against liability me esebwal aighuzhu mwozhutughut DEQ reel atiwiigh kka re violate lii.

6.2 Shipments Arriving Without Notice

Ngare eew shipment-il pesticide me device e affat lol section 6.1 e toolong lol CNMI nge esoor vaal Notice of Intent me ngare Notice of Arrival, shipment we rebwe amwuschulo me resabw

atolongow lol CNMI. Direkktood ebwe deteminali ngare pesticide we ebwe toolong lol CNMI me ebwe ayoor afaal reel ebwe faisul yaal disposition shipment we.

6.3 Inspection

6.3.1 Inspection

DEQ me akkaw agencies kka re bwunguw mereel Direkktood emwal rebwe inspection li shipment il pesticide me device.

6.3.2 Inspection il Shipments kka ebwe voor Arong.

Ngare e itto shipments il pesticide me device ikka ebwe voor arong faal section veel. DEQ me bwai akkaw agencies me ngare layur personnel igha e bwunguwio mereel Direkktood. rebwe inspect li pesticide me device nge ra awewew fengali meta re weri wool entry papers ngali information kka re avoora mereel consignee/importer wool sursheet arong we ngali DEQ. ngare esoor meta iye re wen nge ese weel me esoor violations re weri. emwal rebwe released li shipment we. ngare evoor weriver violations me meta kka ese ghatch, rebwe amwuwio lo shipment we nge re wen ngali Direkktood bwe ebwe awela meta kkewe ese ghatch me deteminali pesticide me ngare device we yaal esabw toolong. ebwe asefai rebwe fereilo sangi §6.4.

6.4 Detained, Denied, and Impounded Shipments

Alongal obwoss mereel detainment, denial, impoundment me akkatch lol pesticide me device shipment bwele igha rese atabwew atiwiigh. e toolong me ese bwai aighugh reel bwai oral isisilongol Notice of Intent me Notice of Arrival. importer ebwe mweli.

Reel shipment kka re detain li. ebwe voor oleigh raal sangi igha e toto reel rebwe asefali me akkatch lol pesticide me device lol mwoghutughut iye re apreba li mereel Direkktood. ngare importer/consignee ese asefali. feerev lo pesticide me device lol oleigh raal tempo. Direkktood emwal ebwe amwewio. ataralo, feerev lo pesticide me device we lol mwoghututughut ive e ffii ngali alongal me alongal obwoss re storage, cartage, labor, shipping me disposal nge consignee/importer ebwe obwoosu. ngare bwe ese obwoosu ebwe eew lien ngali importer/consignee reel disegh kka ebwe import li lol raal kka e mwoto.

Ngare consignee/importer ese atakka alongal liens ngali imports lol 60 raal mwurii arongorong reel iisch reel laapal liens. Director ebwe aghulev ngali Attorney General bwe ebwe avoora mwoghututughut ive e ffii reel ebwe amweta ownershipii imports ngali CNMI Government reel ebwe satisfv li liens. Section veel nge ese preclude recovery reel akkaw obwoss iv emwel ebwe expended mereel Government.

6.6 Obwoss

6.6.1 Aramas iye emwuschei ebwe bweibwoghlong Restricted Use Pesticides nge ebwe obwossu Limeigh dolla (\$50) non refundable fee reel eew me eew shipment, nge ebwe schuu ngali schéél we Notice of Arrival (NOA)

6.6.2 Aramas iye emwuschei ebwe bweibwoghlong General Use Pesticide nge ebwe obwossu Seigh me Limwoow dolla (\$15) reel eew me eew shipment, nge ebwe schuu ngali scheel Notice of Arrival (NOA).

POMWOI ATIWIIGHII PESTICIDE MANAGEMENT

Part 7 YÁÁYAI PESTICIDES

Emwei sangi yaal discretion DEQ, factors reel acreage, tapal pesticides, lapal pesticides. Iya igha e lo iye, me geological features, e tolong proximity ngali surface water me schaal uul, ebwe yoor isisiiongii intergrated pest management plan ngali DEQ reel rebwe aprebaai. Intergrated pest management plan eew mwoghutughut reel manage ii pest reel rebwe aschu biological, cultural, physical me chemicals tools igha rebwe aghitighitativ economic, health me environmental risks. DEQ emwal ebwe avoora schéél reel submission ii plano veel. Plano veel nge rebwe apreba li mereel DEQ mwal rebwe vááva pesticide. Plano veel nge ebwe féér sefal me issisifalong faal eew loi ruwoow raagh reel rebwe apreba li me DEQ. Applicator nge ebwe atabwev plano la re aprebaai nge ngare ebwal voor meta ive e welefesang nge re nesisitat rebwe apreba li ghom mereel DEQ. Ngare rese atabwev plano we nge rebwe kksideralii bwe e attav atiwiigh kkaal.

7.1. Permit Application reel Yááyai Pesticide reel Termiticide Treatment

7.1.1 Permit

Reel alongal structures kka rebwe safeva reel termites loi foundation me ngare owel arol me faal foundation. applicator we ebwe isisilong Permit application reel yááyai Pesticide reel Termiticide Treatment ngali Direkktood woóli scheel la re avoora reel bwulul veel. ebwe schuu fengal me limeigh dollar (\$50) non refundable fee. Tingorii permit nge rebwe isisilong ruweigh (20) ráili angaang mwaal ráilii application.

Ngare re takkal risibi li Permit application reel yááyai Pesticide reel Termiticide Treatment DEQ e avoora seigh (10) ráili angaang ebwe process li permit. Permit nge e valid liól 6 maram mwir ráili we re isaliwow.

7.1.2 Arong

Applicator nge e debi bwe ebwe aghulev ngali DEQ reel iisch 48 hours mwal vavai termiticide ikka e ffeer faal approved permit. Ngare re schagh bwe e pre-

approved mereel DEQ. Termiticide treatment nge esabw ghilighilitiw ngali eew structure. Termiticide application kka re apreba lil nge ebwe ffeer durantii yaai DEQ normal working hours. Applicator e debi bwe ebwe ayoora arong lol iisch reel ralil application, ital me registration number iye re yaya reel eew iimw me ngare business iye e lo lol fisiigh me limwoow (75) feet reel proposed application. Kkopial arong yei nge re isaiilong reel DEQ mwai application il termiticide.

7.1.3 Pre-Construction

7.1.3.1 Ikkai information kka ebwe voor ngare part ii application permit reel pre-construction termiticide application.

- A. Numerol EPA Registration(me kkopial labels. Ngare re tingor) reel pesticide products kka rebwe yaya.
- B. Raalil me Oral proposed application
- C. itai eschay me eschay applicator me pesticide company
- D. Certification number il eschay applicator iye ebwai lo lol project.
- E. Address il application site.
- F. Description il site
- G. lapal area la rebwe safeya
- H. Application Method me
- I. Moppa . e abwari schaal lol 100 feet igha rebwe yaya termiticide.

7.1.3.2. Reel esabw contaminate surface water. ikkai alesh kka rebwe attabwey.

- A. Mwuril ra takkal safey. tampila treatment site reel esabw voor runoff ngare e Punguschow; Note. Applicator we i miile ebwe tampiy pwei we me ngare ayoora iisch reel arong ngalii contractor we reel alesh kkaal me aramas iye e commission li application(ngare eschay lughul contractor) ngare eyoor arong ngalii contractor we me aramas we e commission li application nge re responsibilidad be rebwe ghi afeli bwe. 1)Ngare ese mwai bwe rebwe alapa concrete slab wool pwel iye re safeya lol 24 hours il application nge rebwe tampi ngali eew waterproof coverinig(ngare polyethylene sheeting). me 2)tampi pwel ngare re mangi bwe precipitation ebwe ffis mwai yaar schedule il reel rebwe aiipa concrete slab.
- B. Resabw safeya pwel iye e water-saturated
- C. Resabw safeya pwel ngare e punguschow
- D. Resabw mwut ngali treatment bwe ebwe runoff mereel treatment area.
- E. Resabw yaya lol 10 feet sangi storm drainage
- F. Resabw yaya lol 25 feet sangi schaal. aquatic habitats(ese bwai aighugh reel lakes, reservoirs, lagoon, permanent streams, marshes me ponds, estuaries, me commercial fish farm ponds.
- G. Esabw voor on-grade application ngare yaang e nnguu sangi 10 mph me(application site) reel noozle end height. me
- H. Attabwey alongal alesh kka re ayoora wool permit mereeel DEQ.

7.1.4

Post-Construction

A. application ngali pwel kka arol

Information kkal nge rebwe ayoora ngare part il application permit reel post-construction termiticide application reel pwel kka e lo aroi structures.

1. EPA Registration Numbers(me kkopial labels ngare re tingor)reel presticide products kka rebwe yaya.
2. Raalil me oral vaval application
3. Itai eschay applicator me kkompaniyai pesticide.
4. Certification number reel itai escav applicator ive e lo lol project.
5. Address il application site
6. Description il site
7. Lappal area la rebwe safeya
8. Method of application me
9. Moppa, ebwe abwari schaal lol 100 feet reel area igha rebwe yaya iya termiticide.

B. Fumigation

Fumigation nge vaval vapor ngare gas ive e wewe reel rebwe amabwu. lilo me mitigate li termites. Fumigant nge inamwo meta na pesticide ive vapor ngare gas nge e ffeeri eew product ive a vapor ngare gas igha re yava me vaal method of action nge gaseous state.

Information kkal nge rebwe avoora bwe part il permit application reel post-construction termiticide fumigation.

1. EPA Registration Numbers(me kkopial labels ngare re tingor)reel pesticide products kka rebwe yaya.
2. Raalil me oral vaval application
3. Itai eschay applicator me kkompaniyai pesticide.
4. Certification number reel itai escav applicator ive e lo lol project.
5. Address il application site
6. Description il site
7. Description il equipment rebwe yaya
8. Description me uruwowul kkompaniva igha reghal ffeeri fumigation
9. Description il ngare evoor problema mwal reel vaval fumigations
10. Health me Safety plan
11. Moppa e abwari alongal iimw me businesses kka e lo lol 25 feet mereel application site
12. Fumigant Management Plan me bwal akkaw information kka re nesisitav reel product label
13. Applicator ebwe avoora iisch reel arong ngaliir alongal iimw me businesses kka re lo lol fisiizh me limwoow (75) feet igha rebwe pomwoli application we.

7.1.5 Termiticide application kka ese bwal nesisitay permitting requirements

- A. Injection long lol structural voids**
- B. Spot, ngat, crevice treatments me**
- C. Treatment kka re yaya enclosed baiting system.**

7.2 Permit Application reel Yááyai Pesticide reel Aerial Treatment

7.2.1. Aerial pesticide application nge reghal ngaler reel case by case me e allugh ngali application sites kka e 150 acres me ngare e laap io. Inamwo iyo aramas iye e apply pesticide nge ebwe yaya pleen nge ebwe voor valid Aerial Pesticide Application license(pilot license ngare ebwe yaya aerially pesticide)mereel state ngare territory il United States. Pleen iye rebwe yaya reel aerial pesticide nge ebwe attabwey alléghul me atiwighil Federal Aviation Administration.

7.2.2 Permit Application reel yááyai Pesticide reel Aerial Treatment

Reel alongal leli iye rebwe ayoora aerial pesticide treatment, applicator ebwe ghomwai isisilong application ngali Direkktood wool scheel la re ayoora reel aweewe yel, ebwe schuu me \$500 non-refundable fee. Tingorel permit mereel DEQ nge ebwe ruweigh (20) raliil angaang mwal raliil we rebwe pomwoli application. Ngare ra risisbi il Aerial Pesticide Application Permit , DEQ eyoor reer seigh (10) raliil angaang reel rebwe angang wool permit. Permit nge a valid lol 6-maram mwiril raliil we re isaliwow.

Information kkal nge rebwe ayoora bwe part il permit application reel post-construction termiticide fumigation.

- A. EPA Registration Numbers(me kkopial labels ngare re tingor)reel presticide products kka rebwe yaya.**
- B. Bwulul application, e tolong description of alternatives**
- C. Raaliil me orai yayai application**
- D. Ital eschay applicator me kkompaniyai pesticide, me infotmation il pilot**
- E. kkopial certification il applicant me pilot/applicator, ngare ese wewe sangi applicant**
- F. kkopial vaal lisensia pilot**
- G. Physical me Mailing address il application site**
- H. Description il site, ebwe tolong moppal application site, ebwe abwari schaal, aquatic habitats, residential homes, gakko, ispitol me businesses kka e lo lol 1000 feet reel application site.**
- I. Description il equipment kka rebwe yaya**
- J. Description me uruwowul company's experience igha re ffeeru aerial treatments**
- K. Description il ngare eyoor problema reel pesticides, me**
- L. Health me Safety plan**

Direkktood il DEQ emwal esabw isisiwow Aerial Application Permit ngare e detitminali bwe pomwol aerial pesticide application nge ebwe angawa health il aramas me environment.

7.2.3 Arong

- A. Applicator e nesisitay ebwe aghuley ngali DEQ reel iisch 48-oras mwal yayal aerial application iye a lo faal approved permit. Ngare schaagh bwe e pre-approved mereel DEQ. Aerial application nge esabw ghilighilitiw. Aerial pesticide application iye re feeri e lo faal permit iye re apreba li nge ebwe ffeer durantil yal DEQ normal working hours. Applicator ebwe bwai ayooora iischil le arong reel rallil me oral application me ital brand me vaal common name me EPA registration reel pesticide la rebwe yaya ngali eew me eew liimw me business kka re lo eew-miza radius reel igha rebw pomwoli application . Kkopial iischil arong nge rebwe isalilong reel DEQ mwal yayal pesticide.
- B. Ebwe voor vaar rebwe fferu fischi reel control il pesticide drift durantil aerial pesticide application.

7.3 Application il Yáává Pesticide me bwai akkaw Pesticide Treatment

- 7.3.1 Ngare e ito bwe DEQ esemwai ebwe féerú vaal routine inspection igha re vááva restricted me general pesticide iye, ngare igha e mwolomwol iye, establishment ebwe isisilong Pesticide Use Permit Application reel akkaw Pesticide Treatment ngali Direkktood wóól schéél iye re avoora reel wewe veel. me ebwe apascha fengali me non-refundable fee reel limeigh dólla (\$50). Tingorel permit nge ebwe isisilong DEQ ruweigh (20) business days mwal rallil iye re pomwoli/application. Ngare rabwughi Pesticide Use Permit application reel akkaw Pesticide Treatment. Evoor seigh (10)ráll DEQ ebwe process li permit. Permit e valid lloí úghúghul 6-maram mwunil rallil we re isalilow.
- Alongeer certified pesticide applicators me licensed dealers rebwe isis pesticide nge rebwe atabwev afalal pesticides wool vaal label me federal requirements. me rebwe atabwev isisil pesticide:

7.3.2 Amataff kkaal nge rebwe avoora ngare peighil permit application reel akkaw application il pesticide.

- A. EPA Registration Number/ me kkopival labels, ngare re tingor) reel pesticide kkaa rebwe váává
- B. Rállil me oral igha rebwe pomwoli application
- C. Ital/er eschav applicator me pesticide company
- D. Certification number il eschav applicator iye e tabwev
- E. Address il application site
- F. Description-il site
- G. Laapal leli iye rebwe safeya
- H. Pomwol application, me

- I. **Móopa, iye ebwe bwari scháál llo1 100 feet il leli iye rebwe pomwoli termiticide**

7.3.3 Arong

- A. **Applicator ebwe aronga ngali DEQ llo1 iisch 48 hours mwal rebwe féérú pesticide application iye e féér fáál permit iye re abreball. Applicator ebwe ischii arongorong reel ileta me oral application me yaal brand me common name me EPA registration il pesticide iye rebwe yáává reel eew iimw, me business iye e llo llo1 eew-mile radius reel igha rebwe pomwoli application. Kkopia1 arong yeel ebwe isislong DEQ mwal rebwe féérú pesticide application.**
- B. **Rebwe ghi afeli ghatchuw bwe eta voor pesticide drift durantil vaaval pesticide**

7.3.4 Reel rebwe atipa contamination-il schaal, ikkal tepelal allúgh rebwe féérú

- A. **Mwuril application, tampiló treatment site reel ebwe atipa runoff ngare e punguschow.**
- B. **Usabw safeva pwél ngare e water saturated**
- C. **Usabw yáává safev ngare e punguschow**
- D. **Usabw sedi li safev ebwe runoff sani target area**
- E. **Usabw yáává llo1 10 feet sangil storm drains.**
- F. **Usabw yáává llo1 25 feet sangi schaal, aquatic habitats(, ese bwal aighugh ngali lakes, reservoirs, lagoon, permanent streams, marshed ponds estuaries, me commercial fish farm ponds.**
- G. **Usabw féérú application ngare eghi ngu vaang laap sangi 10 mph (reel application site)noozle end laangal, me**
- H. **Attabwev alongal allúgh kka e lo llo1 permit ive re isaliwow mereel DEQ.**

7.4 Isicil Pesticides

7.4.1 alongeer certified pesticide applicators me licensed dealers rebwe isis pesticide nge rebwe attabwev afalal pesticides wóól vaal label me federal requirements, me rebwe attabwev isisii pesticide.

- A. **Llo1 eew leliv ive a kkondólu, ventilated, datapat, kwas me ese til ngali álet.**
- B. **Leliv ive e lemwevló sangi mwungo, feed, seed me maal**
- C. **llo1 yaal original container**
- D. **leli ive e taaw sangi olight me maal**
- E. **me absorbent materials reel ppi ngare absorbent clay reel emwal ebwe absorb li alongal ngare e ito bwe a lipp.**
- F. **Leliv iye e taaw sangi akkaw chemicals kkaa ese compatible**
- G. **Taaw sangi metal kkaa emwal ebwe fiigh**
- H. **Taaw sangi personal protective equipment.**

- I. schuu me fire extinguisher;
- J. schuu me Material Safety Data Sheet (MSDS) reel pesticide iye re yááyá
- K. igha ngare e lipp nge esabw angawa pwel me schaal, ngare re isis nge laap sangi 12 gallons ngare ebwughúuw (100) pounds il pesticides llo inamwo ilet, ubwe isali pesticides wóól padid, nge ubwe zuungwali ta eew schúú me crossbones bwe ebwe bwaa bwe eyoor pesticide.
- L. ebwe attabwey ngali yaal labeling.

7.4.2 Alonger cetified pesticide me licensed dealers nge rebwe isali pesticide kka e alugh me general use pesticide loí íeii iye e appasch warning sign ikka e íisch alongal ngare akkaw reel tapelal kkapas kka faal.

- A. "Warning"
- B. "Danger"
- C. "Pesticide Storage Area"
- D. "Poison Storage Area"
- E. "All Unauthorized Persons Keep Out" me ngare
- F. "Keep Door Locked When Not In Use"

7.4.3 Retailers, wholesalers me dealers rebwe isis me abwari pesticides loí wewe kkaí

- A. Alongal pesticides kka rebwe amwewlo nge ebwe lo loí yaal registrant's approved container rebwe label li igha e required mereel federal law.
- B. Alongal restricted use pesticide nge rebwe asangilo sangi general use pesticide ngare rebwe amwewlo ngali toulap.
- C. alongal pesticide (general me ngare restricted use) wool display ngali toulap. ebwe displav reel minimum distance reel 10 feet mereel alongal fresh. soft. looselv packaged me wal akkaw tappal mwungo. me ngare feed items kka emwai ebwe absorb il bwoi mereel pesticides. Examples e tooiong me esebwal aighugh ngali. pwon. pasteries. bwotatas. kkani. kkeso. pughas. pasta, chips me kkandy. Alongal pesticides ngare display nge ebwe minimum distance faawu(4) feet mereel latariva me bwal akkaw mwungo.
- D. lelival pesticide kka e sumi me ngare fevir rebwe asuwlo mereel display area ngali igha outol ebwe contained ngare e toto bwe kkonditionii aghi ngaw lo. Yaval "overpack" me ngare bwal eew device ive ebwal wewe ngali nge ebwal ghatch. Pesticide material iye e lip lo nge rebwe aghasaghassalo reel appropriate decontamination method. Leliv egha a bwal lip lo pesticide nge rebwe bwal decontaminated reel mwoghutughut ive e ffil ngali tappal material la e lip.

7.4.4. DEQ storage permit e nesisita reel isisil pestices nge loí yaal aggregate e lu sangi 500 gallons me ngare 4.000 lbs me ngare e combination il liquids me solids me rebwe atabwey moghutughut kkaí.

- A. Schóó kka vaar me operators il fasilidood we rebwe appiv ngali Direkktood reel storage permit wool scheel la re avoora mereel Direkktood

ebwughuuw ruweigh (120) raal mwal rebwe yaya fasilidood we reel storage iye e affat lol section yel.

- B. Permits rebwe apreba li ngare schagh bwe containment me secondary containment e atabwey 40 CFR §§ 165.80-97 (Ulyo 2012), igha containment me secondary containment e nesisita reel alongal fasilidood me e toolong yayal specific materials me ebwe toolong technical design standards. DEQ storage permit emwal ebwe affata minimum laapal secondary containment re nesisitay reel isisil pesticide subject ngali provision yeel, ngare isisil pesticides e subject ngali allégh yeel, nge e lo lughul scope covered mereel 40 CFR §§ 165.80-97(Ulyo 2012) (Direkktood ebwe require bwe alongal plano reel mii fasilidód ive e féé ebwe fféér sangi eschav licensed professional engineer.
- C. Storage permit nge e ghatch lol limwoow (5) raagh sangie ralil isisiwowul. me applicant ebwe obwossu DEQ reel \$100 processing fee.

7.5 Transportation

7.5.1 Alongal Restricted Use Pesticide nge rebwe transport li lol wewe kkai

- A. resabw transport li nge rebwe schuu me aramas. maal. mwungo. feed. simiya, mwungogh me consumer goods, me
- B. alongal containers nge rebwe aleghuw ghatchuw me loaded nge esabw fevir durantil transport. me vaal labels esabw saghegh lo me resabw mwoghut me toor wow me lol gharetta.

7.5.2 Pesticide lol gharetta kka re yaya reel pest control nge resabw yaya le transport lol lelival passenger me aramas. maal. mwungo. feed , simiya. mwungogh me consumer goods.

7.5.3 Alongal pesticide nge rebw transport li igha e required reel vaal label.

7.6 Akkatch lol(Disposal)

Pesticide. containers kka e soor outol. equipment kka e voor me efasul voor pesticide lol. Nge esabw kkasch lol reel igha ebwe angawa aramas. mwal, mwungo. feed. crops me property. Pesticide containers kka e empty mv non-refillable nge rebwe talu faal eluuw nge ra ngatali bwe resabw vava lo. Akkasch lol non-refillable pesticide container kka ese mwel rebwe taluu faal eluuw nge ebwe atabwey directions wool pesticide label. Akkasch lol pesticide containers kka e refillable me non-refillable ikka ese mwal rebwe talu faal eluuw me ngatalir) school vava rebwe atabwey afal wool label me akkaw aleghul federood.

7.7 Isisil Rekkoodf Recordkeeping)

Commercial Applicators, Private Applicators me Licensed Dealers rebwe isis rekkod lol outol esabw ghitiw sangi eluuw (3) raagh.

7.7.1 Commercial applicators nge rebwe isis rekkood kka e wel me bwung reel yayal ii mwe ruwoow restricted use me general use pesticide, e bwal toolong information kkal.

- A. Ital (brand me common) me EPA registration number me product.**
- B. Lapal yayal product, me ngare product we e schuu fengal me wal akkaw substance mwal yaya, ital substance me lapal mixture e ffeer.**
- C. Ralil, oral, me bwuley me method il application**
- D. total area covered**
- E. targeted area me bwal akkaw lely me**
- F. targeted pest(s)**

7.7.2 Private applicators nge rebwe isis rekkood kka e wel me bwung reel yayal ii mwe ruwoow restricted use me general use pesticide, e bwal toolong information kkal.

- A. Ital (brand me common) me EPA registration number me product.**
- B. Lapal yayal product, me ngare product we e schuu fengal me wal akkaw substance mwal yaya, ital substance me lapal mixture e ffeer.**
- C. Ralil, oral, me bwuley me method il application**
- D. total area covered**
- E. targeted area me bwal akkaw lely me**
- F. targeted pest(s)**

7.7.3 Licensed dealers rebwe isis rekkoodil akkamwelo me isisiwowul restricted used pesticide, e toolong information kkal:

- A. Ital, address, me certification number me ngare dealer's license (ngare e ffil) number il aramas kka re amwew me resibi li pesticide.**
- B. Ralil igha re amwewlo me distribute li**
- C. yaal brand name, EPA registration number, lapal product re amwew lo me distributed.**
- D. Yaal signature aramas we e amwewlo me distribute li pesticide; me**
- E. label il pesticides.**

7.8 Worker Protection Standards

7.8.1 Applicability me Scope

CNMI Worker Protection Standard requirement e ffeer ta reel ebwe avoor agricultural me bwal akkaw school angang me school kka regnal angang li pesticide reel protection sangi exposure me harm reel pesticide lol leliyal angang. CNMI Worker Protection Standards nge ngaley agricultural establishment, me bwal akkaw commercial application reel pesticides.

7.8.2 General requirements reel agricultural establishments me commercial application. Faal provisions il CNMI Worker Protection Standard, employers rebwe atabwey

- A. Abwari lol bwuley iye emwal rebwe araghi me weeri reer school angang lol mwalili iye rebwe kkomprendi specific information il presticed safety, emergency procedure me recent pesticide application.
- B. Ayoor pesticide safety traning ngaliir school angaang igha e affat lol 40 C.F.R. 170.130 me handlers sang 40 C.F.R. Part 170.230;
- C. Ayoora alilis reel medical treatment ngare e toto bwe eyoor sumway me ngare feyengow ikka e work-related reel pesticide.
- E. Aronga ngali school angang me ngare apasch ta warnings igha rebwe weweti reel areas kka pesticide applications re kke ffeeri me igha e restricted-entry intervals e in a effect.
- F. Schoo kka schagh re trained, properly equipped pesticed handlers emwal rebwe tolong me lo lol leliy ye re safeya.
- G. Ayoora leliyal decontamination reer school angang me handlers reel rebwe talutuw pestices residues me wool payir me ilighir. Ebwe yoor soghul schaal reel tatal me emergency eye flushing me ebwe ssogh abwil me towoza.
- H. ayoora me isali ghatchuw personal protective equipment me rebwe isali ghatchuw. sangi pesticides me akkaw dangerous chemicals. ebwe wei yayal me rebwe atabwey yaal manufactures instruction me label directions. Personal protective equipment e bwai tolong nge ese bwai aighugh ngali
 1. coveralls- a loose-fitting eew ngare ruwoow piece garment. minimum. e tampiy alongal ilighil arams nge saabw. schimw. paay. pische. e ffeer sangi cotton me ngare cotton polyester biend fabric. me rese chemical-resistant. Wool pesticide lable nge emwal ebwe ira bwe emwal rebwe yaya mwongogh falil overall. Ngare chemical-resistant re liweli ngali coverall. emwal resabw bwai yaya mwongogh falil.
 2. chemical-resistant suit- e loose-fitting eew me ngare ruwoow piece chemical-resistant garment e tampiy, alongal ilighil aramas, saabw schilmw, paay, me pische.
 3. chemical-resistant gloves-gloves kkal nge e ffeer sangi chemical-resistant materiood.
 4. chemical-resistant footwear-tabwotos. boots. me tampil tabwatos. boots iye e ffeer sangi chemical-resistant materiood. Ngare chemical resistant footwear kka e propio reel yayal lol rough terrain ese yoor nge emwal rebwe yaya leather boots.
 5. chemical-resistant aprons- apron iye e chemical resistant me e bwaliw sangi esoobw aingal mwetiw reel bwughuwal pische.
 6. chemical-resistant headgear- hood me ngare parung iye e schee lap yaal brim me a ffeer sangi chemical resistant materiood.
 7. protective eye wear- goggles. face shield; safety glasses. brow me temple protection: me ngare full face respirators. me
 8. respirators- device iye a protehi li respiratory system me e 1)tappal iye e lista tiw wool pesticide label 2)more protective me e ffil ngali reel pesticide la rebwe yaya me activity iye rebwe ffeeru.

- I. Abwungur alongeer school angaang meta iye e wel reel yayal personal protective equipment.
- J. Abwungur alongeer school angaang meta iye e wel reel yayal application equipment.
- K. Pippiy fischi bwe alongeer school angang re kkomprendi alongal label requirements.
- L. Pippiy fischi bwe handlers il pesticide kka eyoor skull me crossbones symbols wol label nge rebwe lol le monitor liir alongal ora reel visually me voice communication
- M. ayoor bwal akkaw alesh mereel amwelil direkktood il DEQ.

7.8.3 Akkaw bwal requirements. Alongeer agricultural establishments(maat, lleemal, nursery me greenhouse) rebwe attabwey federal Worker Protection Standard reel 40 C.F.R Peigh 170.

7.8.4 Ngare eyoor fitighoogho reel Worker Protection Standard, meta requirement iye eghi impotanti rebwe attabwey ngali.

Part 8 Training me Certification

8.1. Training

8.1.1 Qualification il School Afal.Aramas iye ebwe ayoora pesticide certification training nge ebwe yoor yaal requirements kka faal.

- A. ebwe ghaw yaal pesticide education, training, me experience reel ebwe exercise li professional judgment me eyoor bwangil ebwe afal me communicate effectively ngaliir student-applicators reel ebwe amweliir reel proper performance reel yaar angaang; me
- B. pass li written pesticide safety examination(test li applicant reel ghuleyal reel labeling, safety factors, environmental consequences, pest identification me characteristics, pesticide types, formulations me dilutions, equipment maintenance me calibration, proper storage, use, me disposal il pesticides me containers, pesticide application techniques, local me federal pesticide laws me regulations kkaa e ffil, recordkeeping, worker protection standards, me bwaal akkaw relevant information ikka e nesisitay, e toolong me ese bwal aighugh reel feel arong reel yááyál pesticide me bwal akkaw.)

8.1.2 Responsibilidódil Schóól Afal

- A. Piannoí Training, Ayoora hands-on, interactive training pian e tooiong me ese aighugh reel labeling, safety factors, environmental consequences, pest identification me characteristics, pesticide types, formulations me dilutions, equipment maintenance me calibration, proper storage, use, me disposal il pesticides me containers, pesticide application techniques, local me federal pesticide laws me regulations, recordkeeping, worker protection standards, me bwaal akkaw relevant information ikka e

nesisitay, e toolong me ese bwal aighugh reel new developments me bwal akkaw.)

- B. **Core Training Duration/Schedule.** Training ebwe eew(1)rall (8 oras) il afal nge ebwe toolong me esebwal aighugh ngali lecture, practicum, me exam preparation.
- C. **Arongorongol Training me Registration.** Rebwe arongawow training reel local media (newpaper, radio, television me bwal akkaw wewe)mwal eluuw(3) sumwola mwal ebwe bwel training.
- D. **Materiood il training.** School afal ebwe ayoora matiriood(tilighi, handouts etc.) reel workshop me update alongal matiriood(tilighi, handouts etc. igha re nisisitay me e required.

8.1.3 Repod, School afal ebwe aronga ngali Division of Environmental Quality mwiril eew quarter (Dec 31, Mótso 31, Unnyo 30 me Septembre 30).

8.2 Required Certification

8.2.1 Aramas kka reghal supervise li yayal pesticide reel commercial purposes nge rebwe bweibwogh yaar certification mereel DEQ.

8.2.2 Aramas kka re yaya, akkamweio, me isisiwow restricted use pesticide nge rebwe bweibwogh yaar certification mereel DEQ.

8.3 Categories il Commercial Applicators, Private Applicators me Licensed Dealers

8.3.1 Commercial Applicators

Categories il applicators(saabw private) ikka e affat faal.

A. Agricultural pest control

(i) Plant. Category yeel nge e toolong school commercial applicators kka re yaya me supervise yayal pesticide reel prodokktol agricultural crops, e toolong esebwal aighugh reel tobacco, peanuts, cotton, feed grains soybeans me forage; gholay; fruuta ghikkit; torongkkol fruuta me nuts; bwal grasslands me non-crop agricultural lands.

(ii) Maal. Category yeel e toolong commercial applicators kka re yaya me supervise yayal pesticides wool maal, e toolong nge ese bwal aighugh reel milikkewe ghom, beef cattle, dairy cattle, swine, sheep, ghubwayo, sibwa, poultry, me livestock, me lol me igha leliyal maal. Dokktol Veterinary Medicine e lo lol businessil ebwe apply li pesticide reel hire, me re aghuley ngali toulap bwe iir school pesticide applicators, e lo lol large-scale yayal pesticides re toolong lol category yeel.

(B) Forest pest control. Category yeel e toolong commercial applicators kka re yaya me re supervise li yayal pesticide lol forest, forest nurseries, me forest seed product areas.

- (C) **Ornamental and turf pest control.** Category yeel e toolong commercial applicators kka re yaya me supervise li yayal pesticide reel control pests reel maintenance il me prodokktol ornamental trees, shrubs, floris, turf, me e toolong maintenance il resort grounds, golf courses, me green house.
- (D) **Seed treatment.** Category yeel e toolong commercial applicators kka re yaya me supervise li yayal pesticide wool simiya.
- (E) **Aquatic pest control.** Category yel e toolong commercial applicators me supervisors kka re yaya pesticide nge re purposefully apply ngali standing me running water, ese toolong applicators reel mwoghutughut kka public health iye e affat lol section 8.3.1 G.
- (F) **Right-of-way pest control.** Category yel e toolong commercial applicators me supervisors kka re yaya persticides reel maintenance il yaal, dengkki, pipelines, railway, rights-of-way me bwal akkaw.
- (G) **Industrial, institutional, structure me health related pest control.** Category yeel e toolong commercial applicators me supervisors kka re yaya pesticide lol, wool me arol food handling facilities, imwer aramas, institutions, ngare gakko me ispitol, industrial facilities, e toolong warehouses me grain elevators, ma akkaw structures e io arol, public me private, me protection il soled, processed, me manufactured products.
- (H) **Public health pest control.** Category yeel e toolong governmental employees kka re yaya me supervise li yayal pesticides lol public health programs reel management me control il pests nge eyoor medical me public health importance.
- (I) **Regulatory pest control.** Category yeel e toolong governmental employees kka re yaaya me supervise li yayal pesticides reel rebwe control li regulated pests.
- (J) **Demonstration me research pest control.** Category yeel e toolong aramas iye e pomwoli ngali toulap e wei yayal me techniques il yayal pesticides me supervise li demonstration, me aramas iye e ffeeru field research reel pesticides, reel ffeffer kkal, e yaya me supervise li yayal pesticides. E toolong a eewal gurupo, reeel extensioin specialist me county agents, commercial representatives kka re powmoli pesticides products. Me schoo kka re pomwoli methods kka re yaya lol progrommal toulap. A ruuschayil gurupo nge State Federal, commercial me akkaschay aramas kka re ke ffeeru field research me yaya pesticides.

8.3.2 Private Applicators

Inamwo iyo aramas e yááya me supervise yááyal restricted use pesticide propidódol me ngare eghal akkila li nge saabw eschay commercial applicator nge ebwe classified ngare private applicator.,

8.3.3 Licensed Dealer

Aramas iye ekke bweibwoghlong, akkamwelo, isisiwow restricted use pesticide nge rebwe classify ngare licensed dealer me ebwe certified away schagh commercial applicator.

8.4 Standards of Competency

8.4.1 Pesticide safety me education training kka re ayoora lol CNMI e toolong me ese bwal aighugh reel.

- A. labeling
- B. safety factors
- C. awewel weleyor
- D. pest identification me characteristics
- E. tapal pesticides, formulations me dilutions
- F. equipment maintenance me calibration
- G. Isisil, yayal me akkasch lol pesticide me leliyal
- H. pesticide application me techniques
- I. Atiwlighil me aleghul pesticide
- J. Isisil rekkood
- K. worker protection standards, me
- L. bwal akkaw arong kka e nesisitay, e toolong me ese bwal aighugh reel recent updates reel pesticide applications me akkaw wewe.

8.4.2 Examinations

- A. Aramas iye emwuschel ebwe eschay pesticide applicator ngare dealer ebwe abwari ghuleyal wóól written pesticide safety examination.
- B. Passing grade reel witten pesticide safety examination nge fiisigh percent (70%). Examinations me testing nge ebwe toolong general standards kka e applicable ngali alongal categories me bwal akkaw standards kka e specifically identify reel eew me eew category me subcategory igha applicator we ebwe classified. me ngali pesticide me tapal pesticides kka e lo faal vaal aramas we certification.
- C. Examinations nge reghai ayoora ngare re nesisitay; tingorai examination nge ebwe ffeer wool scheel ive re avoora mereel DEQ reel wewe veel.

8.4.3 Determination reel Competency reer Commercial Applicators

- A. General Standards- il Competency
Alongéer applicators rebwe pomwoli ghulever reel principles me practice reel pest control me safe use reel pesticides kka e described me faal.

Testing nge ebwe sangi tappal problema me situations kka e ffil ngali category me ngare subcategory we reel yaal applicator we certification me bwal akkaw areas il competency:

1. **Label me Labeling Comprehension.** Factors kka e toolong general format reel labels me terminology kka re yaya wool pesticide label me labeling; Affal, arongorong, terms, symbols, me akkaw arong kka elo wóól pesticide labels; Classification il product kkal, general me ngare e alugh, me yayal ngare e ffil ngali yaal label.
2. **Safety.** Factors kka e toolong: Pesticide toxicity me hazard ngali aramas me yaal; Tappal pesticides me accidenti kka e common; Precautions kka e nesisitay rebwe afali reel feyengaw reer applicators me bwal akkaschay kka re lo aroi me ngare re taw sangi igha re safeya ; Rebwe yaya protective clothing me equipment, meta kka e abwari bwe re beneno reei pesticide, First Aid me akkaw mwoghutughut kka rebwe atabwey ngare eyoor pesticide accident, me Proper identification, isis, transport, handling, mwoghutughutul mixing me akkasch lol pesticides men leliyal pesticides, e toolong precautions kka rebwe ffeeri reel oighat reel esoobw yoor yaar access ngali pesticides me leliyal pesticides.
3. **A wewel weleyorol reel yaya me yaya ngawey pesticides, e toolong influential factors reel; Weather me climatic conditions; tappal terrain, pwel me akkaw substrate; iigh, wildlife me akkaw non-target organisims; drainage patterns.**
4. **Pests. E toolong factors reel Common features il pest organisms me uiulul reel damage iye e nesisitay reel pest recognition, Recognition rrel relevant pests; me pest development me biology iye emwal ebwe ffil ngali identification il problema me control.**
5. **Pesticides, E toolong factors reel, tappal pesticides, tappal formulations; Meta iye e wewe ngali, synergism, persistence me mwal me ura toxicity il ffeerul. Hazards me residues kka e associated ngali yayal, Factors kka e influence li mamawal me ngare e ayoor ta problemal igha e resistance ngali pesticide; me mwoghutughutul dilution, e toolong calculation il ebwe wel application rate.**
6. **Pisegh, e toolong factors reel: Tappal pisegh ghatchul me aighughul reel eew me eew tappal; me yayal, amweiii me calibration.**
7. **Application techniques, e toolong factors reel: Tappal mwoghutughut iye re yaya ngali ffeerul pesticides, solutions, gas, e schuu fengal me ghuleyal reel meta tappal technique il application ebwe yaya lol eew situation; Relationship il discharge**

me placement il pesticides reel yayal, ese nesesario, ngawal yayal, me atippa bwe ete maal me atchigh lol weleyor.

8. Alongal aleghul local me federóód kkaa e applikka ilól CNMI.

B. Specific Standards of Competency. Applicators rebwe pomwoli bwangir me rebwe qualified reel standards kka faal.

1. Agricultural Pest Control

(a)Úra, Applicators rebwe pomwoli ghuleyer reel ira kka re ffot me tappal pests kkar schelal ura kkal igha rebwe yaya RUPs.

Impotantil competency eghi tumogh reel meta kka e toolong, lappal pesticides re nesisitay, me yayal reel mwungo me feed.

Practical knowledge e nesisita reel probiemai pwei me schaai, pre-harvest intervals, re-entry intervals, phytotoxicity, me emwal ebwe yoor ngawai weleyor, non-target injury me probiema ioi kkomínidod reel yayal restricted use pesticides lol agricultural areas.

(b)Maal. Aramas kka re yaya pesticides wool maal nge rebwe pomwoii ghuieyer reei maai kkai me meta tappai pests kka e schuu ngalir. Practical knowledge ebwe yoor reel specific pesticide toxicity, me residue potential, igha maai kkal nge re yaya reel mwungo. Applicator ebwe bwal ghuley meta relative hazards kka ebwal schuu ngali factors kkal reel, formulation applicators techniques, raghir maal , stress me extend il treatment.

2. Pest Control il leyil Walawal. Applicators rebwe pomwoli ghuleyer reel tappal walawal, forests nurseries, me ffeerul simiya lol Northern Marianas me pests kka e toolong. Ebwe yoor ghuleyer reel cyclic occurrence reel akkaw tappal pests me specific population dynamic ngare basis il reel programming pesticide applications. Ebwal yoor ghuleyer reel relative biotic agents me iffa mama wer reel pesticides kka rebwe yaya. Bwe igha forest stands e toolong aquatic habitats me harbor wildlife, awewel pesticides kka rebwe yaya ebwe weires le rebwe assess li. Appiicators rebwe pomwoii ghuieyer reei controí methods iye ebwe aghitighitativ secondary problems reel unítended effects wool wildlife. Pomwol yayal pisegh ebwe wel, bwe igha emwal ebwe arap ngali meteorological factors me faluw kka arol.

3. Ornamental me Turf Control. Applicators rebwe pomwoli ghuleyer reel problemal pesticide kka e schuu ngali production me maintenance il ornamental trees, shrubs, planting me turf, e

toolong cognizance reel phytotoxicity sangi sooghul tappal plant material, drift, me persistence e alugh sangi tempo we e affat reel pest control. Bwele reel arapal leliyer aramas ngali mwoghutughutul application, applicators lol category yeel rebwe pomwoli ghuleyer rrel application methods kka ebwe aighughu me atipa feyengaw ngalir aramas, maal me akkaw domestic animals.

4. **Seed Treatment.** Applicators rebwe abwari ghuleyer reel tappal simiya kka e nesisitay chemical protection sangi pests me akkaw factors reel seed coloration, carriers, me surface active agents reel influence pesticide binding me emwal ebwe affecta li germination. Rebwe pomwoli ghuleyer reel hazards kka e associated ngali, handling, sorting me mixing, me misuse il treated seed reel introduction il treated seed long lol mwungo me feed channels, me proper disposal simiya kka e treated nge rese yaya.
5. **Aquatic Pest Control.** Applicators rebwe pomwoli ghuleyer reel secondary effects kka emwal ebwe bwel mereel improper application rates, ese wel formulations, me ese wel yayal restricted use pesticides kka re yaya lol category yeel. Rebwe bwal pomwoli ghuleyer reel akkaw tapal yayal schaal me potential downstreat effects. Me, rebwe ghuleyer reel potential pesticide effects wool ura, iigh, paluma, beneficial insects me akkaw organisms kka emwal rebwe lo lol aquatic environment. Applicators kkal rebwe pomwoli ghuleyer reel principles il limited area application.
6. **Right-of-way Pest Control.** Applicators rebwe pomwoli ghuleyer reel soghul tappal weleyor bweigha emwal rights-of-ways nge ebwe toolong lol soghul tappal faluw, e toolong yalil schaal. Rebwe pomwoli ghuleyer reel problemal runoff, drift, me e toolong control measures me procedures, me excessive foliage destruction me ability to target organisms. Rebwe bwai pomwoli ghuleyer reel nature of herbicides me igha rebwe nesisitay rebwe contain li pesticides kkal lol right-of-way areas, me impact il application areas kka e lo arol me kkomunidad.
7. **Industrial, Institutional, Structural me Health Related Pest Control**
 - (a) **General me Structural Pest Control.** Applicators rebwe pomwoli ghuleyer reel soghul tappal pest bwal yaar lifecycle, me bwal tappal formulations kka e ffil ngali yaar control me methods il application bwe ebwe atipa contamination il mwungo me habitat,

me exposure reer aramas me maal. Bweigha human exposure, espesiot ghogho, olight, maal bwobwo, me tuufey, nge eghi sow eew problema, applicators rebwe pomwoli ghuleyer reel specific factors kka emwal ebwe mwet ngali hazardous conditions, me e sobwosobw lo schagh exposure lol akkaw tapal situations kkal lol category yeel. Bweigha health related pest control kkal emwal ebwe sangi outdoor applications, applicators lol category yeel rebwe pomwoli ghuleyer reel environmental conditions kka e wewe ngali mwoghutughut yeel.

(b)Structural me Commodity Fumigation. Lol subcategory yeel, tappal structures e toolong me ese bwal aighugh reel inhabited buildings, containers , bwoot. Applicators rebwe pomwoli ghuleyer reel alegh kka reel fumigant ame fumigation, yayal alegh, basic principles il fumigant use, reer handler me worker safety requirements espesiot reel safety training il pesticides, preventing heat-related illness, reel fumigant labels, efaisul rebwe awevey me atabwey affal wool label me aleghul. Applicators rebwe pomwoli ghuleyer reel hazards kka sangi yayal fumigant me atipa human exposure, environmental contamination, off-site movement;drift, me phytoxocity, reel safe fumigant handling practices, proper PPE selection, yayal me afalil, me responding fumigant emergencies. Applicators rebwe pomwoli ghuleyer reel proper fumigant application procedures, afil me yayal application me pisegh me yaal calibration iye e ffil, me bwal akkaw hazards me safe use practices.

(c) Fumigation il pwel. Applicators rebwe abwari ghuleyer reel core requirements reel yayal fumigant me fumigation alegh, me atiwlighil, basic principles reel yayal, handler me worker safety requirements espesiotmenti safety training-il pesticide, preventing heat-related illness, reel fumigant labels, efaisul rebwe awevey me atabwey affal wool label me aleghul. Applicators rebwe pomwoli ghuleyer reel hazards kka sangi yayal fumigant me atipa human exposure, environmental contamination, off-site movement;drift, me phytoxocity, reel safe fumigant handling practices, proper PPE selection, yayal me afalil, me responding fumigant emergencies. Applicators rebwe pomwoli ghuleyer reel proper fumigant application procedures, afil me yayal application me pisegh me yaal calibration iye e ffil, me bwal akkaw hazards me safe use practices.

8. Public Health Pest Control. Applicators rebwe pomwoli ghuleyer reel impotantil pests reel public health, vector-disease

relationship me etiology rel disease-host relationship, igha ssoghul tapelal pest rebwal toolong, pests kka rebwe ghuley me rekkonisa li mereel public health control applicators, me yaar life cycles me habitats rebwe ghi ghuley ghatchuw. Applicators kka rebwe mataf reel sooghul tapelal kkonditionil weleyor sangi saschugh ngali dwellings. Rebwe ghuley reel non-chemical control methods reel sanitation, waste disposal, me drainage. Applicators rebwe pomwoli ghuleyer reel regulated pests, alugh kka e ffil ngali quarantine me bwal akkaw atiwlighil pests, me impact wool weleyor reel restricted use pesticides kka re yaya reel suppression me eradication programs. Rebwe pomwoli ghuleyer reel factors kka e influence li introduction, spread, me population dynamics il pest kka e ffil.

9. **Regulatory Pest Control.** Applicators rebwe pomwoli ghuleyer reel alugh kka e ffil, safety, regulated pest, pesticide me impact il restricted use introduction, spread, me population dynamics kka e ffil ngali pest kkewe. Applicators rebwe pomwoli ghuleyer nge ebwe laap sangi meta iye e required bweigha yaar immediate duties igha emergency measures nge e nesisitay me individual judgemetns lol situations kkal nge ebwe ghal ffeer.
10. **Pomwol me Research Pest Control.** Aramas iye e abwungur safe me effective use il pesticides ngalir akkaschey applicators me toulap re expectali be ebwe meet li comprehensive standards kka ebwe reflect li broad spectrum il yayal pesticides. Eghis ssogh tapelal problema kka emwal rebwe schuungi lol course il activities kkal iye e ffil ngali pomwol, ghuleyer reel problema, pests, me population level kka e ffil lol eew me eew demonstation situation nge e nesisita. Rebwe bwal pomwoli yaar weweyti pesticide-organism interaction me impotantil intergrating pesticide me akkaw methods. Applicators kka re ghal ffeeru demonstration il pest control work, ffeerul field research me method improvement work reel RUPs nge ebwe yoor ghuleyer reel alongal general standards kka e ischitiw lol 8.4.3 A. Bwal toolong, rebwe bwal ghuley specific standards kka lol section 8.4.3 B igha emwal ebwe bwal applicable ngaly mwoghutughut we.
- C. **Specific Standards of Competency.** Private applicators rebwe pomwoli bwe eyoor ghuleyer reel problemal pest kka e schuu ngali yaar agricultural operations. Private applicators nge rebwe
 1. **Rekkoniza li common pests kka rebwe controlled me damage kka re ffeeru.**

2. Areghi me kkomprendi label me yaal affal, e toolong, ital pesticides iye e yaya, pest(s) kka rebwe control li, outol, me methods il application, safety precautions, pre-harvest me ngare re-entry alugh, me mwoghutughutul akkasch lo.
3. yaya pesticides nge rebwe atabwey afal me arong wool label, e toolong bwangil yaar rebwe mwel le ffeeru proper concentration il pesticide iye rebwe yaya faal eew particular circumstances reel leli iye rebwe yaya me lapal lol eew period of operation.
4. Rebwe rekkoniza li weleyor outol rebwe yaya bwe ete yoor contamination.
5. Rebwe rekkoniza li poisoning symptoms me procedures ngare eto bwe eyoor pesticide accident.

D. **Specific Standards of Competency.** Licensed Dealers nge rebwe pomwoli bwal akkaw bwangir me ghuleyer reel, e toolong nge ese bwal aighugh reel.

1. pesticide legislation, alegh me guidelines
2. safety me toxicology
3. akkasch lol
4. isisil me transportation
5. Effects wool maal, ura, weleyor, iigh, me wildlife
6. factors kka e affecta li yayal pesticides
7. classification me formulations il insecticides
8. fungicides, herbicides, me bwal akkaw pesticides me yayal
9. Faal
10. recommendations il yayal pesticides; me
11. poisoning symptoms me mwoghutughutul iye rebwe attabwey re eyoor accidental pesticide.

8.5 Application Forms, Duration me Renewals

8.5.1 Application il certification reel pesticide applicator me licensed dealer nge ebwe ffeer ngali Direkktood wool scheel la re ayoora reel wewe yel.

8.5.2 Lalayil Certification me Renewals

- A. alongal certification nge ebwe valid lol outol eluuw(3) ragh sangi ralil we e isisiwow me ngare be emwutukkay lo be re suspended me revoked mereel direkktood.
- B. Application il renewal nge ebwe ffeer ngali direkktood wool scheel la re ayoora reel wewel yeel.
- C. Emwal applicants rebwe renew li yaar certification reel rebwe taabwey continuing education (CE) units. kka e ffil ngali yaar category , iye re

ayoor a mereel U.S. state me ngare territory, renewals sangi classes kkal nge emwal rebwe kkonsiderali ngare applicant we e bweibwogh CE units durantil outol certification lol category iye e wewe ngali me ngare ekke ghuta.

- i. Commercial applicators nge rebwe bwughi minimum reel seigh me ruwoow (12) continuing education units reel renewal il yaal certification.
 - ii. Private applicators nge rebwe bwughi minimum reel oloow (6) continuing education units reel renewal il yaal certification.
- D. Ngare e tooto bwe applicator we esemwel ebwe tabwey CE units, e debi bwe ebwe pass li eew examination iye e wewe ngali tapal e required reel renewals reel certification reel igha ebwe asiguru lib we e meet li requirements il liwelil technology me ebwe asiguru lib we ebwe sobwey lo level il competency me bwangil reel yayal pesticides safely me properly.
- E. Ngare e tooto bwe applicant emwuschei ebwe appascha ngali me ngare liweli yaal certification category ebwe pass li me pomwoli competency lol mil ffe category.

8.6 Standards reel Supervisory il Non-Certified Applicators mereel Certified Applicators
Eschay non-certified nge e lo faal lemelemil eschay certified applicator emwel ebwe apply general use pesticide lol wewe iye ebwe require li application mereel eschay certified applicator. Ngare eyoor me active supervision reel certified applicator ebwe ngali schaagh hazard il situation we me yayal pesticide. Non-certified applicator nge ebwe yaya schaagh restricted use pesticides faal amwelil certified applicator iye ebwe lo reel leli we. Responsibiliidoodii yayal general me ngare restricted use pesticide nge ebwe io reei non me certified applicator kkewe.

8.7 Reciprocity ngaliir akkaw Jurisdiction me Temporary Certification

Direkktood emwal ebwe isisiwow temporary certification ngali eschay aramasz iye eyoor yaal valid pesticide applicator's certification mereel eew state me ngare territory il United States me bwal state plan iye re apreba li. Temporary certification nge ebwe lo reel lol lalayil outol underlying certification e valid.

8.8 Extension, Denial, Suspension me Revocation, me Appeal

- 8.8.1 Ngare direkktood e detetmina li be e nesisita eew tapai pesticide applicator me lol ghatchul interes il CNMI, emwal ebwe extendi li lo validity il temporary certification. Iischil application reel temporary certification me ebwe ffeer ngali direkktood wool scheel iye re ayoor reel awewe yeel. Temporary certification ebwe aighugh ngali tapal me category il pesticide iye rebwe yaya me igha

applicant e certified lol akkaw state me ngare territory. Ngare faal akkaw bwulul, direkktood emwal ebwe rekkonisa li, eew temporary pesticide applicator certificate nge ebwe non-renewable.

- 8.8.2 Direkktood emwal ebwe deny li, suspend, me revoke li certicate me ebwe ayoora criminal/me civil penalties reel yaya ngaw il pesticide me rekkood kka ese wel kka rebwe isis mereel certified applicator.
- 8.8.3 Direkktood emwal ebwe deny li certification ngali
- A. aramas iye yaal certification e suspended me revoked.
 - B. aramas iye re chungu be a atay aleghul atiwligh kkal.
 - C. aramas iye ese pass li yaal proficiency test.
 - D. aramas iye ese obwossu fees.
- 8.8.4 Certification kka re isisiwow sangi peigh yeel nge rebwe amwari reel suspension me revocation mereel direkktood ngare eyoor condition-il certificate me atiwligh kka re violate li, me ngare criminal conviction faal section 14 (b) igha re amendaali FIFRA, final order iye re impose li civil penalty faal Section 14 (a) re amendaali FIFRA, me ngare CNMI enforcement action.
- 8.8.5 Aramas iye rese ngaley certification sang part 8.8 me ngare yaal certificate re suspended me revoked li emwal ebwe tingorey DEQ ebwe asangi lo denial , suspension, revocation sangi mwoghutughutul Administrative Procedure Act, 1 CMC §§9101, et seq. Mangamangil direkktood lol iisch wool mwoghutughut yeel nge ebwe le iwe schaagh nge appeal nge ebwe yoor me atabwey laay.

8.9 Obwoss

- 8.9.1 Aramas iye emwuschel ebwe bwughi examination reel ebwe bweibwogh yaal certification mereel Division of Environmental quality nge ebwe obwossu seigh dolla (\$10) non-refundable fee.
- 8.9.2 Commercial applicators rebwe obwossu limeigh dollar (\$50) reel processing il application.
- 8.9.3 Private applicators rebwe obwossu seigh dolla (\$10) non-refundable reel processing il application.
- 8.9.4 Obwossul Government Applicators nge emwal ebwe waived, ngare be Applicator we e yaya application reel Government projects.
- 8.9.5 Restricted use pesticide dealers nge rebwe obwossu fee reel limeigh dollar (\$50) reel processing il application.

8.9.6 Alongal renewal il certification (commercial applicator, private applicator, RUP dealer) rebwe obwossu processing fee kka re ayoora.

Part 9 LISTAL ALONGAL PESTICIDES KKA E BANNED ME RESTRICTED ME ARONGOL LIWEL LOL STATUS

9.1 Pesticides kka re aleghu

DEQ emwal ebwe aleghu yayal pesticide ngare e weeri be ebwe angawa limilimil aramas me weleyor. Ngare DEQ e detitminali bwe eew pesticide nge eew Ristricted Use Pesticide ("RUP"), yayal nge e aighugh ngali certified applicators reel alongal, igha e ititiw lol Part 8. Yaar responsabilidod applicators bwe rebwe detitminali ngare pesticide nge eew RUP faal alegh kka. Ngare yayal pesticide nge e alughu mereel U.S. EPA, ebwe kkayil eew RUP faal section yeel, inamwo ngare pesticide we e lo wool lista la elo reel direkktood. Ngare eyoor conflict reel status il lista reel pesticide, meta e maas ghi stringent classification rebwe atabwey.

9.2 Banning il Pesticides

DEQ emwal ebwe prohibit li bweibwoghlongol, akkamwelo, isisiwowul, me yayal pesticide me prohibit li yayal eew tappal pesticide ngare yayal nge ebwe angawa human health me weleyor. Reel bwulul kkal, atiwligh, me pisegh kka e suspended me cancelled mereel EPA me ngare registrant faal FIFRA ebwe ayuwlo yayal inamwo ngare e lo wool lista ree Direkktood me bwulasiyol DEQ. Ngare eyoor fitighoghol status il pesticide, meta ye eghi maas stringent classification rebwe atabwey.

9.3 Arongorong reel liweliil Status

Direkktood ebwe isali listal pesticides kka e alugh mereel DEQ lol CNMI lol bwulasiyool DEQ me wool Seipel, nge ebwe lo me ebwe updated, ngare eyoor fitighogho, resabw atabwey listal restriced use pesticides kkewe mwal. Ngare eew pesticide kkewe e alugh rebwe apascha me ngare asiwlo mereel listal CNMI, DEQ ebwe isisiwow arongorong lol local newspaper me DEQ website.

Saabw yaal responsabilidod DEQ bwe ebwe aronga ngali toulap bwe EPA me ngare registrant ra ayuwlo yayal eew tapalal pesticed me ngare ra afeli bwe restricted use. Ngare ese ghow arong nge esabw eew defense ngare eyoor action sangi DEQ.

9.4 Responsibilidood-il Applicators/Dealers/Importers

Responsibilidood-il aramas kka re yaya, isisiwow, akkamwelo, me bweibwoghlongol pesticides bwe rebwe mataf reel yaal current status pesticide we faal FIFRA mwal rebwe yaya, isisiwow, akkamwelo, me bweibwoghlongol.

Bwal lapalol yaal responsabilidod aramas iye e yaya, isisiwow, me ngare akkamwelo, bweibwoghlolong pesticides bwe rebwe metaf reel yaal current status il pesticide we faal Lay il CNMI mwal rebwe yaya, isisiwow, akkamwelo me bweibwoghlolong.

9.5 Experimental Use Permits

Experimental Permits reel yayal Pesticides nge emwal rebwe yaya ngare schaagh bwe eyoor permit mereel EPA igha e nesisitay faal FIFRA § 5 40 CFR Part 172 Subpart A (igha emwal ebwe amenda), me ebwe bwal bwungubwung mereel DEQ.

Part 10 ENFORCEMENT ME PENALTIES

10.1 Pomwol féffér

Emwal Direkktood ebwe amamawa alesh kkal lol Chapter yeel reel ebwe ayoora administrative action, me tingor rebwe bwuluw eew civil me criminal case lol Commonwealth Imwal Awewe sangi Commonwealth Environmental Protection Act, 2 CMC § 3131.

10.2 Inspections

10.2.1 Lol facilidood iye pesticides re bweibwoghlolong, akkamwelo, yaya, isis, transported me ngare akkaschlo, Direkktood me ngare layul aramas iye e afeli emwal ebwe ayoora inspection, toolong lol bwuley we, amwari rekkood, me bweibwogh samples sangi mwoghutughutul 2 CMC § 3132 reel ebwe amamawa alesh kkal reel ebwe afali limilimil iligh me weleyor il CNMI.

10.2.2 Direkktood emwal ebwe isisiwow reel iisch me ngare printed "stop sale, use or removal ngali aramas iye e yali, lemelem, me e amwuschu eew misbranded pesticide, mwuril ra risibili arong yeel, esoor aramas iye emwal ebwe akkamwelo, yaya, me asuwlo pesticide iye re affata lol order ngare schagh re atabwey ngali provisions il order.

10.3 Administrative Orders

Direkktood emwal ebwe isisiwow administrative order me ebwe ayoora administrative action, reel ebwe ayoora remedial action me isisiwowul penalties sangi lol 2 CMC § 3131.

Mwoghutughutul Administrative nge rebwe feeru sangi Administrative Procedure Act, 1 CMC §§ 9101 et seq.

Mwoghutughutul Administrative Orders

10.3.1 Direkktood emwal ebwe isisiwow me order li aramas ebwe obwossu civil fine nge esabw laap sangi \$25,000.00 reel eew alugh rese atabwey. Atiwligh kka re adaptaali sangi Act yeel, me permit me license re isisiwow sangi mwoghutughut

yeel me atiwlich kkal. E raal igha e sobwosobwlo violations kka igha ra takkal isisiwow arong reel iisch mereel Direkktood me ngare malle e afili me expiration il corrective action period nge bwal eew offense.

10.3.2 Direkktood emwal ebwe bwuluw administrative action, respondent emwal ebwe tingor administrative hearing lol fisuuw (7) calendar days igha e risibi li order. Ischil tingor reel hearing nge a fis bwe opil ngali yaal DEQ administrative order me ngare complaint. Tingorol hearing me ngare "answer" ebwe affata, admiti li, deny, me awewey eew factual allegations kka elo lol complaint igha respondent we e ghuley. Ngare respondent we esoor ghuley reel eew factual allegations iwe allegations kkewe ebwe denied. Palawal ebwe bwal ira

- (i) Circumstances me awewe kka re allege lil me grounds of defense me
- (ii) facts kka responded emwuschel bwe ebwe lo bwe issue.

10.3.3 Ngare rese admiti-li, deny, me awewey material factual allegations kka e lo lol complaint nge ebwe ffeer bwe a admitili allegations kkal. Apalawal lol kkepas emwal reel outol hearing ngare eyoor tingor.

10.3.4 Respondent emwal ebwe tingor informal settlement conference. Informal settlement conference nge ese bwal affectali obligational respondent ebwe file li tingorol hearing. Ngare e yoor settlement reer patida iwe rebwe afanga eew pomwol consent order ngali direkktood reel ebwe apreba li.

10.3.5 Ngare re kkondukta li hearing, direkktood me ngare iyo e afali ebwe amweli hearing. Direkktood ebwe lemelem reel bweibwoghil testimony me evidence me ebwe ayoora audio, audio-video, me ngare stenographic rekkod il hearing. Tapal rekkod iye e ffeer nge ebwe lo faal lemelemil direkktood. Evidence kka re presentali reel hearing nge ese bwal nesisita ebwe attabwey alughul evidence, nge emwal ebwe aighugh sangi direkktood lol mwoghutughut iye e deteminali bwe a iwe e ffil me a iwe le sobwolol awewe. Direkktood ebwe isisiwow iischil yaal mangemang lol seigh me limwow (15) rallil angang me sobwolol enforcement hearing. Disision ebwe toolong me ebwe iischi weriyer reel facto me conclusion laay. Standard me proof il hearing me disision nge lo wool preponderance of evidence.

10.3.6 Ngare ra isisiwow iischil mangemang, respondent emwal ebwe ghuta relief sangi disision il direkktood. Tingorol relief rebwe file li lol seigh(10) rall mereel rallil we re isisiwow disision. Tingor ebwe affata specific objections ngali disision we. Esoor bwungul reel rebwe review me ngare rehearing mwal direkktood. Emwal direkktood ebwe review li cases me isisiwow mangemang reel ebwe amenda me ngare aleghu yaal disision ngare e tipeli. Ebwe isisiwow yaal ischil disision lol eliigh(30)rallil lol kkalendario

10.3.7 Disision il direkktood nge a iwe schagh. Appeal sangi final enforcement disision nge ebwe ngali Commonwealth Superior Court lol eliigh (30) calendar days mwuril service il yaal agency final disision.

10.3.8 Reel filing deadline , paapal rall ebwe bwel wool ralil we mwuril ra resibi li administrative order me ngare complaint, ngare ralil filing e pung wool Soobwal, Ghubwul me ngare Commonwealth holiday, ralil filing nge ebwe extendi ngali ráll la mwuril.

10.4 Seizures

Direkktood emwal ebwe amwuchulo pesticide kka e banned, adulterated, misbranded me rese registerli igha e atay alughul atiwligh kkal, ngare pesticide ebwe angawa public welfare me weleyor, emwal ebwe ffeeru mwoghutughut kka e ffil mereel alugh bwe ebwe atipa feyengaw ngali limilimil iligh me ngare welfare.

10.5.2 Penalties

Aramas iye e attay alugh me ese mwuschel ebwe attabwey provisions il atiwligh kkal lol Chapter me certification, standard, arong, permit, order re isisiwow mereel Direkktood-il Division nge rebwe amwutali ikka e affat lol 2 CMC §3131.

PART 11 APPLICATION IL LAAY

Ngare eto bwe eyoor fitighogho reel legally applicable standards, , meta iye eghi maas eghi stringent ebwe aplikka.

PART 12 SEVERABILITY

Ngare eyoor part, section, paragraph, sentence, clause, phrase, me ngare application il alegh kkal re deklaro li bwe e unconstitutional me ese valid reel mangemang mereel eschay aramas iye e competent, lusul me ngare akkaw application reel alegh me atiwligh kkal esabw pwal inaffectali.

**Commonwealth of the Northern Mariana Islands
Marianas Visitor's Authority**

Perry John P. Tenorio, Managing Director

Marianas Visitors Authority

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**PUBLIC NOTICE OF PROPOSED PERSONNEL RULES AND REGULATIONS
WHICH ARE NEWLY ADOPTED PERSONNEL RULES AND REGULATIONS OF
THE MARIANAS VISITORS AUTHORITY**

INTENDED ACTION: TO ADOPT THESE PROPOSED RULES AND REGULATIONS. The Commonwealth of the Northern Mariana Islands' Marianas Visitors Authority ("MVA") intends to adopt as permanent regulations the attached Proposed Rules and 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))

AUTHORITY: The Marianas Visitors Authority is empowered by the Legislature through Public Law 11-15 to adopt personnel rules and regulations for the administration and enforcement of personnel matters within the MVA.

THE TERMS AND SUBSTANCE: These Rules and Regulations provide regulatory guidance to MVA and its employees regarding the full range of personnel management and benefit matters.

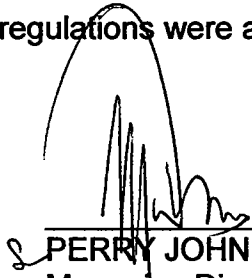
THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations establish rules and regulations governing the selection, promotion, performance evaluation, demotion, suspension, dismissal, grievance, appeal and other personnel administrative and disciplinary rules for employees of the MVA.

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 center and in local government offices in each senatorial district, with this notice provided both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to Perry John P. Tenorio, Attn: New Personnel Rules and Regulations, at the above address, fax or email address, with the subject line "New Personnel Rules and Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the MVA Board of Directors on February 07, 2013.

Submitted by:


PERRY JOHN P. TENORIO
Managing Director


7/25/13
Date

Received by:


ESTHER S. FLEMING
Governor's Special Assistant for Administration

7/26/13
Date

Filed and Recorded by:

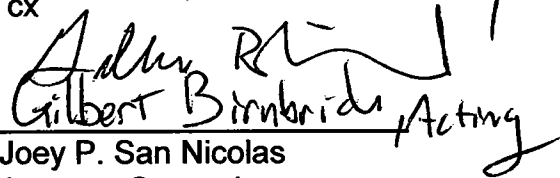

ESTHER M. SAN NICOLAS
Commonwealth Register

7-26-2013
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (requirement to 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, in accordance with 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 26th day of July, 2013.

CX


Joey P. San Nicolas
Attorney General

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS SIHA

Marianas Visitor's Authority

Perry John P. Tenorio, Managing Director

Marianas Visitor's Authority

P.O. Box 500861

Saipan, M.P. 96950

Numirun Tilifon: 670-664-3200/3201 Numirun Fax: 670-664-3237

ptenorio@mymarianas.com

**NUTISIAN PUBLIKU GI MANMAPROPONI NA AREKLAMENTU YAN REGULASION PERSONNEL SIHA
NI NUEBU NA MANMA'ADAPTA GI MARIANAS VISITOR'S AUTHORITY**

I AKSION NI MA'INTENSIONA: PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA. I Commonwealth gi Sangkattan na Islas Marianas ' Marianas Visitor's Authority ("MVA") ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Areklamentu yan Regulasion siha, sigun i manera gi Aktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi halum dies(10) dihas dispues di compliance yan i 1 CMC §§ 9102 yan 9104 (a) pat (b). (1 CMC § 9105(b))

ATURIDAT: I Marianas Visitor's Authority nina'i fuetsa ni Leyislatura kontra i Lai Publiku 11-15 para u adapta i areklamentu yan regulasion personnel siha para i atministrasion yan enforcement i maneran personnel siha gi halum i MVA.

I TEMA YAN SUSTANSIAN I PALABRA SIHA: Esti i Areklamentu yan Regulasion siha ha pribeniyi ni regulatory guidance para i MVA yan i emple'ao-ña siha sigun gi full range of personnel management yan maneran binifisiu siha.

I SUHETU NI MASUMARIA YAN ASUNTU NI MANTINEKKA: Esti i areklamentu yan regulasion siha ha istapblesi areklamentu yan regulasion siha ni ginibebetna i sileksion, promotion, performance evaluation, demotion, suspension, dismissal, grievance, appeal yan ottru na personnel administrative yan disciplinary na areklamentu para i emple'ao MVA siha.

DIREKSION PARA U MAPO'LU YAN MAPUBLIKA: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi halum i seksiona ni maproponi yan nuebu na ma'adapta i regulasion siha (1 CMC § 9102(a)(1)) yan mapega gi kumbinienti na lugat siha gi halum i civic center yan gi halum ufisinan gubietnamentu siha gi kada distritun senadot, yan esti na nutisia ni mapribeniyi parehu English yan i dos na lingguahin natibu. (1 CMC 9104(a)(1))

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hãnao pat intrega i upiñon-mu guatu gi as Perry John P. Tenorio, Attn: Nuebu na Areklamentu yan Regulasion Personnel Siha, gi sanhilu' na address, fax pat email address, yan i rãyan suhetu "Nuebu na Areklamentu yan Regulasion Personnel Siha". Todu upiñon siha debi na u fanhãlum trenta(30) dihas ginin i fetchan publikasion esti na nutisia. Put fabot na'hãlum i upiñon, imfotmasion pat testimoñon kinentra siha. (1CMC 9104(a)(2))

Esti i manmaproponi na regulasion siha manma' aprueba ni MVA Kuetspun Direktot siha gi Fibreru 07, 2013.

Nina'hãlum as:


PERRY JOHN P. TENORIO
Managing Director

7/25/13

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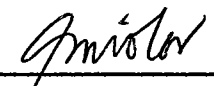
Rinisibi as:


ESTHER S. FLEMING
Ispisiãt Na Ayudãnti Para Administrasion Gubietnu

7/26/13

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Pine'lu yan
Ninota as:

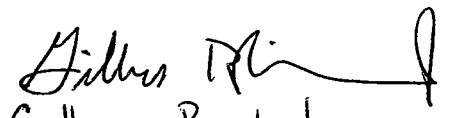

ESTHER M. SAN NICOLAS
Rehistran Commonwealth

7.26.2013

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Sigun i 1 CMC § 2153(e) (Inaprueba iAbugãdu Henerãt gi regulasion siha na para u macho' gui kumu fotma) yan 1 CMC § 9104(a)(3) (dinimãnda para u henta i inaprueban Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma' aprueba kumu fotma yan sufisienti ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, gi sigun gi 1 CMC § 2153(f) (pubplikasion areklamento yan regulasion siha).

Mafetcha gi diha 26th di July, 2013.


Gilbert Brinkich, Acting
for Joey P. San Nicolas
Abugãdu Henerãt

Pãhina 2

Commonwealth of the Northern Mariana Islands
Marianas Visitor's Authority
Perry John P. Tenorio, Managing Director
Mariana Visitor's Authority
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Saipan, MP 96950
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ptenorio@mymarianas.com

ARONGORONGOL TOULAP REEL POMWOL ATIWLIGH KKA E FÉÉ IKKAA RE ADÁPTÁALI REEL MARIANAS VISITORS AUTHORITY

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMWOL ATIWLIGH KKAAL: Commonwealth of the Northern Marianas Islands' Marianas Visitors Authority ("MVA") e mweschel ebwe adaptáali me aleghú ló atiwlich kkaa e apasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative Procedure Act, 1 CMC §9104(a). Atiwlich kkaal ebwe bwunguló 10 ráal mwiril yaar atabwey 1 CMC §§9102 me 9104(a) ngare (b) (1 CMC§9105(b)).

BWÁNGIL: Marianas Visitors Authority e bwughi bwángil sangi Public Law 11-15 ebwe adaptáali atiwlich kkaal reel pomwal me amamawal personnel loll MVA.

KKAPASAL ME AWEWEEL: Atiwlich kkaal nge ebwe ayoora regulatory guidance ngali MVA me layur school angaang reel alongal aweewe reel personnel management me benefit.

KKAPASAL ME ÓUTOL:Atiwlich kkaal e ayoora alleghúl me regulations reel affil, sáásár, performance evaluation, demotion, ayúwól, atowowul, grievance, appeal me bwal akkaw tapelal personnel administrative me disciplinary rules reer school angaang il MVA.

AFAL REEL AMWELIL ME ARONGOWOWUL:Pomwol Atiwlich kkaal ebwe appasch lól Commonwealth Register llól section proposed and newly adopted regulations (1 CMC § 9102(a)(1)) me ebwe appasch llól bwuley kka civic center me llól bwulasiyoo llól eew senatorial district, reel arong yeel ebwe llól kkapasal English, Remeralis, me Refaluwasch. (1 CMC § 9104(a)(1)).

ATOTOOLONGOL MWALIILI: Afanga ngare bwughiló yóómw mángemáng reel Perry John P. Tenorio Attn: New Personnel Rules and Regulations reel address iye weilang ngare fax ngare email address, me subject line "New Personnel Rules and Regulations". Isisilongol mángemáng nge ebwe llól 30 raal sangi raalil iye e appasch arongorong yeel. Isalilong yóómw data, mángemáng me angingi. (1 CMC § 9104(a)(2))

Isáliiyalong:


PERRY JOHN P. TENORIO
Managing Director

7/25/13
Ráil

Mwir Sángi:


Esther S. Fleming
Special Assistant for Administration

7/26/13
Ráil

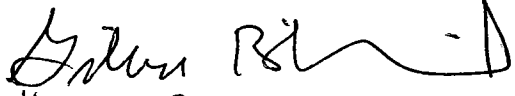
Amwel Sángi:


Esther M. San Nicolas
Commonwealth Register

7.26.2013
Ráil

Sángi 1 CMC § 2153(e) (Allégh kkaal a lléghló sángi AG bwe e fil reel ffeerúúl me 1 CMC § 9104 (a) (3))mwir sángi AG) Pomwol atiwligh kkaal a appaschlong a takkal amwuri fiischiy, me anguungú ló ffeerúúl me legal sufficiency sángi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh kkaal.

Raalil iye 26th wóol July, 2013


Gilbert Binkowski, Attorney
for Joey P. San Nicolas
Attorney General

Marianas Visitors Authority
Personnel Regulations

Marianas Visitors Authority

Personnel Regulations

**Marianas Visitors Authority
Personnel Regulations**

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**Marianas Visitors Authority
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**PART 100
Introduction**

Subpart A: Purpose and Scope

§ 101 Purpose

These regulations implement Section 14 of Public Law 11-15 and subsequent amendments thereto, which authorize the Marianas Visitors Authority (MVA) to establish rules and regulations governing the personnel policies and processes of the Authority that will establish a positive and fair work environment to further the accomplishment of the MVA Mission.

§ 102 MVA Mission Statement

The MVA has established the following Mission Statement to guide it in its efforts on behalf of the Commonwealth:

To promote and develop the Northern Mariana Islands as the premiere destination of choice for visitors from throughout the world while providing a maximum quality of life for our people. We nurture and encourage cultural interchange and environmental sensitivity for visitor's enjoyment and for our children's children.

§ 103 Policy

It is hereby declared to be the policy of these regulations to establish a system of personnel administration within the MVA that is based on merit principles and generally-accepted management methods to govern the employment actions and processes for the employees of the MVA.

- (a) It is also declared to be the purpose of these regulations to develop a personnel system which will attract, select, and retain the best-qualified employees on merit, who shall hold their positions free from coercion, discrimination, reprisal, or political influences, with incentives in the form of genuine opportunities for promotion within the MVA, and to provide competent and loyal personnel to render impartial service to the public at all times according to the dictates of ethics and morality.
- (b) In order to achieve this purpose, it is declared to be the policy of the Marianas Visitors Authority that the personnel system hereby established be applied and administered in accordance with the following merit principles:
 - (1) Equal opportunity for all, regardless of race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, disability, sex, religion, age, sexual orientation, veterans status or similar matters not related to individual merit and fitness.;
 - (2) Impartial selection of the most able person for government service by means of selection processes which are fair, objective, and practical;
 - (3) Just opportunity for competent employees to be promoted within the MVA;
 - (4) Reasonable job security for the competent employee;

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- (5) Systematic classification of all positions and personnel through adequate job descriptions and periodic performance evaluations;
- (6) Fair and practical grievance and complaint procedures for all employees; and
- (7) Flexibility in employer-employee relations to achieve and maintain a well-trained, productive and happy work force.

§ 104 Coverage

- (a) These regulations apply to all employees and positions now or hereafter established in the Marianas Visitors Authority of the Commonwealth Government and all personnel services performed for the MVA.
- (b) Some provisions of these Regulations will vary for employees in the following employment status:
 - (1) Key positions filled by Appointment or Contract;
 - (2) Persons or organizations retained by contract where the Managing Director has certified that the service to be performed is special or unique and nonpermanent, is essential to the MVA's interest, and that because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such services through normal public service recruitment procedures;
 - (3) Positions of a temporary nature needed by the MVA, where certified by the Managing Director and when the need for the same does not exceed ninety (90) days;
 - (4) Any position involving intermittent performance which does not require more than forty (40) hours in any one (1) month;
 - (5) Positions of part-time nature requiring the services of four (4) hours or less per day but not exceeding one (1) year in duration;
 - (6) Positions of temporary nature which involve special projects having specific completion dates which shall not exceed one (1) year.
- (c) The Managing Director shall determine the applicability of this section to specific positions not expressly covered by this Section.

§ 105 Scope

These regulations cover nearly all aspects of personnel management and administration, and include but are not limited to development and promulgation of personnel policy, staffing, position classification, employee relations, employee development and training, employee benefits and services, incentives and awards, performance evaluation, employee health service, employee safety and accident prevention, labor-management relations, personnel management program evaluation, and records and reports. Each of the foregoing elements is presented in detail in subsequent parts of these Regulations.

§ 106 Eligibility for Employment

It is the policy of the MVA that the personnel system shall be applied and administered according to the principle of equal opportunity for all persons regardless of race, creed,

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color, ancestry, membership in a labor organization, political affiliation, place of origin, disability, sex, religion, age, sexual orientation, veterans status and similar matters not related to individual merit and fitness.

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**Part 100
Introduction**

Subpart B: MVA Personnel Management Responsibilities

§ 110 Personnel Management

Personnel management is the responsibility of all MVA executives, managers and supervisors who direct the work of others.

- (a) The Managing Director, with the assistance of the MVA Administrative Officer, has the specific responsibility to plan, develop and implement programs and procedures which give effect and meaning to the laws of the Commonwealth, vis-a-vis the MVA workforce, giving due consideration to the changing needs of the MVA's programs and personnel needs.
- (b) It is the policy of the MVA to continuously promote improved management-employee relations, human relations and communications, and satisfying work conditions in order to provide all employees the opportunity to satisfy their needs for recognition, a sense of personal worth, and personal achievement.

§ 111 The Managing Director

The provisions of this regulation shall govern the administration of the MVA personnel management system. Subject to this regulation and both federal and Commonwealth employment-related laws, the Managing Director shall:

- (a) Be appointed by and serve at the pleasure of the MVA Board of Directors;
- (b) Receive such salary and benefits as approved by the MVA Board of Directors and otherwise authorized by statute;
- (c) Direct and supervise all administrative and technical personnel activities of the MVA;
- (d) Oversee the administration of the system of personnel administration for the MVA;
- (e) Act for the MVA Board of Directors in the exercise of its appointing authority under Public Law 11-15;
- (f) Advise the MVA Board of Directors on all matters concerning personnel management and administration, and employee training;
- (g) Formulate and recommend to the MVA Personnel Committee policies and regulations needed to carry out the MVA's personnel management responsibilities;
- (h) Encourage and exercise leadership in the development of effective personnel administration practices within the MVA;
- (i) Perform other tasks and duties required by the position or as assigned by the MVA Board of Directors.

§ 112 The MVA Administrative Officer

The MVA Administrative Officer will provide the administrative and personnel support to management staff and employees of the MVA. The Administrative Officer will:

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- (a) Foster and develop, in cooperation with management officials, programs to promote effective personnel management, improve employee efficiency, and increase employee productivity;
- (b) Develop and maintain an adequate position classification and compensation plan;
- (c) Administer recruitment and selection programs and determine when employees meet specific job qualification requirements;
- (d) Provide advice and assistance to management on matters of employee discipline and grievance and appeal procedures;
- (e) Assist employees and management in the resolution of employee-management problems;
- (f) Develop or arrange training programs to elevate employee skills and increase employee productivity;
- (g) Establish and maintain records of all MVA personnel, maintaining archived records for former personnel;
- (h) Interpret and administer this regulation; and
- (i) Perform any other activities deemed necessary to assure effective implementation of the MVA personnel management system.

§ 113 The MVA Personnel Committee

The MVA Personnel Committee represents the fair and objective interests of both the MVA and its employees in matters concerning the MVA personnel management system. Subject to the provisions of this regulation and applicable federal and Commonwealth employment laws, the Committee shall:

- (a) Ensure the establishment and maintenance of a comprehensive personnel management plan and personnel regulations for the smooth and effective operation of the MVA;
- (b) Provide advice and assistance on personnel management issues referred by the Managing Director;
- (c) Hold hearings and decide appeals of employees for disciplinary actions, for suspensions of more than three working days, demotions and dismissals from the MVA. The Committee may utilize the services of qualified hearing officers or other professionals where such services are deemed essential by the Committee. Hearings shall be public except when the appealing employee requests a closed hearing;
- (d) Require the presence of witnesses and/or documents in any matter pending before the Committee; and
- (e) Perform any other lawful act(s) required by law or this regulation, or deemed by the Committee to be necessary to carry out its duties.

**Marianas Visitors Authority
Personnel Regulations**

**Part 200
Staffing**

Sub-Part A: Application and Selection Processes

§ 201 Introduction

This part covers the staffing elements necessary to acquire, maintain, reassign, promote and release employees of the MVA. The subparts treat specifically and in detail the regulations which govern in the execution of the respective functions. Merit principles, open competition and, in specific application, employee seniority, shall underlie all considerations in implementing these staffing functions.

§ 202 Order of Priority for Filling a Job Vacancy

The following order shall be followed in the filling of job vacancies:

- (a) Former MVA employees on current and valid Reemployment Priority lists
- (b) Internal promotion or transfer of current MVA employees
- (c) Applicants obtained through open competitive job vacancy announcements

§ 203 Selected Announcement and Internal Posting of Job Vacancy

All vacant positions will be filled through transfer or promotion of internal MVA applicants or persons on any current MVA reemployment priority list before opening a vacancy announcement.

- (a) Former MVA employees on current and valid Reemployment Priority lists will be contact and advised of the job vacancy
- (b) If there are no Priority Reemployment lists or no interested, qualified or suitable reemployment applicants, the vacancy will be announced internally for five working days.
- (c) All reemployment or Internal applicants must meet the qualifications for the vacant position and meet standards of suitability that may be established by the Managing Director.

§ 204 Competitive Hiring

All hiring shall be competitive and open to the public, except where specifically exempted. Candidates responding to a vacancy announcement will submit to MVA, by the designated time, their records of education, training, experience and such other information as requested in the announcement, to be evaluated and rated by the MVA Administrative Officer or other designated evaluator. The vacancy announcement shall stipulate the dates of opening and closing of the vacancy competition, the forms to be used for filing, and the address to which the forms and associated information shall be sent.

§ 205 Non-competitive Hiring

Non-competitive hiring may occur when, in the judgment of the Managing Director, one of the following conditions or circumstances occur:

- (a) The position to be filled requires rare or special qualifications or training which do not permit competition;

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Personnel Regulations**

- (b) There are a lesser number of qualified applicants than there are positions to be filled;
- (c) There is a need to place a former employee with reinstatement eligibility.

§ 206 Vacancy Announcements

Vacancy announcements shall contain, as a minimum, the following information:

- (a) Class title, pay and pay level of the position;
- (b) Brief description of the duties and responsibilities;
- (c) Geographical and organizational location of the position;
- (d) Minimum bona fide occupational qualifications for the position to include general experience, specialized experience and such qualitative evaluation elements as may be deemed appropriate and necessary;
- (e) Instructions on how to apply for the vacancy, including place or mailing address to apply, form of application required, and documentary support required; and
- (f) Period of the announcement. All announcements shall initially be for fifteen calendar days. This period may be extended by the Managing Director, if the response has been inadequate, by re-announcing the vacancy in the same manner as the original announcement.

§ 207 Publicity

Optimum publicity shall be given to vacancy announcements through posting in the MVA Office, on the MVA website, the CNMI Department of Labor job vacancy website, and at such other places as may be selected by the Administrative Officer (e.g., official bulletin boards in offices or work places, or public announcements through the news media).

§ 208 Applications for Vacancies

- (a) Applications for vacancies shall be made on forms prescribed by the MVA. Proper completion of applications and submission of supplemental information shall be accomplished in accordance with the instructions on the vacancy announcement and established procedures.
- (b) Applications shall be signed and such signature shall certify to the truth of all statements contained therein. A knowingly false answer or statement shall be grounds for denying consideration or for disciplinary action if the applicant is a current MVA employee.
- (c) Applications for specific positions shall be accepted only during the period specified on the examination announcement. Applications submitted by mail shall be postmarked no later than the announced closing date. Late applications will not be accepted unless approved by the Managing Director because of unusual circumstances

§ 209 Disqualification of Applicants

The Administrative Officer may deny consideration of an applicant for failure to meet the requirements for the position. Applicants who do not meet the minimum qualifications shall be notified as soon as practical. If an applicant is disqualified following initial

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designation as eligible, the applicant's name shall be removed from the list of eligible applicants.

§ 210 Establishment of List of Eligible Applicants

- (a) Following the ending of a vacancy announcement, the Administrative Officer shall review all applicants based upon their qualifications relative to the requirements of the announced position. Those applicants who meet the minimum qualifications for the position shall be rated based upon their qualifications and ranked according to their relative standing.
- (b) In the event a list of eligibles for any position contains less than five names and the Managing Director deems the range of choice to be inadequate, the Administrative Officer shall announce a new examination.
- (c) An open competitive list of eligible applicants shall be created only after it has been determined that no qualified and suitable internal or reemployment candidate is available.

§ 211 Removal of Names from Lists of Eligible Applicants

The Administrative Officer may remove the name of any person who has been disqualified under any provision of this Part. The name of any person may also be removed if:

- (a) The eligible applicant fails to respond within ten calendar days from the mailing or e-mailing date of an inquiry as to availability for employment, or from the date of actual personal contact, provided that the name may be restored for reasons deemed sufficient by the Managing Director.
- (b) The eligible applicant voluntarily withdraws.
- (c) There is evidence of physical or mental inability to perform the duties of the position, as indicated by appropriate medical examination.
- (d) The eligible applicant is found to be no longer qualified to perform the duties required of the class of position.
- (e) Intentional false statements, deception or fraud is determined to have occurred in the application or in the interview process by the applicant or any other person involved in the application or selection process.

§ 212 Selection from Eligible Applicant Lists

- (a) Appointments and promotions in the MVA shall be made from certified eligible lists resulting from open competitive vacancy announcement, except as otherwise provided by this Part of the Regulation. The list of certified eligible candidates will be prepared for the Managing Director by the Administrative Officer from among the highest rated applicants in precise numerical order, highest rate first. Where the number of eligible applicants exceeds five names, only the top five names shall be certified. The Managing Director shall be provided a certified list of the top five eligible applicants for each vacancy. However, when less than five persons comprise a list of eligible applicants, the appointing authority may accept such lesser number or request the vacancy be re-announced in order to obtain at least five eligible applicants. If more than one position of the same classification must be filled, the number of certified

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applicants on the list shall be increased by one eligible for each additional position to be filled, where possible.

- (b) Where the position has a special requirement which is not a general qualification requirement for that class of position, the Administrative Officer will certify only those eligible applicants who meet that specific requirement.
- (c) Only the top five certified applicants will be eligible for job interviews, except in those cases where additional applicants are added to the list of certified eligible applicants.
- (d) The Managing Director shall justify, in writing, for the MVA's administrative records, the non-selection of any eligible with a higher rating than the candidate selected. Such requirement creates no special standing for the applicant(s) with a higher rating.
- (e) If no applicant on the list of certified eligible applicants is determined by the Managing Director to be suitable for the position, a second listing of the next five highest ranked applicants will be provided for job interviews. The Managing Director will justify the non-selection as provided in item (c) of this section. If necessary, the vacancy will be re-announced.
- (f) The selected applicant will be notified in writing of his or her selection and when to report for work. All employment will be contingent upon the receipt of a negative result of a pre-employment drug screening that will be arranged for the employee by the Administrative Officer.
- (g) No person shall report to work or receive a salary unless an appropriate personnel action has been approved by the Managing Director.
- (h) The job offer will be withdrawn if the selected applicant fails to report for duty within the time prescribed by the Managing Director.
- (i) All non-selected applicants, whether on the certified listing of applicants or not, will be notified of their non-selection.

§ 213 Duration of Lists of Eligible Applicants

- (a) The validity of a certified list of eligible applicants expires upon the hiring of the selected applicant. All applications and supporting documents will be maintained for one year from that date. This retention is required by various federal laws. Any original documents provided by the applicant may be returned upon request with a copy retained.
- (b) The MVA has no obligation to place any applicant on any subsequent list of eligible applicants without the applicant reapplying and meeting all requirements for application.

§ 214 Reemployment Priority List

Any person who has held a permanent position in the MVA and has been demoted or terminated through reduction-in-force shall be permitted to have his/her name placed on a reemployment priority list (provided such person so requests in writing to the Managing Director). The name of such person shall be placed on the reemployment priority list for the same or related class of position as last held under a permanent appointment. Names shall be arranged on the reemployment priority list in the chronological order of their separation from their respective competitive levels. Names

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shall be removed from the reemployment priority list at the expiration of three years from the date of separation or demotion, or sooner if such person is reemployed in a position at the same or higher pay level as formerly held in the MVA. The individual may be removed from the list if such person refuses a reasonable offer of employment. A reasonable offer is of the same position or one equivalent to that last held in the MVA. Reemployment Priority only applies to former MVA employees who held a permanent classification and does not apply to former contracted or appointed employees.

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**Part 200
Staffing**

Subpart B: Positions and Appointments

§ 220 Types of Positions

All positions within MVA shall be identified by one of the following designations and as defined herein.

§ 221 Permanent Position

A permanent position is a full-time or part-time position which is established based upon the continuing need of the MVA and which is authorized to continue longer than one year.

§ 222 Temporary Position

A temporary position is a full-time or part-time position which is established based upon a short term program or project need of the MVA which is authorized to continue less than one year.

§ 223 Types of Appointments

Appointments are categories of employment in the classes defined in the following that will fill established permanent or temporary positions:

- (a) **MVA Board of Directors Appointment.** The Managing Director of the MVA will be appointed by and serve at the pleasure of the MVA Board of Directors. Benefits and conditions of employment will be as approved by the MVA Board of Directors and as otherwise authorized or limited by statute. The policies, processes and protections afforded by these regulations do not apply to a MVA Board of Directors Appointed position.
- (b) **Contracted Appointment.** Key positions within the MVA, to include the Deputy Managing Director, the Special Assistant to the Managing Director, Section Managers and the Roads and Grounds Maintenance Managers will be employed on Contracts, not exceed two years in duration. Benefits and conditions of employment will be as provided in the contracted terms and conditions of employment and as otherwise authorized or limited by statute. The policies, processes and protections afforded by these regulations do not apply to Contracted Appointees except as included in the contracted terms and conditions of employment.
- (c) **Probationary Appointment.** This is an appointment in which the appointee is selected from a list of eligible applicants resulting from an open vacancy announcement to fill a permanent position. The appointee shall serve a period of not less than six and not more than twelve months from the beginning of the probationary appointment and shall demonstrate a minimum of 26 consecutive weeks of satisfactory performance before being eligible for conversion to a permanent appointment. Separations during a probationary appointment do not require adverse action procedures and have no reduction-in-force (RIF) protection.

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- (b) **Permanent Appointment.** An employee who has been appointed to a permanent position and who has satisfactorily completed a probationary period is entitled to the full benefits of this regulation. Permanent appointments may be made to less than full-time positions with defined regular work schedules.
- (c) **Limited-term Appointment.** A limited-term appointment is one in which the appointee is appointed to a temporary position for a period of not more than one year. An employee serving a limited-term may serve in either a full-time or part-time position. Any person given a limited-term appointment must meet the minimum qualifications for the class of position to which appointed and hired through the selection process established in this regulation. If job circumstances require the continuation of a temporary appointment, the Managing Director shall justify, in writing, to the Personnel Committee, the need for a second continuing limited-term appointment following the expiration of a one year appointment. A limited-term appointment may not be extended more than one time, but may be converted to a permanent appointment at the end of one year or later, if a permanent need has been determined for the position. To retain the incumbent employee, the employee must have demonstrated 52 consecutive weeks of satisfactory performance.
- (d) **Provisional Appointment.** A provisional appointment is usually limited to ninety days and is used to fill an immediate need in a permanent position in the absence of an appropriate listing of eligible applicants. The Managing Director may authorize extension of a provisional appointment beyond ninety days for a maximum of one hundred eighty days when the job vacancy announcement fails to make available an adequate number of qualified candidates. Any person given a provisional appointment must meet the minimum qualifications for the class of position to which appointed.
- (e) **"Acting" Appointment.**
 - (1) An "acting" appointment is the official written designation that an employee will act for a period of up to thirty days in place of a higher-level position. When the absence exceeds the initial thirty day period, a new designation shall be made for an additional thirty days. The thirty day renewal of an "acting" assignment may be repeated until the incumbent returns to the position.
 - (2) Whenever the "acting" assignment exceeds ninety days, the employee shall be temporarily promoted/ appointed to the position if the employee meets the qualifications standards of the position. See §420 of this regulation.

§ 224 Pre-employment Condition Standards

- (a) All persons appointed to positions in the MVA must be mentally and physically capable of performing the duties of the position. Medical examinations or disability-related questions such as a medical questionnaire cannot be utilized until after a conditional job offer has been made to an applicant. A medical exam is defined as a procedure or test that seeks information about an individual's physical or mental impairments or health. Employment can be conditioned on the results of post-offer medical exams or

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disability-related questions if the criteria examined relate directly to the employee's capability of performing the essential functions of the position. If medical exams or disability-related questions are required, they must be required of all entering employees in the same job class. Exams cannot be required, or medical-related inquiries made, of some applicants and not others.

- (b) Persons offered positions within the MVA must submit to a pre-employment urine test for the presence of drugs. Pre-employment drug tests are not considered to be medical examinations as defined in this section.

§ 225 Administration of Medical Examinations

Medical examinations and pre-employment drug testing shall be administered by medical personnel authorized by the MVA to conduct such examinations for employment purposes, and shall be recorded on forms prescribed by the MVA. Urine tests for candidates shall be conducted in accordance with established Commonwealth Government procedures.

§ 226 Prohibited Actions

- (a) Employment of any person without an approved personnel action is prohibited. Supervisors or management officials who permit an employee to report to work without an appropriate and formally approved personnel action shall be held personally liable for any claim for compensation resulting from such improper appointment.
- (b) Retroactive personnel actions shall not be made unless approved by the Personnel Committee prior to commencement of such action.

§ 227 Reemployment

- (a) An employee who has successfully completed a probationary period with the MVA and subsequently left the employ of the MVA for any reason other than cause shall be granted reemployment eligibility for a period following the separation equal to the employee's total full years of creditable service with the MVA. This means that the former employee may be reappointed non-competitively to the former position, if vacant, in the MVA at the same pay level and step that the employee held upon separation. If re-appointed to a higher class the employee shall be allowed to retain the former pay rate; if to a lower class, the employee shall be allowed to retain the former step in the new pay level.
- (b) The possession of reemployment eligibility does not provide the person with any mandatory reemployment rights. This means that the individual may be considered for employment only after persons with higher rating on the reemployment priority list have been considered. If it is in the MVA's interest and the position is vacant, such person may be reemployed, provided such person meets the non-competitive qualifications for the position to be filled.

§ 228 Orientation

New employees shall receive a standardized orientation to the MVA as soon as is practical after being appointed, and at least within one week of appointment.

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Subpart C: Merit Promotion Program

§ 240 Policy

To the maximum extent possible, the MVA Merit Promotion Program (MPP) provides for filling vacancies above the entry level by promotion of highly qualified existing MVA employees. This policy does not restrict the right of MVA to fill vacancies by transfer or other means when to do so is in the best interest of the government. In such cases the MPP mandates the meritorious selection of the best qualified candidate.

§ 241 Definitions

- (a) Position Change: A promotion, transfer or demotion during an employee's continuous service.
- (b) Promotion: The change of an employee to a higher position class and pay level.
- (c) Career-ladder Position: One of a group of positions in which an employee may be given successive promotions until the employee reaches the full performance level. All employees in positions in a career ladder must be given grade-building experience and training and may be promoted to the next higher level as they demonstrate ability to perform in a wholly adequate manner at the next higher level. Minimum time-in-grade requirements, where established, must be observed in making career ladder promotions.
- (d) Promotion Competitive: Those eligible candidates whose experience, training and potential substantially exceed the qualification standard for the position to a degree that they are likely to perform in a superior manner.
- (e) Best Qualified Candidates: Those eligible candidates who rank at the top when compared with the other eligible candidates for a promotion within a general group, i.e., qualified or highly qualified.
- (f) Position with Known Promotion Potential: A position which is to be filled below the specified performance level for the position. These may be trainee and understudy positions, career ladder positions and positions filled one or more levels below the established level.

§ 242 Scope and Coverage

Competitive promotion procedures apply to:

- (a) All competitive positions in the MVA when filled by promotion.
- (b) Any position which will be filled by a candidate at a basic pay level higher than the candidate's last position; and
 - (1) The position is filled by transfer;
 - (2) The position is filled by selection of a permanent MVA employee from an eligible list following an open competitive examination;
- (c) Any position with known promotion potential which is filled by transfer or selection from the reemployment priority list.

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§ 243 Areas of Consideration

MVA's areas of consideration for the Merit Promotion Program will be limited to MVA staff from any of its three locations. For positions opened to general consideration of non-MVA staff, candidates from all islands will be considered unless reasons exist in the MVA's interest to limit the consideration to a certain area.

§ 244 Methods of Locating Candidates

When the MVA processes an open promotion request, it selects the appropriate method or combination of methods for locating. The following methods are generally used, singly or in combination, depending upon the nature of the position and availability of candidates.

- (a) Promotional Opportunity Announcement. A published announcement for posting and distribution and given maximum publicity within the area of consideration. The promotional opportunity announcement specifies:
 - (1) Title, pay level and location of position(s);
 - (2) Opening and closing dates (not less than fifteen calendar days);
 - (3) Area of consideration;
 - (4) Duties of the position, briefed;
 - (5) Conditions of employment, e.g., night work, hazards, standby, etc.;
 - (6) Qualification requirements, including selective placement factors, if any;
 - (7) How and where to apply;
 - (8) Non-discrimination statement; and
 - (9) Known promotional potential, if any.
- (b) Restricted Area of Consideration. When positions are being filled from within a "restricted area of consideration," all eligible persons within that area must be considered.

§ 245 Transfers

An employee may be transferred, without change in pay level, either voluntarily or involuntarily, in order to meet changing MVA program needs, to promote career development, to provide diversity of experience, or for other reasons. Transfers under this regulation are not subject to the promotion program unless the position to which transferred has known promotion potential. Transfers are made, wherever possible, from among employees who have requested such transfers. However, management may direct lateral transfers when required by the needs of MVA and in accordance with these regulations.

§ 246 Qualification Standards

- (a) The minimum qualification standards prescribed by the MVA are used for promotion and recruitment purposes. Selective placement factors also may be used, but only when they are essential to successful performance in the position to be filled. When selective placement factors are used, they become part of the minimum qualifications for the position.
- (b) Qualification standards (including any selective placement factors used) must be established and made a matter of record prior to the start of the promotion process for any specific position. All employees who meet the minimum

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qualification standards (including selective placement factors) have basic eligibility for promotion. The standards must be applied fairly and consistently to all employees being considered.

- (c) For supervisory positions, supervisory qualifications are prescribed by the MVA. They may be supplemented by specific subject matter (non-supervisory) qualification standards for the classification series of the position.

§ 247 Conditions of Employment

- (a) There are conditions of employment which are considered implicit to successful performance in certain positions. These conditions may relate to hours of work, physical or medical standards, maintenance of a license, maintenance of a health standard, availability during off-hours, frequent need to travel and so on. Such conditions should be made part of the promotion record, the promotion opportunity announcement and the classification standard or, as a minimum, the position description.
- (b) Candidates selected for the position must be advised of the conditions and acknowledge those conditions in writing. However, with respect to physical or medical standards, if a candidate claims a disability under the federal Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

§ 248 Evaluation Process

- (a) Since the Merit Promotion Policy requires that the selection be made from among the best qualified candidates, the evaluation process must go beyond basic eligibility to rank the candidates in meaningful array. When properly used, the evaluation process should:
 - (1) Provide a sound basis for comparing and judging candidates in relation to the knowledge, skills, abilities and personal characteristics that contribute to successful performance of the position.
 - (2) Identify those qualities which demonstrate a candidate's potential for future promotion, when the job being filled leads to further advancement.
 - (3) Distinguish between the knowledge and skills that an employee must have at the time of promotion and those the employee can acquire quickly after the promotion, through experience and training.
- (b) In selecting the proper method of evaluating candidates, recognition should be given to the future staffing needs of the organization as well as the current requirements of the positions to be filled.

§ 249 Evaluation Measures

The various measures for evaluating candidates are:

- (a) **Written Tests.** Written tests may be used in the evaluation process, but may not be the sole means of evaluation. Written tests must be approved by the Managing Director.
- (b) **Appraisal of Performance.** A supervisory appraisal must be obtained for every employee who is qualified.

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- (c) Experience. In evaluating experience the objective is to determine how closely the experience relates to the new position or level of work. Length of service is a factor only when there is a clear and positive relationship with quality of performance.
- (d) Awards. In considering awards received by the candidates, the weight assigned must be based on those elements necessary to successful performance for the position to be filled.
- (e) Training. An appropriate weight is given for pertinent training, self-development and outside activities which would increase the employee's potential or effective performance in the position to be filled.
- (f) Education. Education may be considered only if it is clearly job-related or if it provides a measure of the learning ability essential for genuine trainee positions.
- (g) Qualifications Investigation. A qualification investigation may be used to assist in determining experience, training, degree of responsibility exercised and effectiveness. Inquiries may be made to assist in judging how well a candidate is likely to perform at a higher level or in a different kind of work.
- (h) Oral Interview. Individual or group interviews may be held. Oral questions may relate either to subject matter knowledge or to other matters pertinent to the position or the candidate. If oral questions are in the nature of a test, the same questions and sequence must be asked of each candidate and a record of their answers made part of the promotion record.

§ 250 Selection Procedure

- (a) Selection is based on the selecting individual's judgment of how well the candidate will perform in the position to be filled and the candidate's potential for advancement. When there are less than five names available, the selecting Manager is not required to select someone from the merit promotion certificate. However, if returning the certificate, the selecting authority must state how the position will be filled.
- (b) If the selecting Manager disagrees with the merit promotion certificate, objections must be stated in writing with a request for the Managing Director to review rankings.
- (c) The selecting Manager notes the name of the person selected on the merit promotion certificate. Reasons for selection do not have to be cited. The Administrative Officer notifies all eligible candidates of the selection, including the person selected.
- (d) When a first-line supervisory position is filled, a determination is made as to the amount of supervisory training needed to meet the standard. The selecting Manager and the Managing Director will determine and, where necessary, schedule the training needed to meet the standard.

§ 251 Information to Employees

- (a) Employees' acceptance and support of the MVA promotion program depends to a large extent on how well they understand its purpose and operation and are aware of its effect on them individually. The program does not guarantee a

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promotion to every employee, but it does give every employee an opportunity for fair consideration.

- (b) New employees will receive promotion program information as part of their orientation. All employees will receive this information again from time to time in meetings and written form.

§ 252 Employee Questions and Complaints

- (a) Employee Questions. Any employee who has filed in response to a promotional opportunity announcement or who has been considered for promotion may present questions to the MVA Administrative Officer, within seven calendar days after receipt of notification of selection. Questions may be submitted in person, in writing, or through a representative. Among other considerations, an employee is entitled to know:
 - (1) The level of eligibility for a specific promotion;
 - (2) If considered for specific promotion and, if so, whether found eligible;
 - (3) If in the group from which selection was made; and
 - (4) Who was selected for the promotion.
- (b) Employee Complaints. If the employee is dissatisfied and the matter cannot be resolved on an informal basis, the employee may have recourse to the Grievance Procedure. Mere failure to be selected for promotion when proper promotion and selection procedures were used is not a basis for a formal complaint.

§ 253 Review of Promotion Program

The Personnel Committee appraises the operation of the Merit Promotion Program at least once a year as part of the personnel management evaluation process to assure:

- (a) Promotion guidelines and plans are as effective as possible;
- (b) The promotion program is useful to management;
- (c) Promotion actions are taken promptly and in conformance with the plan;
- (d) Employee complaints are handled promptly and properly;
- (e) Promotion actions are used effectively to encourage competent employees, to open expanded careers to them, and to make the best use of their skills; and
- (f) Employees, supervisors and managers have a full understanding of the promotion program process.

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Subpart D: Separations, Suspensions and Demotions

§ 260 General

This subpart applies to separations, suspensions, furloughs and demotions not resulting from reduction-in-force (RIF).

§ 261 Separations Not Involving Personal Cause

- (a) Resignation.
 - (1) Resignations shall be in writing and shall be submitted to their managers at least fourteen calendar days in advance of the effective date. Management employees should provide a minimum of thirty days notice.
 - (2) The manager shall submit a copy of the written resignation to the Administrative Officer for processing of the action.
 - (3) Withdrawal of a resignation may be permitted provided:
 - (i) The employee's wishes are made known, in writing, prior to the effective date; and
 - (ii) The Managing Director agrees to the proposed withdrawal.
- (b) Retirement, Voluntary. An employee may be separated for the purpose of voluntary retirement, provided the employee meets the eligibility standards for age and service covered under the Northern Mariana Islands Retirement Program. A voluntary retirement shall follow the same notification process as a resignation.
- (c) Exit Interview. An exit interview shall be scheduled and conducted during working hours by the Managing Director or his/her designee for employees upon notice of resignation or retirement. Such interview shall include questions on the reasons for separation and counseling on benefits. The Administrative Officer shall not process exit documents until the interview is completed. If circumstances make such interview impractical, an employee may ask the Managing Director to waive this requirement.
- (d) Termination for Medical Reasons.
 - (1) When an employee becomes mentally incapacitated or permanently physically disabled and is unable to satisfactorily perform the essential duties of the position to which assigned, the Managing Director may terminate the employment, provided:
 - (i) No suitable reassignment can be made within the MVA to which the employee is assigned;
 - (ii) Medical examination fitness-for-duty procedures have been conducted; and
 - (iii) All adverse action procedures have been followed.
 - (2) In all cases of termination for reasons of mental incapacity or physical disability, all provisions of the Americans with Disabilities Act (ADA) will be followed.

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- (3) An employee whose services are terminated under this part may be eligible for disability retirement under the NMI retirement program. The responsibility for applying for disability retirement rests with the employee, although it is the responsibility of the Administrative Officer to ensure that the employee is aware of such an opportunity.
- (e) **Voluntary Demotion.** An employee may volunteer for demotion to a lower class of position at a lower pay level. The approval of such a request by the Managing Director must be contingent upon the following factors:
 - (1) A vacant position in the class and pay level must be available within MVA
 - (2) The employee must meet the qualifications for the position at the level sought and be capable of fulfilling the duties required of the position.
 - (3) No additional cost shall accrue to the MVA as a result of or incident to the demotion action.
 - (4) The salary of the demoted employee in the lower level position shall be set at the same numerical step in the lower level position as the employee received in the higher position.

§ 262 Disciplinary Actions for Reasons of Personal Cause (Adverse Actions)

The MVA will utilize management measures to prevent ethical misbehavior and misconduct. Employees, at all levels, will be held accountable for their actions, and disciplinary actions will be used as deterrent and corrective measures to assist in attainment and maintenance of the high standards of ethical and conduct behavior set by the MVA. Disciplinary actions will be categorized as Adverse Action, where a tangible change to employment status occurs, and Non-Adverse Action, where no tangible change occurs.

- (a) **Authority to Take Adverse Action Disciplinary Measures.** Unless specified by law, the authority to hire is followed by the authority to effect adverse actions. For this purpose, the designated official will be the Managing Director.
- (b) **Authority to Take Disciplinary Measures.** Unless otherwise restricted by the Managing Director, Managers and Supervisors are authorized to affect Non-Adverse Action disciplinary measures and to recommend Adverse Action disciplinary actions. Managers and supervisors will keep the Managing Director advised of performance and conduct problems.
- (c) **Employee Coverage.** This part applies to all permanent employees of the MVA but does not apply to Board-appointed, contracted or probationary employees, except where stated elsewhere in this regulation.
- (d) **Merit of Disciplinary Action.** An action against an employee should only be taken under this part for "such cause as will promote the efficiency and the mandates of the MVA."

§ 263 Non-Adverse Action Disciplinary Measures

- (a) **Verbal Admonishment.** A verbal admonishment, in the form of a counseling or warning, is an informal disciplinary measure. A manager or supervisor may discuss at any time minor deficiencies in performance or conduct with the objective of improving an employee's effectiveness. Verbal

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Admonishments shall not be made a matter of record in the employee's Official Personnel File (OPF).

- (b) **Written Admonishment.** A written admonishment, in the form of a counseling or warning, is also an informal disciplinary measure that normally occurs when minor deficiencies in performance or conduct reoccur after a Verbal Admonishment or for a more serious deficiency or incident. Written Admonishments will be maintained as a matter of record in the employee's OPF.
- (c) **Reprimand.** A reprimand is a formal means of calling to an employee's attention minor deficiencies in performance or conduct which, if continued, may result in further disciplinary measures. It is the first formal step in the disciplinary process. Reprimands are always in writing and should contain specific references to performance deficiencies, citations of instances of misconduct, and a warning that more stern disciplinary measures may be taken if the employee's performance or conduct is not improved. A copy of the reprimand becomes a part of the employee's OPF as a matter of record. There is no recourse to formal appeal processes as a result of a reprimand; however, an employee who feels a reprimand is not justified may resort to the grievance procedure.
- (d) **Suspension Not to Exceed Three Working Days.** A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons for a period not to exceed three working days. There is no formal appeal from such a suspension, although the employee may resort to the grievance procedure if the employee feels the suspension is improper or not justified.

A suspension without pay for periods less than five working days shall only be imposed in respect to an employee who is covered by the overtime provisions of the Fair Labor Standards Act (FLSA). An employee who is exempt from the overtime provisions of the Fair Labor Standard Act (FLSA) must receive suspensions without pay in periods of a full five working days, except in situations of misconduct, defined by the FLSA as serious safety or work rule infractions, where a lesser period may be permitted by the FLSA. The period of suspension for an exempt employee for attendance or performance matters shall be served in five working day periods on consecutive days and for entire workweeks.

§ 264 Adverse Action Disciplinary Measures

Adverse Action disciplinary measures require the use of the Adverse Action notification and resolution procedure.

- (a) **Furlough.** A furlough is an action placing an employee in a non-duty and non-pay status because of lack of work or funds. It is an adverse action if for a period of thirty calendar days or less. Furloughs of more than thirty calendar days are reduction-in-force actions and shall be accomplished using reduction-in-force procedures.

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- (b) **Suspension for More than Three Working Days.** A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons. The Managing Director may suspend an employee for such cause as will promote the efficiency of the government service, provided all adverse action procedures are followed.
- (c) **Removals.** Appointing authorities may take removal action against an employee for just cause provided all adverse action procedures are followed.
- (d) **Removal for Abandonment of Job.**
 - (1) An employee absent without leave (AWOL) without valid reason, for a combined total of ten working days in any twelve month period may be terminated from employment for job abandonment, provided all adverse action procedures are followed.
 - (2) An employee absent without leave (AWOL) without valid reason, for ten consecutive working days may be considered, in effect, a resignation. Adverse Action procedures will not be required. The Managing Director may elect not to effect such termination, however, if it is determined that circumstances warrant such cancellation. Nothing in this section shall preclude the Managing Director from taking other disciplinary action against an employee for absence without leave
- (e) **Demotion/Reduction in Rank or Pay.** Appointing authorities may take action to reduce an employee in rank or pay for cause.
 - (1) "Reduction in rank" means a reduction in status of more than one numerical grade or pay level under the classification system. Basically, it means lowering an employee's relative standing in the organizational structure as determined by the employee's official position description. An employee's position assignment may be changed only by an official personnel action. When an employee is made the subject of an official personnel action which results in lowering the employee's relative standing in the organizational structure, a reduction in rank has occurred even though there has not been a reduction in class or pay level. Such actions may be taken only under adverse action procedures.
 - (2) "Reduction in pay" means reduction in basic class and pay level of an employee. The base pay is fixed by law or administrative action. Base pay does not ordinarily encompass extra or additional payment for special conditions or duties which are generally regarded as premium pay or allowances. To reduce class and pay level for disciplinary reasons, such actions must follow adverse action procedures.
- (f) **Separation during Probation**
 - (1) If it becomes evident during the probationary period that the employee lacks the ability, attitude or desire to become an efficient and productive employee in the position to which appointed, or there is lack of funds or work to be done, that employee shall be separated from the service. However, if the probationary employee claims that the apparent lack of ability, attitude, or desire is due to a disability under the Americans with Disabilities Act (ADA), the provisions of that act shall be followed, as applicable.

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- (2) The Managing Director shall provide the employee with not less than fourteen calendar days' notice, in writing, specifying the reasons for the separation.
- (3) Grievance, adverse action or reduction-in-force procedures do not apply to separations during probation.

§ 265 Procedure for Taking Adverse Actions

The Managing Director must observe certain procedural requirements when processing adverse actions covered in this subpart. Procedures for removal, suspension for more than three working days, furlough without pay and reduction in rank or pay are as follow:

- (1) The Managing Director must give the employee at least thirty days' advance written notice of the proposed action. In the event that criminal charges are filed against an employee, the employee may be immediately suspended without pay, reassigned, allowed to take annual leave, or be subject to such other action as management may deem necessary. In the event the charges are dismissed or the employee is found not guilty, the employee may be reinstated with benefits and pay but will not receive retroactive payment or reimbursement for any leave taken.
- (2) The notice must state any and all reasons for the proposed action specifically and in detail.
- (3) The employee has the right to answer personally and/or in writing. The employee shall be allowed not more than twenty days to answer the notice of proposed action. three work days within the allowed twenty days shall be official time in which to secure affidavits and prepare an answer.
- (4) If the employee answers, the Managing Director must consider that answer.
- (5) If at all practicable, the employee must be kept on active duty in the regular position during the notice period. Based upon the circumstances, however, the employee may be suspended during the advance notice period and placed on leave without pay (LWOP) or, with the employee's consent, carried on annual leave. An employee whose adverse action is drug-related as prohibited by Part 500, Subpart C, of this regulation will not be permitted to perform any safety-sensitive functions during the notice period.
- (6) Management must give the employee a written decision before the adverse action is effected. The decision must state which of the reasons in the advance notice have been found sustained and which have been found not sustained.
- (7) The decision must tell the employee of appeal rights.
- (8) Advance written notice and opportunity to answer are not necessary if the employee is furloughed due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring curtailment of activities.

§ 266 Summary of Steps for Taking Adverse Actions

- (a) Misconduct triggering use of the adverse action procedural system
- (b) Managing Director's letter of proposed adverse action

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- (c) Employee's answer and/or presentation of evidence
- (d) Managing Director's letter of decision
- (e) Employee's written appeal to Personnel Service Committee
- (f) Personnel Service Committee hearing (if requested)
- (g) Personnel Service Committee decision (administrative remedies exhausted at this point)
- (h) Legal recourses

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Subpart E: Reduction-in-Force (RIF)

§ 270 General

A Reduction-in-Force, defined as the separation, furlough or reduction in class, pay level or hours of work of employees due to lack of work or funds, or other management requirements, but not for disciplinary reasons. The Managing Director will exhaust all administrative alternatives to resolve the necessitating cause before reduction-in-force procedures are instituted. Adverse action procedures must be used to place an employee in furlough status for thirty days or less.

§ 271 Policy

The MVA, within its available resources, will provide job security to every permanent employee. When it becomes necessary to reduce the work force, every effort will be made to insure that the reduction is accomplished with a minimum disruption in operations and a minimum negative impact on each employee affected.

§ 272 Coverage

This subpart applies to all permanent employees of the MVA, as defined in this regulation. Appointed and contracted employees are not covered by this policy.

§ 273 Reduction-in-Force Planning

When it becomes evident that a reduction-in-force (RIF) must be implemented, the Managing Director concerned shall notify the Board of Directors and the Governor of the necessity and provide all employees with written notice of MVA's intention to take RIF action at least sixty days in advance. The appointing authority shall then institute administrative procedures to assure that all legitimate possibilities for reassignment elsewhere in the government have been exhausted and that formal reduction-in-force is the only remaining alternative.

§ 274 Competitive Processes

Detailed competitive processes shall be established by the Managing Director to assure equitable competition, recognition of seniority and tenure and protection of the public interest. For administrative purposes, competition shall be limited by the establishment of competitive areas and recognition of competitive levels.

- (a) Competitive Areas. For all positions:
 - (1) Area 1. Saipan
 - (2) Area 2. Rota
 - (3) Area 3. Tinian
- (b) Competitive Levels. Competitive levels are comprised of all positions within a competitive area which consist of the same or closely related duties, have essentially the same qualifications and are in the same class and pay level.
- (c) Tenure Groups. For the purposes of reduction-in-force, MVA employees shall be classed in tenure groups as follows:

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- (1) Tenure Group I - All permanent employees.
 - (2) Tenure Group II - Employees serving in a probationary appointment.
 - (3) Tenure Group III - Employees serving in limited term or provisional appointments.
- (d) Competition within a Competitive Level.
- (1) When a position is abolished within a competitive level, the incumbent shall displace the employee with the lowest retention standing in that competitive level. Employees in Tenure Groups III and II in any Competitive Level will be separated from employment in that order before the separation of any permanent employee in Tenure Group I.
 - (2) If an employee whose position is abolished does not have sufficient retention standing to displace another employee, that employee shall be allowed to exercise retreat rights.
- (e) Retreat Rights. When an employee has insufficient retention standing to compete within that employee's competitive level, the employee shall compete down the line of promotion. This is known as the exercise of retreat rights. An employee may displace the employee with the lowest retention standing below that of the released employee in the highest competitive level from which promoted. The employee shall continue to compete at successively lower levels along the line of promotion until placed or, if placement cannot be made, separated by reduction-in-force.
- (f) Creditable Service for Reduction-in-force.
Only the period of service worked with MVA will count as creditable service in the calculation of the retention standing.
- (g) Retention Standing. Retention standing is derived by allotting one point for each year of creditable service, and an additional two points for each exceptional overall rating of 4.2 or better. Missing performance evaluations cannot be made up. In competing with other employees for retention in a competitive level, the individual with lowest retention standing shall be released first.
- (h) Reemployment Priority Lists. Employees serving under permanent appointments who are separated by reduction-in-force shall be placed on a reemployment priority list for three years or until returned to duty in a permanent position with MVA at any level.

§ 275 Limitations on Competition

Employees who are absent on military leave shall not be placed in RIF competition until they have returned to duty. Similarly, the employee's positions shall not be abolished until the employee returns to duty in that position. The Administrative Officer will keep a record that will assure recognition and protection of the position and its incumbent.

§ 276 Furlough and Separation

- (a) The Managing Director may use furloughs for more than thirty days if there is reasonable assurance that the employees furloughed will be returned to duty

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within the next twelve months. If there is reasonable doubt regarding the return to duty of furloughed employees, then the appointing authorities concerned must separate the employees found to be in excess of management's needs and proceed according to reduction-in-force procedures.

- (b) A combination of furlough and separation may be used to clear the rolls of excess employees, provided no employee is separated while furloughed employees with lower retention standing are kept in furlough status.
- (c) Furlough for thirty days or less may be used for clearing the rolls temporarily, not to exceed thirty days when there is positive assurance that employees so furloughed can return to duty within the 30-day period.

§ 277 Vacant Positions

During reduction-in-force situations, management has no obligation to fill vacant positions by placement of employees whose positions have been abolished or who have been released from their competitive level.

§ 278 Assignment Rights (Bumping)

- (a) Due to the specific nature of the MVA sections, retreat rights are limited to within the employee's section. Assignment rights (bumping) will not be authorized between sections.
- (b) Reduction-in-Force activities within MVA will affect MVA employees only. Service within MVA will not provide a separated employee with bumping rights elsewhere in the government. Similarly, MVA will not recognize bumping rights from separated employees who worked outside of MVA.

§ 279 Elimination of Function

- (a) Function defined. For the purpose of this subchapter function means all, or a clearly identifiable segment, of an entity's mission and the integral parts of that mission, regardless of how performed.
- (b) Reduction-in-Force. The elimination of a function is a reduction-in-force action based upon the work no longer being required. The reduction-in-force procedures and protections in this section of the Regulation apply.
- (c) Employees with retreat rights may exercise those rights.

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**Part 300
Employment Processes**

Subpart A: Employee Grievances

§ 301 Policy

The MVA, in accordance with the principles of good management, recognizes the importance of settling employee-management disagreements and misunderstandings promptly, fairly and in ways that will resolve the issue and maintain the self-respect of both the employee and the management staff. To accomplish this, every effort will be made to settle grievances expeditiously and at the lowest possible level of supervision.

§ 302 Coverage

This policy will apply to all MVA employees expressing their concern or dissatisfaction with work-related issues that are not otherwise excluded by this regulation.

§ 303 Matters Not Covered

The grievance system will not cover the following:

- (a) An adverse action separately appealed;
- (b) A fitness-for-duty examination;
- (c) The content of published MVA or other government policy;
- (d) Non-selection for appointment, promotion, or transfer from a group of properly ranked and certified candidates;
- (e) Non-recommendation or disapproval of a merit increase, performance award, or other kind of honorary discretionary award; and
- (f) An employee who is serving on probationary status.

§ 304 Freedom from Restraint

Employees seeking adjudication of their grievances in a reasonable manner and in accordance with this regulation will be unimpeded and free from restraint, interference, coercion, discrimination or retaliation.

§ 305 Employee's Right to Representation

The MVA recognizes that grievances are personal in nature and that aggrieved employees or groups of employees must have the right in presenting their grievances to be accompanied, represented and advised by representatives of their own choosing. Therefore, in the formal grievance process, as hereinafter defined, the employee or group of employees have the right to be represented by counsel or other representative of their own choosing at their own discretion. If the employee or group of employees chooses to serve as their own representative or to designate a member of the aggrieved group as spokes-person, they may do so.

§ 306 Role of the Personnel Committee

The MVA Personnel Committee serves as the ultimate appellate level for grievances of employees or groups of employees. It shall consider only those formal grievances which

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cannot be settled to the satisfaction of all concerned in accordance with the formal procedure defined this Part of the regulation.

§ 307 Employee's Right to Seek Advice

Sometimes an employee has a valid reason for not taking a grievance to the immediate supervisor. The grievance system, therefore, provides opportunity for an employee to communicate informally with and seek advice from the Administrative Officer and/or a supervisory or management official of higher rank than the employee's immediate supervisor.

§ 308 Informal Grievance Procedure

- (a) The grievance action shall first be initiated by the aggrieved employee who will discuss the problem informally with the supervisor, or if the employee feels the relationship with the immediate supervisor is such that the matter cannot be reasonably discussed, the employee may discuss it with the next level of supervision.
- (b) A grievance concerning a particular act or occurrence must be presented within ten calendar days of the date of the act or occurrence or the date the aggrieved employee became aware of the act or occurrence.

§ 309 Formal Grievance Procedure

- (a) If the grievance is not settled within five calendar days, or if the employee is not satisfied with the decision of the immediate supervisor, the employee or representative may, within the next ten calendar days, put the grievance in writing and submit it to the Managing Director as a formal grievance. The written representation must contain the following information:
 - (1) The name of the aggrieved employee and the employee's work section;
 - (2) The details of the grievance;
 - (3) The corrective action desired; and
 - (4) The name of the employee's representative, if any.
- (b) The Managing Director will examine the grievance, discuss it with the grievant or representative and render a decision, in writing, within fourteen calendar days after receiving the grievance. The Managing Director may have the employee's immediate supervisor present, if he or she deems it appropriate to the resolution of the grievance.
- (c) If the Managing Director is not successful in settling the grievance to the employee's satisfaction within fourteen calendar days after the grievance was presented to Managing Director in writing, the employee may, within fifteen calendar days after receiving written notification of the decision or the failure of the Managing Director to provide a decision, resubmit the grievance to the MVA Personnel Committee.
- (d) If the grievance is against the Managing Director, the employee may, after attempting to informally resolve the issue with the Managing Director, formally submit the grievance to the Personnel Committee.
- (e) The MVA Personnel Committee shall set a time for its review of the case within a reasonable time after receiving a grievance. If the MVA Personnel

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- Committee desires to have the grievance heard by a hearing officer, it must inform the aggrieved employee and representative as soon as possible.
- (f) In hearings before the MVA Personnel Committee or a hearing officer, the aggrieved employee and/or representative shall be allowed to appear and present the case. An appropriate management representative shall also be allowed to appear before the Committee. Both sides shall have the right to call witnesses in support of their positions and to cross-examine witnesses for the other side. The Committee or the hearing officer shall prepare a summary of the hearing. If both parties desire a formal, written record prepared by a recorder, the cost of such services shall be shared equally. If only one side desires a formal written record of the proceedings, that side shall bear the cost.
 - (g) The MVA Personnel Committee shall reach a decision and present it formally to the aggrieved employee and the Managing Director within fifteen working days following the close of the formal hearing. Decision by the MVA Personnel Committee shall be made by a majority vote of the entire Committee and shall be final.
 - (h) If the aggrieved employee is dissatisfied with the decision after having exhausted all administrative appeal levels, the employee has recourse to the courts.
 - (i) The Administrative Officer shall be kept informed as to the progress of a formal grievance and is responsible for assuring that the time limits established in this procedure are met. The Administrative Officer is also responsible to assure that the formal record of the grievance is assembled into one place, stored and safeguarded.
 - (j) The Administrative Officer shall be the final custodian of all records of a grievance and is responsible for their proper storage and security.

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**Part 300
Employment Processes**

Subpart B: Employee Appeals

§ 320 General

This subpart establishes the MVA Appeal process. Any employee of MVA may appeal, personally and/or in writing, a decision by MVA to take adverse action resulting from the disciplinary process, reduction-in-force procedures, or an "unsatisfactory" evaluation of performance.

§ 321 Rights of the Parties

In any appeal the appealing employee and MVA have certain rights.

These include:

- (a) Right to a Hearing.
 - (1) If an appeal is filed by an employee, both MVA and the employee will be entitled to a full and fair hearing before the Personnel Committee or a hearing officer designated by the Committee, to present evidence and to be represented by counsel. At the hearing, although technical rules of evidence shall not apply, the testimony may be recorded, but will not be transcribed. Hearing minutes will be prepared and maintained. The Committee shall present its findings of fact and final decision in writing to all parties.
 - (2) Only one hearing will be held, unless the Committee determines that unusual circumstances require a second hearing. Any evidence presented at the hearing must bear on the issue of whether the adverse action taken was justified and proper.
 - (3) The Personnel Committee will decide whether or not a hearing is required for an appealed performance rating based upon the written appeal of the employee. Sub-section (b) below does not apply to performance rating appeals.
- (b) Denial of a Hearing.
 - (1) The Committee may make the determination to deny a hearing on the appeal when a hearing is impractical by reason of extraordinary circumstance. In such cases the Committee will notify both parties in writing of the reason(s) for denying a hearing.
 - (2) If the Committee determines that no hearing is reasonably possible, MVA and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision can be made on the record presented.
- (c) Freedom from Reprisal or Interference.
 - (1) The employee and the employee's representative will be free to use the Appeal Process without restraint, interference, coercion, discrimination or reprisal.
 - (2) No employee, whether acting in an official capacity for the MVA or on any other basis, will be allowed to interfere with, or attempt to interfere with,

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another employee's exercise of rights under this subpart. The spirit as well as the letter of the requirement must be enforced. In addition to abstaining from overt acts or interference, the official is prohibited from making any statement or taking any action that has the appearance of a threat, interference or intimidation.

- (d) **Employee Representation.** Employees have the right to present an appeal without representation or to be accompanied, represented and advised by a representative of their choice. Employees may change their representative, but must notify the Committee of the change, in writing. Employees may select other government employees as their representative, provided that such employees are willing to represent them and are not disqualified because of conflict of position or unavailability to serve in that capacity because of priority needs of, or unreasonable cost to, their employee agency, as determined by the desired representative's appointing authority or management official. Employees are free to select their representative from outside the government service, but entirely at their own expense.
- (e) **MVA Representation.** MVA's representative at a hearing will be the Managing Director or his or her designee, if the employee does not have an attorney-representative. MVA's Legal Counsel or the Attorney General's designee will represent MVA if the employee does have legal representation.
- (f) The Personnel Committee may retain an attorney or other professional to assist with legal, human resource management or other necessary expertise.
- (g) **Employee Entitled to Official Time to Prepare an Appeal.**
 - (1) An employees will be entitled to one day of official time-off as administrative leave to prepare the appeal, if the employee is otherwise in an active duty status. The employee's work on the appeal will take place outside the MVA work premises,
 - (2) If the employee's representative is an employee of MVA, the representative will also be entitled to one day of official time to help prepare the appeal if otherwise in an active duty status.
 - (3) Both the employee who is appealing and the employee who is acting as representative shall make arrangements with the Administrative Officer for the use of official time. Leave forms will be utilized.
 - (4) If the representative is a government employee from another agency, it is the employee's responsibility to determine if that agency will allow them time off to assist with the appeal.
 - (5) If preparation requires more than one day off from work, the employee must request annual leave or unpaid time. If the appeal involves complicate issues that require extensive preparation time, the employee may request additional time, up to three additional days, from the Personnel Committee.
 - (6) The employee may view and request copies of any documents being used to support the adverse action being appealed. These copies will be provided at the employee's expense.

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**Part 400
Position Classification and Compensation**

Subpart A: Position Classification

§ 401 General

All positions subject to the provisions of the MVA Personnel Management System shall be classified in accordance with the approved MVA Position Classification Plan.

§ 402 Definitions

- (a) **Position Classification:** the process by which employment positions in an organization are identified, described and defined according to their duties and responsibilities, with like positions segregated into groups called "classes." A systematic record is made of the classes found and a listing is made of the particular positions found to be of each class.
- (b) **Class.**
 - (1) Class means one position or a group of positions sufficiently similar in respect to their duties, responsibilities and authority that the same title may be used with clarity to designate each position allocated to the said class. The same standard qualifications may be required of all incumbents, the same test of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same or substantially the same employment conditions of a given class; although sufficiently dissimilar from any position or any other group of positions to warrant exclusion from those groups of positions.
 - (2) The class title assigned to a position in accordance with the Position Classification Plan shall be the official title and will be used for all personnel, budgetary and financial purposes, and should be used for all position organization charts.
- (c) **Position:** the work, consisting of duties and responsibilities assigned by competent authority for performance by an employee.
- (d) **Position Classification Plan:** classes of positions arranged in a systematic order to reflect all of the kinds and levels of work utilized in the MVA Personnel Management System.
- (e) **Allocation:** the assignment of a position to its appropriate class on the basis of analysis of the duties and responsibilities of the position.
- (f) **Reallocation:** a position change resulting from a change of duties and responsibilities over a period of time, not a result of planned management decision and action.
- (g) **Reclassification:** change of a position or group of positions to a different class as a result of a change in assigned duties and responsibilities, classification standards, or as a result of correcting a classification error.
- (h) **Class Specification:** an official position classification plan document description of the general characteristics of a class, and includes the official class title, a detailed description of the scope of duties and responsibilities of the class,

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- specific examples of work or typical duties performed and a statement of the qualifications required to perform the work of the class.
- (i) Occupational Group: a major subdivision of a position classification plan, generally embracing several series of classes of positions in associated or related work specialties, professions or related activities. (For example, "Clerical and Machine Operation" and "Administrative, Management, and Allied" are occupational groups.)
 - (j) Series of Classes: classes closely related as to occupational specialty but differing in level of difficulty, responsibility and qualifications required. (For example, the three classes of Marketing Specialist I, Marketing Specialist II and Marketing Specialist III taken together make up a series of classes.)
 - (k) Position Description: a formal, official written statement by management which documents the description, assignment or arrangement of the duties and responsibilities of a position.
 - (l) Desk Audit: a formal review of a position to determine if the duties being performed are consistent with the job description and grade level assigned.
 - (m) Position Description: document defining the duties, knowledge, skills, abilities, education, and experience requirements of the position.

§ 403 Principles and Policy

- (a) The basic principles underlying the position classification system are:
 - (1) Equal pay for equal level of responsibilities, qualification requirements and difficulty in differing position's assigned duties; and
 - (2) Variations in pay in proportion to differences in difficulty, responsibility and qualification requirements of the work.
- (b) The MVA Personnel Management System's position classification program applies these principles in response to management's expressed needs and in support of mission accomplishments. Changes in classification shall not be made for the purpose of raising or reducing pay, but only to reflect clear and significant changes in duties and responsibilities. Supervisors and managers are expected to organize the work of their organizations and structure the positions so that vacancies can be filled at the lowest level at which qualified applicants can be obtained.

§ 404 Responsibilities

- (a) The Managing Director
 - (1) Ensures the development of a classification program which supports management's objectives, meets legal and regulatory requirements, and promotes participation by operating officials in the classification process.
 - (2) Provides advice and assistance to management on the classification aspects of position structure needed to carry out the MVA mission.
 - (3) Ensures the conduct of periodic reviews to evaluate the effectiveness of the classification program and directs corrective action where appropriate.
 - (4) Approves new classification standards, revises existing standards as needed, seeks the advice and counsel of an experienced desk auditor, as needed.

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- (5) Groups positions into classes on the basis of their similarities in duties, responsibilities and other significant factors.
 - (6) Assigns a title to each class which shall apply to all positions in the class; prescribes the characteristics of each class; and sets the standards for employment in any position in the class subsequent to consultation with the personnel committee and the appropriate management officials.
 - (7) Changes a position from one class to another where substantial changes have occurred in the duties and responsibilities.
 - (8) Determines the status of occupants of positions which have been changed from one class to another.
 - (9) Delegates authority to the degree the Managing Director deems appropriate, including to the MVA Administrative Officer and other MVA management staff, to review and modify position descriptions which have been approved and allocated within the classification plan.
- (b) Managers and Supervisors
- (1) Plan, organize, develop and assign duties and responsibilities to positions, whether occupied or vacant;
 - (2) Consider the mission of the organization and structure positions for accomplishment of requirements in the most effective and economical manner possible;
 - (3) Ensure that assigned duties and responsibilities do not duplicate or overlap those of other positions;
 - (4) Assure that duties and responsibilities assigned to positions are completely and accurately described in position descriptions in full and sufficient detail for position classification and all related purposes;
 - (5) Assist employees to accomplish the foregoing.
- (c) The Administrative Officer
- (1) Develops, prepares, maintains and submits to the Managing Director, as required, factual and up-to-date functional statements and organizational position charts which clearly depict such information as assigned organizational and/or supervisory responsibility, organizational segment identification,
 - (2) Develops and maintains listings of positions, employee names with official class titles and pay levels for the positions to which assigned, the title and pay levels of vacant positions which are funded and approved, and other similar essential details.

§ 405 Position Planning

Managers and supervisors are responsible for position planning. The supervisor analyzes the work to be accomplished, decides on work or production methods, and determines the requirements for supervision, special technical support, qualitative and quantitative controls, and review and evaluation. A well defined position has clearly defined operation, tasks, duties, authorities, responsibilities and supervisory relationships.

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**Part 400
Position Classification and Compensation**

Subpart B: Compensation

§ 410 General

All Employees of the MVA shall be compensated in accordance with Commonwealth laws. Classified employees shall be assigned salaries commensurate with similarly graded positions in the Executive Branch classification system and the provisions of this regulation. The MVA compensation plan shall follow the base salary schedule utilized by the Executive Branch of the Commonwealth Government unless the MVA develops as separate salary schedule, which is submitted to and approved by the Commonwealth Legislature.

§ 411 Compensation Plan

The classes in the position classification plan, when assigned to appropriate pay levels of the base salary schedule as established, shall constitute the basic compensation plan. The Managing Director shall assign all classes in the position classification plan to appropriate pay levels in the base salary schedule in accordance with the following:

- (a) Kind and level of work;
- (b) Degree of difficulty and responsibility;
- (c) Kind, quality and level of qualification requirements;
- (d) Relationship to other classes in its occupational group and of its occupational group to other occupational groups.

§ 412 Periodic Review of Compensation Plan

The Managing Director shall periodically ensure the conduct of necessary and appropriate studies of rates of compensation and compensation practices in the Commonwealth and recommend to the Personnel Committee any recommended changes to the MVA Compensation Plan. Following such review, the Committee shall make recommendations to the Board of Director for any possible changes to the MVA Compensation Plan.

§ 413 Establishing Salary upon Appointment

- (a) Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to recruit, and is appropriate to the qualifications of the applicant, the salary may be fixed at any succeeding step not to exceed step 8. An initial salary above step 1 of the pay level must be approved by the Managing Director. An initial salary above step 8 of the pay level must be approved by the Personnel Committee with the recommendation of the Managing Director.
- (b) When a person is reemployed after a break in service of one or more days into a position in a class and pay level lower than the highest class and pay level previously held, the salary may be set in the lower grade at the highest previous step held.

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- (c) When a person is reemployed after a break in service of one or more days into a position in a class and pay level higher than the highest class and pay level previously held, the salary may be set in the higher grade at a step-level equivalent to two steps higher than the highest previous step held.
- (d) All initial salaries are contingent upon budgeted and available funding and may be limited accordingly, notwithstanding (b) and (c) above.

§ 414 Promotions

An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of a two-step increase in the old pay level. The rate of compensation must not exceed the rate of the maximum step in the higher pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. Retroactive promotions shall not be made except when directed by a decision of the Personnel Committee pursuant to an employee's appeal.

§ 415 Temporary Promotions

A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of 90 calendar days. An employee can be temporarily promoted only if such employee meets the qualifications standards of the new position. The employee temporarily promoted shall be compensated at the step in the new pay level which is at least equal to an increase of two steps at the current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary promotion, the employee will be returned to the former salary (level and step) that s/he would be receiving had the employee remained in the former position. No temporary promotion shall exceed a period of one year.

§ 416 "Acting" Assignment

- (a) An "acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty calendar days in place of a supervisor. When the supervisor's absence exceeds the initial thirty-day period, a new designation shall be made for an additional thirty days. This thirty-day renewal of the acting assignment is repeated until the supervisor returns to the position. Whenever the acting assignment exceeds ninety days, the employee shall be temporarily promoted if the employee meets the qualifications standards of the position. If the acting assignment exceeds ninety days and the employee does not meet the qualifications standards of the position, the employee shall be compensated with two steps in the current pay level, but may not exceed the maximum step.
- (b) When an employee in the classified service is designated for an acting assignment to a contracted position, the employee shall be required to resign from the classified service in order to accept the said acting assignment. While in the acting assignment, the employee shall be entitled to receive a salary equivalent to the salary received by the previous incumbent of the position if the employee meets the qualifications for the contracted position, or a two-step temporary increase if the employee does not.

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- (c) Upon expiration of the acting assignment, the employee will be reinstated to the former position and salary (level and step) that the employee would be receiving had the employee remained in the former position.

§ 417 Demotion

- (a) An employee demoted because of abolishment of position or reallocation of position to a lower pay level, except at the employee's own request, shall be compensated at the salary rate which does not exceed the employee's current pay rate. Where the employee's current rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step. An employee demoted as a disciplinary measure shall have his/her compensation reduced to the corresponding step of the lower pay level.
- (b) An employee demoted at his/her own request shall have pay set at the step in the lower pay level which corresponds to the step held in the higher level.

§ 418 Transfer

An employee who is transferred to a different position within the MVA at the same pay level shall receive no change in compensation.

§ 419 Effect on Service Anniversary Date

An employee's service anniversary date will not be affected by a transfer, acting assignment, or temporary promotion.

§ 420 Reallocation/Reclassification of Position to Higher Pay

An employee whose position is reallocated/reclassified to a higher class shall be compensated at the lowest step in the higher pay level which at least equals the amount of a two-step increase in the lower pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The anniversary date of the new reallocation/ reclassification shall become the employee's new anniversary date for within-grade increases and other purposes.

§ 421 Effective Date of Position Changes

The effective date of all position changes shall be the beginning of the first pay period immediately following the approval of the action by the Managing Director. Exceptions to this rule may be made by the Managing Director only for such reasons as will expedite MVA's business and not result in an inequitable situation.

§ 422 Within-grade Increases

- (a) Within-grade increases may be granted to permanent employees upon completion of fifty-two consecutive calendar weeks of satisfactory performance.
- (b) Permanent employees who are assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to a standard work year of 2,080 hours and such work has been satisfactory. Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.

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- (c) The effective date of a within-grade step increase shall be the first day of the first pay period following completion of the required waiting period.
- (d) For all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to exceed eighty hours, is creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty hours will extend the waiting period by at least one pay period or by the amount of time such AWOL or LWOP exceeds the eighty hours, whichever is greater.
- (e) A former employee reemployed with a break in service begins a new waiting period for a within-grade increase from the date of rehire.
- (f) Time served during temporary, limited term or provisional status shall not be counted toward the required waiting period in receiving a within-grade step increase, except that employees holding temporary promotions will be eligible for any within-grade increase due to their permanent position, and the temporary salary may be adjusted accordingly.

§ 423 Workshops

An employee occupying a permanent position who successfully completes 120 hours of training workshops that are supervised, sponsored and/or approved by the MVA may be given a salary increase equivalent to one step.

- (a) No employee may receive more than one step increase under this subpart in any one calendar year regardless of the number of training workshops that are successfully completed. Employees who are employed on an intermittent basis are not eligible to receive this increase.
- (b) Upon determination of the Administrative Officer that such employee is eligible to receive a salary increase as provided for in this subpart, the Administrative Officer shall prepare, sign and submit a request for personnel action to the Managing Director for final approval.
- (c) The effective date of a training workshop salary increase shall be the beginning of the pay period immediately following the approval of the Managing Director.
- (d) This increase shall not affect the anniversary date of the employee.

§ 424 Overtime Compensation

Compensatory Time and Control. Any employee who exceeds forty hours actually worked in an established one-week pay period shall be compensated for the hours in excess of forty at the rate of one and one-half times the regular rate of pay, except as provided below.

- (a) Exceptions. Bona fide executive, administrative and professional employees are exempt from payment for overtime. These terms shall have the meanings given them in the federal Fair Labor Standards Act of 1938, as amended (FLSA).
 - (1) Every personnel action or request therefore to appoint, promote or transfer an individual to a position shall be endorsed by the Administrative Officer as either "FLSA covered" or "FLSA exempt," and the latter term shall only apply to bona fide executive, administrative, or professional employees. The criteria used in justifying such exemptions must be documented in the

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employees' job descriptions. Every examination announcement, promotional opportunity announcement, or other vacancy announcement for a position that is FLSA exempt shall indicate that the holder of that position is not eligible for payment for overtime. If changes in a job description effectively change an employee's coverage or exemption under the FLSA, a special personnel action shall be prepared to document such change.

- (2) In addition to the above exceptions, no employee shall be eligible to receive overtime pay for any hour for which the typhoon emergency differential is paid.
- (b) **Hours Actually Worked.** Overtime compensation will only be paid for hours actually worked in excess of forty hours a week. Paid leave, annual or sick, or holidays shall not be included in the computation of hours actually worked, except for administrative leave allowed to serve on government boards and commissions. Time during which an employee is required to remain at a prescribed workplace shall be included in the hours actually worked, even if no work is performed.
- (c) **Payments Included in Determining Regular Rate of Pay.** The regular rate of pay shall include consideration of the following compensation for employment:
- (1) Basic pay (one-eightieth of biweekly salary) for the first forty hours actually worked in the workweek, including work on a holiday (but not the amount also paid for holiday leave), and including basic pay for work during a typhoon emergency (but not the amount also paid for administrative leave), regardless of whether actual compensation during such emergency is higher because any such work was performed outside of regular duty hours; and
 - (2) Any hazardous work differential earned during the workweek; and
 - (3) Any night work differential (which can only be earned during regular scheduled shifts and duty hours); and
 - (4) Any premium earned for remaining on call for duty during a regularly scheduled period in excess of a forty hour week; and
 - (5) Payment for housing or transportation to and from work that is paid to the employee or the fair value of those benefits, if they are provided directly by the government, pro-rated to determine the amount for that workweek. The fair value shall be the amount specified for tax purposes.
- (d) **Compensatory Time-Off.** If funds are not available for overtime compensation, compensatory time-off may be granted at the rate of one and one-half hours for each hour actually worked of overtime, provided that:
- (1) The employee signs a statement agreeing to compensatory time-off in place of overtime; and
 - (2) The maximum authorized accumulation of compensatory time-off is 240 hours (160 hours of work time at one and one-half times). When an employee has accumulated 240 hours of compensatory time off, all overtime must be paid in cash; and

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- (3) An employee's request to use compensatory time-off must be granted within a reasonable time unless the responsible official determines that time off would be unduly disruptive to operation of the activity; and
 - (4) Accrued balances of compensatory time-off at the termination of employment must be paid at the average basic pay of the employee over the last three years of employment or the final basic pay, whichever is higher.
 - (5) Compensatory time-off cannot be carried "off the books" through any in-house agreement or arrangement. All time work shall be officially recorded.
- (e) **Reduction and Control of Overtime.** Intelligent and responsible control of overtime is a continuing management function and certain steps are to be taken by all appointing authorities and supervisors to reduce overtime. Overtime work should be directed to a specific objective or goal, and should not be work that can be completed during the regular workday, or postponed to the following day or days. Avoid use of compensatory time-off. Excessive use of compensatory time-off will take employees away from the workplace in the future and create a need for more overtime.
- (f) **Approval of Overtime.** Overtime must be approved, in advance, by the Management Director on forms prescribed by the MVA.
- (1) An employee who is suffered or permitted to work overtime without authorization shall be paid, because the time represents an obligation of the MVA.
 - (2) The responsible management official has an obligation to discourage overtime which is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization.
 - (3) As a general policy, an employee who has taken annual or sick leave or who plans to take annual or sick leave within the same work week will not be scheduled to work overtime.
- (g) **Supervisors Working Overtime.** As a general policy, management officials should refrain from directing supervisory personnel to work overtime.
- (h) **Supervision of Overtime Work.** In the event three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

§ 425 Standard Work Week

The standard work week commences on Monday at 8:00 a.m. and ends on the following Friday at 5:00 p.m. of each week. For FLSA purposes, including the computation of overtime pay, the workweek is the 168-hour period beginning at 12:01 a.m. on Sunday, unless a different FLSA workweek is specified for a particular position.

§ 426 Use of Non-standard Work Week

Non-standard work weeks may be used to provide continuity of service, flexibility of work scheduling or to fulfill other needs in MVA's interest. Schedules for non-standard work weeks shall be devised, in advance, by the Managing Director, not to exceed forty

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hours per week. When it becomes necessary to change an employee from a standard work week to a non-standard work week, every effort will be made to give the employee notice ten working days in advance of the effective date of the change.

§ 427 Holidays

All MVA employees shall receive leave with pay on each legal holiday.

- (a) **Payment for Work on Holidays:** An employee required to work on a legal holiday shall be compensated at the base salary rate or the adjusted base salary rate for the hours actually worked, and shall also be paid for the holiday leave with pay.
- (b) **Holiday Pay in a Non-standard Work Week.** When holidays fall on a regular non-work day for employees whose basic work week is other than the standard work week, the work day immediately preceding or succeeding the holiday shall be designated (as determined by the employees Manager) as the holiday in lieu of such holiday which occurs on the employee's scheduled non-work day:
 - (1) Such employees who have designated holidays in lieu of the official holiday shall, if possible, be excused from duty on the designated holiday.
 - (2) Such employees who are required to work on their designated holiday shall receive the basic salary rate for work performed on that day, and shall also receive holiday leave with pay.

§ 428 Merit Increase

- (a) An employee with an overall exceptional performance rating may additionally be granted a merit increase not to exceed one step increase in the base salary upon completion of fifty-two consecutive calendar weeks of sustained superior work performance. Such additional merit increase shall not alter the waiting period required for qualifying for the next within-grade step increase. No employee shall be compensated above the maximum step prescribed for the employee's pay level except where the employee was receiving such compensation pursuant to law.
- (b) A recommendation for a merit increase is prepared and signed by the Manager, and then forwarded to the Managing Director for review and final approval.
- (c) The effective date of all merit increases shall be the beginning of the pay period immediately following the final approval of the Managing Director. Exceptions to this rule may be made by the Managing Director only for such reasons as might expedite MVA's business and not result in an inequitable situation.

§ 429 Premium Pay

- (a) **On-call.** Employees who are required to remain on-call to duty outside of their regular working hours shall be fit to report for duty while on call and shall be paid a premium of one dollar and fifty cents per hour they are scheduled to be on-call, provided that:
 - (1) Employees shall be compensated for hours actually worked instead of receiving an on-call premium for all hours in which they are required to be at a prescribed work place; and

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- (2) Hours of on-call duty must be for a regularly scheduled period of time in excess of the regular forty hour work week. On-call schedules must be submitted to the timekeeper before the beginning of the work week involved; and
 - (3) There is a bona fide reason for the employee to be on call; and
 - (4) Eligibility to be placed on-call is for a period of one year, and may be renewed for additional one year periods.
- (b) Typhoon Emergency. Employees who are required by the MVA to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared by the Governor shall be compensated as follows:
- (1) For the employee's regularly scheduled work hours during which other MVA employees are released from work as a result of the emergency, the employee shall receive pay for administrative leave, and shall also receive pay for the actual hours worked; and
 - (2) For all other hours such employees are required to work while such declaration of emergency shall remain in force, compensation shall be at the rate of two and one-half times the base salary rate. Employees being paid typhoon emergency differential are not eligible to receive any other premium pay or overtime pay for the same time period.

§ 430 Approval of Premium Pay or Differentials

Proposals to either begin or discontinue premium pay differentials shall be submitted on a request for personnel action to the Managing Director for review and approval. The request must be accompanied by a letter of justification addressing each of the criteria required to support the particular differential. Discontinuance of differentials does not constitute a "reduction in pay" and does not require a formal adverse action.

§ 431 Bar to Dual Compensation or Dual Employment

- (a) No employee shall receive compensation for two positions or two appointments in the CNMI government service. When an employee is engaged in government work other than in the employee's regular position with MVA, such employee shall be
 - (1) Placed in LWOP from the regular position, or
 - (2) Continue the MVA salary and reject the salary for the second position, whichever is to the employee's personal advantage.
- (b) Exception: When an employee is engaged as a classroom teacher outside the employee's regular work day to teach adult basic education or classes for the Northern Marianas College, such employee shall be paid for work as a teacher at the prevailing rate. Other exceptions may be made upon proper justification with the specific written approval of the Managing Director.

§ 432 Severance Pay

- (a) Employees who are separated from employment with MVA by reduction-in-force (RIF) and are not eligible to receive immediate retirement pay, are entitled severance pay computed as follows:

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- (1) For each full year of creditable service with the government (total employment with MVA and other agencies), the employee is entitled to one-half of the employee's biweekly pay rate in effect upon separation by RIF.
 - (2) For each full three months of service beyond the total full years of service, the employee is entitled to twenty-five percent of the pay for a biweekly period at the rate in effect upon separation by RIF. Not more than seventy-five percent of the pay for one biweekly period shall be paid under this part-year provision.
 - (3) If the employee is reemployed by the MVA and is again separated by a RIF, this time will not be counted toward any future severance pay.
- (b) Severance pay is paid at the regular biweekly sequences until the entitlement is exhausted. If an employee separated by RIF is reemployed by the government in any capacity before the allowable severance pay liability is satisfied, the employee sacrifices the unpaid balance upon return to duty. If the employee's total creditable service is less than one full year, there is no entitlement to severance pay.

§ 433 Timekeepers

It is essential that the MVA have available accurate data concerning the time and attendance of employees. This information assists forecasting of future personnel needs and analysis of current practices. To provide the needed information, it is necessary that competent timekeepers be appointed and certified.

- (a) Appointment and Certification of Timekeeper. The Managing Director shall appoint not less than two timekeepers from among the MVA employees on Saipan and one each for Rota and Tinian. Upon the appointment, each timekeeper will undertake a course of instruction in timekeeping procedures as provided by the Executive Branch Office of Personnel Management. No person may perform the duties of timekeeper without certification.
- (b) Duty of the Timekeeper.
 - (1) Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. Timekeeping duties shall be accomplished during regular working hours. Overtime shall not be authorized for timekeeping. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be as prescribed by the Office of Personnel Management training.
 - (2) Time and attendance records, kept by the timekeeper, are subject to audit by the Managing Director or his designee at least once a year. Noncompliance to the timekeeping procedures taught in the certification training may subject the timekeeper to immediate decertification and appropriate disciplinary action(s).
- (c) Protection of Timekeeper. It is essential that timekeepers be able to fulfill their duties without harassment. No person may attempt to coerce, threaten or otherwise attempt to hinder the timekeeper. Any person violating this provision shall be reported promptly by the timekeeper to the Managing Director. Any

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person violating this provision may be subject to disciplinary and/or criminal sanctions.

- (d) **Employees' Rights to Challenge Timekeeping Records.** Any employee who wishes to challenge the accuracy of any timekeeper's records may institute an employee appeal under the Grievance Procedure.

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**Part 500
Employee Management Processes**

Subpart A: Communications

§ 501 General

The MVA is committed to the policy of participative management. This means that employee views and opinions shall be actively sought. Managers and supervisors shall not take any steps, either covertly or overtly, which will diminish participation by employees in the management process through communication of ideas, comments and suggestions to their supervisors and superiors. To this end, supervisors and managers shall make positive and continuing efforts to communicate with the employees in the following ways:

- (a) Formally, through:
 - (1) The annual employee review system and the performance evaluation process;
 - (2) Staff meetings or other assemblies called for the purpose of informing subordinates concerning the status of work and programs and discussion of current matters of mutual interest;
 - (4) Such other devices as may be initiated by managers and supervisors to enhance communications.
- (b) Informally, through:
 - (1) Frequent contact with employees at their work site to exchange comments concerning progress of work;
 - (2) Maintaining an "open door" policy which encourages employees to bring to the attention of supervisors and managers those problems of mutual concern;
 - (3) Adopting a helpful and supportive attitude toward the incentive awards program, especially the beneficial suggestion program;
 - (4) Passing along, promptly, to higher levels of management, complaints and concerns of employees which cannot be resolved or corrected at the lower levels of supervision;
 - (5) Resolving promptly those matters which fall within the authority of the supervisor;
 - (6) Encouraging morale and esprit de corps by:
 - (i) Occasional brief group meetings to recognize events and communicate plans of mutual interest to the employees in that office; and
 - (ii) Occasional social gatherings of employees and their families for picnics or holiday celebrations to promote better understanding and cooperation.

§ 502 Role of the Managing Director

The Managing Director shall:

- (a) Monitor and guide managers and supervisors in the above listed actions to facilitate good intra-MVA communications;

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- (b) Designate the MVA Administrative Officer to monitor employee relations through advising managers and supervisors in such areas as:
 - (1) Advising supervisors and managers concerning effect and import of regulations concerning employees' rights and privileges, management's rights, employee conduct and performance appeals, grievances and communications;
 - (2) Advising and counseling employees concerning benefits to include the group life insurance, the group health insurance and the worker's compensation;
 - (3) Advising all employees on the impact of law and regulations concerning the personnel management function; and
 - (4) Advising all employees concerning conflict of interest as denounced in this subchapter.

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**Part 500
Employee Management Processes**

Subpart B: Emotional and Mental Health

§ 510 General

- (a) This subpart deals with employee conduct and performance when outside influences, other than substance abuse, adversely affect employees' effectiveness. These influences include, but are not limited to, the following:
- | | |
|------------------------------|--------------------|
| Politics | Family problems |
| Employee-supervisor conflict | Divorce |
| Employee-employee conflict | Legal concerns |
| Perceived personal crisis | Financial problems |
| Retirement crisis | Death in family |
- (b) Early recognition of deteriorating performance or conduct is a vital first step in the MVA's program to help troubled employees retain or resume their place as productive members of the work force. Early recognition is also an integral part of supervision. Because the immediate supervisor must assume such a key role in helping troubled employees, this subpart is prepared to help the supervisor:
- (1) Recognize early signs indicative of personal problems;
 - (2) Deal in an appropriate manner with employees whose work is suffering because of personal problems; and
 - (3) Make employees aware of sources of help within the organization and community.
- (c) This subpart does not deal with substance abuse. See Part 520 et. Seq., Subpart C, for the MVA's policy on creating an alcohol and drug free workplace.

§ 511 Policy on Emotional and Mental Health

- (a) As employer, the MVA is concerned with any person or social situation which interferes with the individual employee's mental and physical well-being, or interferes with the efficient and safe performance of assigned duties, reduces dependability, or reflects discredit on the MVA.
- (b) It is the MVA policy to offer assistance through confidential counseling and referral guidance when indicated. This assistance includes but is not limited to such areas as emotional problems, family and marital problems, indebtedness, interpersonal conflicts (employee-supervisor, employee-employee) and crisis situations, where it is determined by the employee or management that these problems adversely affect employee health and performance.
- (c) Supervisor must take care not to make decisions for employees or give guidance beyond their professional capabilities. For non-work-related situations, the supervisor should guide the employee to seek professional assistance.
- (d) Assistance available to employees voluntarily seeking help for substance abuse problems is described in Part 500, Subpart C. Sick leave, annual leave or leave without pay may be granted for approved programs of treatment,

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counseling or rehabilitation. The confidential nature of records in these cases will be maintained in the same manner as medical records.

§ 512 Action by Supervisors and Managers

- (a) Supervisors and managers must be alert to indications of deteriorating performance on the part of employees under their supervision. Some of the indications which may occur are:
- (1) A marked change in behavior. This may show up as emotional outbursts, chronic irritability, excessive fatigue, or rule violations.
 - (2) Frequent short-term absences, notably the afternoon of pay day or the following Monday;
 - (3) Repeated incidents leading to work-related accidents or damages;
 - (4) Frequent complaints related to health;
 - (5) Chronic inability to get along with fellow employees; or
 - (6) Excessive problem drinking.
- (b) Upon identification of presumed problems, the supervisor should approach the employee to determine the cause of performance change. Should such an approach be rebuffed, which is likely, the supervisor should continue observation of the employee's performance, recording occurrences which tend to support the supervisor's feeling that the employee is troubled. If the conduct continues for a lengthy period, the supervisor must again counsel with the employee and, if the employee is unresponsive, refer the matter to the Managing Director.

§ 513 Action by the Managing Director

Upon referral of a case to the Managing Director by a supervisor, the Managing Director should contact the Community Guidance Center or other appropriate agency for assistance. Once arrangements for assistance have been made, the Managing Director should seek out the employee and counsel the employee to seek appropriate help. If the employee is agreeable, the Managing Director should notify the supervisor concerned so that arrangements can be made for the employee to seek help. If the employee is not agreeable, the Managing Director should advise the employee that he or she is responsible for the consequences of their actions and if the unsatisfactory performance continues, disciplinary action may result. Actions taken should be properly documented and maintained in the Official Personnel Folder or the confidential medical file, as appropriate.

§ 514 Further Actions

- (a) Should an employee's conduct and performance continue to deteriorate and the supervisor is convinced beyond a reasonable doubt that the cause is other than alcohol abuse or drug dependence, the supervisor should consult again with the Managing Director. The Managing Director should then seek assistance from an appropriate practitioner at the Community Guidance Center, the Commonwealth Health Center or other appropriate agency.

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**Part 500
Employee Management Processes**

Subpart C: Alcohol and Drug-Free Workplace

§ 520 General Policy

As an employer, the MVA recognizes it has a responsibility to its employees and the public it serves to take reasonable steps to assure safety in the workplace and in the community. Furthermore, the MVA is concerned about the adverse effect that alcohol and drug abuse have on safe and productive job performance. It also recognizes that any employee, whose ability to perform safely and productively is affected by the use of alcohol and other drugs, jeopardizes the integrity of the workplace and the achievement of the MVA's mission. To the end of maintaining an alcohol and drug free workplace, employees shall not be under the influence of alcohol, illegal drugs, or controlled substances during business hours, whether or not consumed on MVA premises and whether or not consumed out of or during working hours.

The MVA realizes that alcoholism, problem drinking and drug addiction are treatable illnesses. The MVA, therefore, encourages employees who have problems with drugs or alcohol to utilize all available resources to resolve their problems before those problems affect their job performance.

§ 521 Procedure

The MVA understands and accepts its obligation to maintain a workplace free of alcohol and illegal drugs. To ensure that the objectives of this policy are met, the MVA will actively implement and maintain a drug-free program. The program will have the following elements: collection and testing, education and guidance, referral and rehabilitation. The MVA has accepted the CNMI MVA's Alcohol and Drug Free Workplace program and will utilize and work with this program in accordance with the guidance provided in the Civil Service's Personnel Service System Rules and Regulations with the exception that any administrative or disciplinary hearings and decisions will be conducted by the MVA Managing Director and Personnel Committee as provided in this regulation.

§ 522 Testing Occasions

- (a) Pre-employment Testing
- (1) At the time of application, persons applying for any position with the MVA will be notified that any offer of employment is contingent upon a negative urine test. After receiving an offer of employment, the candidate shall be tested for the presence of cocaine, marijuana, opiates, amphetamines, phencyclidine in the urine, etc. The test shall be paid for by the candidate.
 - (2) Also at the time of application, applicants who were previously employed by the MVA and applicants who have had an offer for MVA employment withdrawn due to a previous positive urine test result must provide a written release of drug testing history for the two (2) years immediately

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preceding the application date.

- (3) No new MVA candidate may be assigned to work in any position until he or she presents the results of a urine test, taken after the offer for employment has been made, that shows a negative result for the presence of cocaine, marijuana, opiates, amphetamines, and phencyclidine.
- (4) If the candidate's test result is positive for the presence of a tested drug, without a legitimate explanation, the offer of employment will be withdrawn.
- (5) If the candidate's drug testing history shows a positive drug test within two (2) years prior to the application date, the offer of employment will be withdrawn unless the candidate submits a Statement of Fitness for Duty and agrees to execute an agreement similar to a Return to Duty Contract described below.

(b) Reasonable Suspicion Testing

Where there is a reasonable suspicion that an employee is under the influence of alcohol or drugs while at work or about to begin work, he or she shall submit to a breath or urine test for the presence of alcohol, cocaine, marijuana, opiates, amphetamines, and phencyclidine, upon written notice from the employee's Supervisor. Except as otherwise provided, the MVA shall pay for the testing.

- (1) Testing Decision Authority. Only a Manager or higher official is permitted to make reasonable suspicion testing decisions.
- (2) Objective inquiry. The Supervisor or higher MVA official will observe the employee suspected of being under the influence of alcohol or illegal drugs. A decision to request testing shall be based on eye witness reports, facts of the event, and observed physical and behavioral characteristics of the employee.
- (3) Prior to making the decision to require testing, the management official will question the employee in a private area to ascertain whether there are any reasons other than alcohol or drug use for any behavior observed.
- (4) Transportation assistance. The employee shall be accompanied to the collection site by a Supervisor, and shall be provided transportation home from the collection site. If the individual refuses and demands to drive his/her vehicle, the Supervisor shall notify the Department of Public Safety.
- (5) Duty pending test results. Until the results of the drug and alcohol test are complete and verified, no employee tested based upon reasonable suspicion shall be allowed to perform or continue to perform a safety-sensitive duty.
- (6) Report. The Manager ordering reasonable suspicion testing shall put in writing, in detail, the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's medical file, which is confidential, until needed for a disciplinary action. Only at that time will the report be filed in the employee's personnel file.

(c) Post-Accident Testing

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As soon as practical after an accident any employee whose action or inaction may have contributed to the accident must submit to breath and urine tests for the presence of alcohol, cocaine, marijuana, opiates, amphetamines, phencyclidine, upon written notice from the employee's Supervisor. Except as otherwise provided, the MVA shall pay for the testing.

- (1) Objective inquiry. A Department Head or higher MVA official's decision to request testing shall be based on eye witness reports, facts of the event, and observed physical and behavioral characteristics of the employee. Specifically, the Department Head or higher MVA official shall require the driver of any MVA vehicle or the operator of any MVA equipment involved in the accident to be tested.
 - (2) Transportation assistance. The employee shall be accompanied to the collection site by a management official, and shall be provided transportation home from the collection site. If the individual refuses and demands to drive his/her vehicle, the management official shall notify the Department of Public Safety.
 - (3) Duty pending test results. Until the results of the drug and alcohol test are complete and verified, no employee reasonably suspected of having been under the influence of alcohol or drugs at the time of the accident shall be allowed to perform or continue to perform a safety-sensitive duty.
 - (4) Report. The Supervisor or higher MVA official ordering post-accident testing shall put in writing, in detail, the facts leading to the decision. This report shall be considered confidential and will be maintained in the employee's medical file, which is confidential, until needed for a disciplinary action. Only at that time will the report be filed in the employee's personnel file.
- (d) Random Testing
- Not less than every two years, randomly selected employees performing safety-sensitive functions will be required to submit to breath-tests for alcohol and urine tests for cocaine, marijuana, opiates, amphetamines, and phencyclidine. The testing will be done during on-duty time. Except as otherwise provided, the MVA shall pay for the testing.
- (1) Method of selection. Employees will be selected by a statistically valid method such as a random number table or computer-based random number generator that is matched with employee Social Security numbers, payroll identification numbers, or other comparable identifying numbers.
 - (2) Number to be tested. No more than twenty-five percent (25%) of all employees performing safety-sensitive functions shall be required to submit to breath-alcohol testing and no more than fifty percent (50%) shall be required to submit to urine testing. The actual percentage will be determined at the beginning of each fiscal year by the Managing Director and the Administrative Officer after reviewing the MVA's prior positive testing rates, reasonable suspicion and post accident events, and referrals for service.

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§ 523 Collection and Testing Procedures

(a) Collection

- (1) Breath and urine specimens shall be collected only at a site approved by the MVA or at the scene of an accident if proper equipment and personnel can be made immediately available.
- (2) Breath and urine specimens shall be collected only by a technician trained in the collection of specimens in accordance with standard collection protocols as specified in the U.S. Department of Transportation Regulation, 49 CFR, Part 40(B and C) "Procedures for Transportation Workplace Drug Testing Programs," except as otherwise provided in this section. However, a certified Medical Review Officer (MRO) or a consulting physician, when requested, may assist in facilitating the collection for post-accident testing.

(b) Confirming Tests

- (1) **Alcohol Test.** Breath specimens shall first be subjected to a screening test for alcohol. If that test indicates a probable breath alcohol concentration (B.A.C.) of 0.02 or greater, a second test, confirming the first and providing quantitative data of alcohol concentration, shall be performed. No alcohol test shall be considered positive unless both the screening test and the confirming test show a B.A.C. of 0.02 or greater.
- (2) **Drug Test.** The urine sample will be split into two specimens (primary and secondary). Both specimens will be shipped to the laboratory selected for performing tests for the MVA. Primary urine specimens shall first be subjected to a screening test. Only if the screening test shows positive for the presence of a prohibited drug, will a second test be conducted on the same urine specimen to identify the presence of a specific drug or metabolite, using a gas chromatography/mass spectrometry (GC/MS) test. No drug test shall be considered positive unless both the screening test and the confirming test show the presence of one or more of the drugs tested for.

(c) Results

- (1) The breath test results shall be transmitted by the Technician, in a manner to assure confidentiality, to the employee and to the MVA Administrative Officer.
- (2) The laboratory conducting the urine test shall give the results only to the M.R.O. The M.R.O. shall discuss the test result with the tested individual.
- (3) If the test shows positive for the presence of a specific drug or drugs, the employee may request that the M.R.O. have the secondary specimen tested at another laboratory certified by the United States Department of Health and Human Services, for the presence of the drug or drugs found in the primary specimen.
 - (i) The employee must make the request in writing, within 72 hours of receiving notice of the result of the MVA's test.
 - (ii) The results of the second test shall be given to the M.R.O. who shall discuss the result with the employee.
 - (iii) The employee shall pay for the cost of the second test.

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- (4) Upon receiving a report of a positive test result, the M.R.O. shall determine if there is any alternative medical explanation for the result, including the use of prescribed medication by the employee. Such a determination shall be based on information received from the employee such as the tested individual's medical history and records. If the M.R.O. determines it to be necessary he or she may request pertinent analytical records from the laboratory or require a re-analysis of the specimen.
 - (5) The M.R.O. shall report the urine test result as negative and shall take no further action if he or she determines:
 - (i) There is a legitimate medical explanation for a positive test result, other than the use of the specific drug; or
 - (ii) Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the positive drug test result is scientifically insufficient for further action.
 - (6) Employees receiving a positive test result will be subjected to disciplinary action up to termination of employment.
- (d) Report to MVA
- The M.R.O. shall report all positive and negative urine drug test results, in a manner to assure confidentiality, to the MVA Managing Director. Other than as specified above, the M.R.O. shall not release the results of drug tests to any other individual without a written release from the tested employee.

§ 524 Employee Awareness and Rehabilitation

- (a) Employee Awareness Training. All employees shall receive information concerning the effects and consequences of drug and alcohol use on personal health, safety, and the work environment; the manifestations and behavioral clues indicative of drug and alcohol use; and the resources available to the employee in evaluating and resolving problems associated with the use of illegal and legal drugs and alcohol.
- (b) Employees Seeking Voluntary Assistance. MVA employees shall be allowed to voluntarily seek assistance for alcohol or drug use at any time prior to being required to be tested under the reasonable suspicion, post-accident or random testing procedures.
 - (1) Referrals. Employees may request referral to a Substance Abuse Professional (S.A.P.) for treatment, may self-refer, or may be referred by a Manager as part of a performance counseling session. Such referrals shall only be made a part of the employee's medical file and shall not be a part of the employee's personnel file. Referrals shall be kept confidential.
 - (2) Voluntary referrals. Employees who voluntarily seek assistance in dealing with drug and alcohol problems or who accept referrals, before job performance is compromised, shall be provided the same leave benefits for recommended treatment as provided for any other health problem.
- (c) Accountability for job performance. Regardless of participation in or requests for referrals, employees shall be held accountable for acceptable job performance. In no case where job performance has been compromised will disciplinary action be waived for employees asking for assistance and

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referral. Such requests may be considered a mitigating factor in determining the appropriate form of discipline.

§ 525 Prohibited Conduct

The following conduct or activity is prohibited by the MVA and employees violating this provision will be subject to disciplinary action:

- (a) Sale, Purchase, Possession with Intent to Deliver, or Transfer of alcohol or Illegal Drugs. No employee shall (1) sell, purchase, or transfer; (2) attempt to sell, purchase, or transfer; or (3) possess with the intent to deliver, any illegal drug while on MVA property, in any MVA vehicle or on any MVA business, except that alcohol may be purchased, transported, maintained and consumed in reasonable quantities where social drinking is part of doing MVA-related business.
- (b) Possession of Illegal Drugs. No employee shall possess any illegal drug while on MVA property, in any MVA vehicle or on any MVA-related business.
- (c) Possession of Open Containers of Alcohol. No employee shall possess an open container of alcohol in any vehicle while on MVA property, in any MVA vehicle or on any MVA-related business.
- (d) Under the Influence of Alcohol or Illegal Drugs. No employee shall be under the influence of alcohol or any illegal drug when at work, or reporting to work with the intention of working. As used in this subsection, alcohol includes any alcohol found in any prescription or non-prescription drug such as cough syrup used other than as directed by the physician or normal usage per non-prescription directions. An employee is presumed to be under the influence of alcohol or an illegal drug if:
 - (1) The employee has a B.A.C. of 0.02 or more;
 - (2) The employee has a detectable amount of any illegal drug in his or her urine;
 - (3) The employee uses alcohol or any illegal drug while on call when the employee knows he or she may be called upon to perform MVA-related functions; or
 - (4) The employee uses alcohol or any illegal drug within four (4) hours prior to reporting to work and expects to perform MVA-related functions.

§ 526 Refusal to be Tested. No employee required to be tested for drugs or alcohol under any provision of this sub-part shall refuse to be tested. The following conduct shall be considered a refusal to be tested:

- (a) Refusing in writing to submit to testing after receiving clear and specific written notice of the requirement to be tested;
- (b) Refusing verbally, in front of at least two witnesses, to submit to testing after receiving clear and specific written notice of the requirement to be tested;
- (c) Failing to timely provide an adequate specimen for testing, without a valid medical explanation, after receiving clear and specific written notice of the requirement to be tested. An M.R.O. or consulting physician shall determine if there is any medical reason for failure to provide an adequate urine sample (shy bladder) or an adequate breath sample (shy lung);

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- (d) Engaging in conduct that clearly obstructs the specimen collection process;
- (e) Failing to remain available for post-accident testing, or leaving the scene of an accident before a testing decision is made. An employee may leave the scene of an accident only to obtain necessary medical care or assistance in responding to the accident. If the employee leaves the scene, the employee must notify his or her Supervisor as soon as possible of his or her location and reason for leaving the scene;
- (f) Consuming alcohol or illegal drugs after an accident and before a testing decision is made;
- (g) Failing to report, during the work shift in which an accident occurred, an accident which could have resulted in a testing decision; or
- (h) Failing to report to the specimen collection site timely after being informed of the requirement to be tested.

§ 527 Other Actions Violating this Regulation

- (a) **Giving False Information.** No employee shall give false information about a urine specimen or attempt to contaminate or alter the specimen.
- (b) **Refusal to Comply with Treatment Recommendations.** No employee shall fail to comply with recommendations for treatment or after-care made by an M.R.O. or S.A.P. as a consequence of a prior positive drug or alcohol test result.
- (c) **Failure to Notify MVA of Conviction.** No employee shall fail to notify the Administrative Officer of any criminal drug statute conviction, within five (5) days of such conviction, if the violation of the criminal drug statute occurred while the employee was conducting MVA business, or while on or using MVA property.

§ 528 Refusal to be Tested; Penalties and Consequences

- (a) **Disciplinary Action.** An employee committing any act prohibited by this procedure shall be subject to an appropriate form of discipline, depending on the circumstances.
 - (1) **Generally.** Where an employee commits any act prohibited by this procedure, without valid reason, the employee shall be disciplined up to and including removal. At a minimum, the employee shall receive a formal reprimand. If the prohibited act committed by the employee relates to the use or possession of alcohol or illegal drugs, the employee shall be referred to an S.A.P. for assessment and treatment.
 - (2) **Serious offenses.** The following acts, even for a first offense, will result in an immediate disciplinary action for removal:
 - (i) The sale, purchase, possession with intent to deliver, or transfer of illegal drugs, or the attempt to sell, purchase or transfer illegal;
 - (ii) Being involved in an accident resulting in a fatality while under the influence of alcohol or illegal drugs;
 - (iii) While performing and about to perform duties in a safety sensitive position, being under the influence of alcohol or illegal drugs;
 - (iv) An unexcused refusal to be tested;
 - (v) Giving false information, contaminating or attempting to contaminate

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- a urine sample;
 - (vi) Failing to notify the proper authority of conviction for a drug;
 - (vii) Testing positive for alcohol or illegal drugs within five years of a prior positive test; or
 - (viii) Breaching any term of a Return to Duty Contract executed under the provisions of this procedure.
- (b) **Counseling Concerning Treatment Options.** Those employees not removed from MVA service after committing any act prohibited by this procedure shall be informed of resources available for evaluating and resolving problems associated with the use of alcohol and illegal drugs. At a minimum, the Supervisor or Administrative Officer shall give the names, addresses, and telephone numbers of local Substance Abuse Professionals and substance abuse counseling or treatment programs. The employees will then be required to fulfill all the specified steps of treatment before being considered ready for return to duty.
- (c) **Report to Department of Public Safety.** An employee committing any act prohibited by law shall be reported, by the MVA, to the Department of Public Safety for possible criminal prosecution.
- (d) **Duty/Pay Status Pending Disciplinary Action.** Unless the employee was involved in an accident resulting in a fatality, an employee subject to a disciplinary action for committing any act prohibited by this procedure, shall be allowed to remain on the job pending resolution of any proposed disciplinary action but shall not be allowed to perform a safety-sensitive function, even if that means assigning the employee duties the employee would not otherwise be performing. An employee subject to a disciplinary action for committing any act that resulted in a fatal accident shall be placed on leave without pay pending resolution of the disciplinary action for removal.

§ 529 Return to Duty Procedures

Requirements. No employee who has tested positive for the presence of alcohol or illegal drugs shall be allowed to return to work until the employee has:

- (a) Complied with treatment recommendations of an M.R.O. or S.A.P. and been released for work by an S.A.P. in consultation, when appropriate, with the M.R.O. or a consulting physician;
- (b) Tested negative in a subsequent test paid for by the employee for the presence of alcohol, if the removal from duty was due to alcohol use; or cocaine, marijuana, opiates, amphetamines, and phencyclidine, if the removal from duty was due to drug use; and
- (c) Agreed to execute a Return to Duty Contract.

§ 530 Return to Duty Contract

The Return to Duty Contract shall include the following provisions:

- (a) **Aftercare.** An agreement to comply with aftercare and follow-up treatment recommendations for one to five (1-5) years, as determined appropriate by the employee's S.A.P.;
- (b) **Follow-up testing.** An agreement to unannounced alcohol or drug testing.

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- depending on the substance which resulted in the removal from duty, paid for by the employee, for one (1) to five (5) years, as determined appropriate by the employee's S.A.P., but there shall be no fewer than six (6) tests in the first year after the employee returns to work;
- (c) **Compliance with Rules.** An agreement to comply with MVA rules, policies, and procedures relating to employment;
 - (d) **Term.** An agreement that the terms of the contract are effective for five years after the employee's return to duty; and
 - (e) **Breach of Contract.** An agreement that violation of the Return to Duty Contract is grounds for termination

§ 531 Administrative Considerations

- (a) **Confidentiality.** The MVA shall not knowingly disregard an employee's right to confidentiality in matters relating to alcohol or drug testing or otherwise neglect his or her responsibilities under this procedure.
- (b) **Job Security Maintained.** Employees shall not have job security or promotional opportunities jeopardized solely because of a request for a drug or alcohol treatment referral.
- (c) **Required Documentation.** Although voluntary referrals or referrals made prior to testing are kept strictly confidential, documentation of poor performance or disciplinary actions taken due to drug or alcohol abuse shall be included in the employee's personnel file.
- (d) **Authority/Responsibility.**
 - (1) **Management/supervisory employees** at all levels are responsible for implementing program elements to ensure that the objectives of the program are communicated to all employees and that problems are handled in a confidential, timely and professional manner.
 - (2) **The Administrative Officer will:**
 - (i) Ensure that all employees are given a copy of the MVA's regulation and policy and procedures;
 - (ii) Be responsible for establishing management and employee alcohol and drug free workplace training programs.
 - (iii) Liaising with the Commonwealth Government's Alcohol and Drug Free Workplace Coordinator, testing facilities and the Medical Review Officer;
 - (iv) Additionally, the Human Resource Office will be the central contact point for company interaction with the Employee Assistance Programs and for maintaining documentation on rehabilitative actions

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**Part 500
Employee Management Processes**

Subpart D: Employee and Management Responsibilities

§ 540 Code of Ethics for MVA Personnel Service

- (a) All persons in MVA service should:
- (1) Put loyalty to the highest moral principles and the country above loyalty to persons, party or government office.
 - (2) Uphold the laws applicable in the Commonwealth and in all subdivisions thereof and never be a party to their evasion.
 - (3) Give a full day's labor for a full day's pay; giving to the performance of duties earnest effort and best thought.
 - (4) Seek to find and employ more efficient and economic ways of getting tasks accomplished.
 - (5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for him/herself or his/her family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his/her governmental duties.
 - (6) Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
 - (7) Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
 - (8) Never use any information coming confidentially in the performance of governmental duties as a means for making private profit or benefitting others.
 - (9) Expose corruption wherever discovered.
 - (10) Uphold these principles, ever conscious that public office is a public trust.
- (b) In addition, custodians of federal funds shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by federal funds. No employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's and contractor's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements. To the extent permitted by law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees or agents, or by contractors or their agents.

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- (c) The MVA expects its employees to be representatives of its legal self. Like any other employer, it has the right to expect the employees to foster its business and well-being. The government's, inclusive of MVA, first business is the maintenance of law and order at all times (even after regularly scheduled working hours) because without law and order, the government's goals and objectives cannot be realized. An illegal or dishonorable act of an agent or employee may degrade and embarrass the government and the MVA and lessen their effectiveness.
- (d) To protect its credibility and rapport in the community, the MVA has the right to take administrative action as necessary and justifiable against employees who violate its laws or detract from its policies. Such administrative action is aside from any court action which may ensue from a criminal act or omission.
- (e) It is a mistake for anyone to believe that good discipline is simply a matter of enforcement by those at the head of the administration. Good discipline requires employee leadership, not only enforcement procedures. Most of all, it involves the active support of the employees. The employees of MVA, as a group, have a greater stake in improving the quality of the MVA's service than any other interested party. An organization can take genuine pride and provide an opportunity to find a meaningful outlet for abilities and an opportunity for advancement in accordance with employee contribution. Leadership which meets these needs of employees will have no difficulty getting employee support.
- (f) So that all employees will understand the standards of conduct that are expected of them, these principles are set forth in this subpart. Officials and employees of the MVA are reminded that they must not only avoid wrong-doing in the conduct of their official duty, but must, with equal care, also avoid the appearance of wrong-doing. Acts which have the appearance of wrong-doing are prohibited equally with actual acts of wrong-doing.
- (g) Each employee shall avoid situations in which his/her private interests conflict with or raise a reasonable question of conflict with his/her duties and responsibilities at work. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using the Government or MVA for private gain, giving preferential treatment to any person, impeding Company efficiency or economy, making an MVA-related decision outside of official channels or by exceeding authority, or affecting adversely the confidence of the Public in the integrity of the Government or MVA.

§ 541 Policy on Employee Conduct

- (a) The maintenance of the highest standards of honesty, integrity, impartiality and conduct by MVA employees is essential to assure the proper performance of MVA business and maintain the confidence of citizens in the MVA.
- (b) Employees of the MVA are expected to comply with all laws and regulations. Legal requirements are essentially concerned with official conduct, i.e., behavior of the employee in the course of or in relation to official duties. MVA employees are required to conduct themselves in such a manner that the work of the MVA is effectively accomplished and to observe the requirements of

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courtesy, consideration and promptness in dealing with or serving the public or its business clientele.

- (c) Personal and private conduct of an employee (as opposed to official conduct), that reflects adversely upon the dignity and prestige of the MVA, is also a matter of concern to management. All employees are expected to cultivate those personal qualities which characterize a good civil servant—loyalty to the Government and MVA, a deep sense of responsibility for the public trust and a standard of personal deportment which will be a credit to the individual and the MVA.

§ 542 Subordination to Authority

An employee is required to carry out the announced policies and programs of the Commonwealth and the MVA. While policies related to work are under consideration, the employee may, and is expected to, express opinions and points of view; but once a decision has been rendered by those in authority, the employee will be expected unreservedly to assure the success of programs which it is the employee's responsibility to effectuate. If the employee fails to carry out any lawful regulation, order or policy, or deliberately refuses to obey the proper requests of superiors having responsibility for the employee's performance, the employee is subject to appropriate disciplinary action.

§ 543 Management Responsibility

The MVA shall establish and maintain internal procedures by means of which all employees are adequately and systematically informed of the content, meaning and importance of the regulations in this subpart. Copies of the regulations in this subpart shall be given to each employee within ninety days from the effective date of these regulations and to new employees upon entrance to duty. The Managing Director shall remind his or her employees of the regulations in this subpart periodically, at least once annually, through a publication or memorandum issued to all employees.

§ 544 Employee Responsibility

- (a) It is the responsibility of employees to familiarize themselves and to comply with the regulations in this subpart. Employees are expected to consult with their managers and the Administrative Officer on general questions they may have regarding the applicability of the regulations, both on specific ethical and conduct matters and for guidance on questions of conflict of interest.
- (b) Each employee represents the MVA to the Community and is expected to conduct himself/herself at all times so that his/her actions will not bring discredit upon the MVA. Employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the MVA. Such conduct can adversely affect their continued employment with the MVA.
- (c) The employee shall at all times observe the local laws which govern the CNMI and shall also respect the culture and traditions of the Commonwealth and its peoples. The employee is responsible for his/her actions at all times, whether during or after working hours.

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- (d) The MVA shall not be responsible for assisting the employee if he or she violates the local or federal laws, and neither shall it be held financially responsible for the negligent action of the employee other than as provided by law.
- (e) Discrimination and harassment will not be tolerated. Any employee of this Company while in the performance of his or her duty who discriminates against or harasses any other employee, or allows such harassment or discrimination to take place, because of race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, disability, sex, religion, age, sexual orientation or veterans status, will be subject to disciplinary action in accordance with the provisions of this subpart.

§ 545 Disciplinary and Other Remedial Action

- (a) Violations of the regulations in this subpart by an employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.
- (b) Every effort must be made to follow a program of progressive discipline, imposing disciplinary actions of increasing severity if continued disciplinary infractions occur. However, serious offences will be responded to with an appropriate disciplinary consequence.
- (c) The steps of the MVA's progressive discipline program are provided in Part 300 subpart D of this regulation
- (d) The goal of progressive discipline must be to correct unacceptable behavior while being objective and fair in administering disciplinary actions. All actions should treat the offense and not the person.

§ 546 Conflict of Interest

The MVA expects that all employees will avoid activities that create a conflict of interest with their responsibilities to the MVA. Employees should use good judgment, professional commitment and moral ethics to protect themselves and the MVA from potential conflicts. Employees have a duty and responsibility to conduct work-related matters solely for the benefit of the MVA.

- (a) Examples of conflict of interest include, but are not limited to:
 - (1) Outside activities that have negative effect on an employee's ability to perform the job requirement of his/her position at the MVA.
 - (2) Outside jobs or business interests that are in competition with the Company's business.
 - (3) Outside activities that involve the use of confidential information learned directly or indirectly through employment at the MVA.
 - (4) Use of MVA position to obtain private gain for the MVA employee or his or her immediate family member.
- (b) Failure to report a potential conflict of interest and/or refusal to resolve such conflict may result in disciplinary action, including discharge.
- (c) The MVA reserves the right to determine when an activity conflicts with the MVA's interests and to take whatever remedial action is necessary to resolve the conflict. Such actions might include:

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- (1) Changes in assigned duties;
 - (2) Divestment by the employee of the conflicting interest;
 - (3) Disciplinary action; and/or
 - (4) Disqualification for a particular assignment.
- (d) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws or regulations.

§ 547 Ethical and Other Conduct and Responsibilities of Employees

- (a) Gifts, Entertainment and Favors.
- (1) Except as provided in subsections (b) and (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:
 - (i) Has, or is seeking to obtain, contractual or other business or financial relations with the MVA;
 - (ii) Conducts operations or activities that are regulated by the MVA; or
 - (iii) Has interests that may be substantially affected by the employee's performance of official duty.
 - (2) Except as specifically authorized by law, employees are not authorized to accept on behalf of the MVA voluntary donations or cash contributions from private sources for travel expenses, or the furnishing of services in-kind, such as hotel accommodations, meals and travel accommodations.
 - (3) The prohibitions of subsection (a) do not apply in the context of obvious family, non-official or personal relationships, such as those between the parents, children or spouse of the employee, when the circumstances make it clear that it is those relationships, rather than the business of the persons concerned, which are the motivating factors.
 - (4) An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance.
- (b) An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans.
- (c) An employee may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value.
- (d) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:
- (1) Using public office for private gain;
 - (2) Giving preferential treatment to any person;
 - (3) Impeding MVA efficiency or economy;
 - (4) Losing independence or impartiality;
 - (5) Making a MVA decision outside official channels; and/or
 - (6) Affecting adversely the confidence of the public in the integrity of the MVA.

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- (e) An employee shall not solicit a contribution from another employee for a gift to an official superior, or accept a gift from an employee receiving less pay. However, this subsection does not prohibit a voluntary gift of nominal values or donation in a nominal amount made on a special occasion such as marriage, illness or retirement.
- (f) An employee shall not accept a gift, present, decoration or other thing from a foreign government unless authorized by law or by the Constitution.
- (g) This section does not prohibit receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part for which no MVA payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on the employee's behalf, for excessive personal living expenses, gifts or entertainment, nor does it allow an employee to be reimbursed by a person for travel on official business under MVA orders when reimbursement is prescribed by law.

§ 548 Outside Work and Interests

- (a) Policy: Outside work is permitted to the extent that it does not prevent an employee from devoting the employee's primary interests, talents and energies to the accomplishment of work for the MVA or tend to create a conflict between the private interests of an employee and official responsibilities. The employee's outside employment shall not reflect discredit on the MVA.
- (b) Definitions:
 - (1) The term "outside work" means all gainful employment other than the performance of official duties. It includes, but is not limited to self-employment and working for another private business (including personally owned businesses, partnerships, corporations and other business entities).
 - (2) The term "active proprietary management" refers to a business affiliation in which substantial ownership is coupled with responsibility for day-to-day management efforts.
 - (3) A "conflict of interest" is one in which an MVA employee's private interests, usually of an economic nature, conflict or raise a reasonable question of conflict with the employee's public duties and responsibilities. Potential conflict of interest is prohibited and is to be avoided whether it is real or only apparent.
- (c) Restrictions: An employee shall not engage in outside activity incompatible with the full and proper discharge of the duties and responsibilities of the employee's MVA employment. Any activity involving an incompatibility of interest is prohibited. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable presumption of a conflict of interest falls in this category. Incompatible activities include but are not limited to:
 - (1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of conflicts of interest.

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- (2) Outside employment which tends to impair an employee's mental or physical capacity to perform MVA duties and responsibilities in an acceptable manner. An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the MVA.
- (d) Among other things, abuse of leave privileges to engage in outside work shall be treated as an interference with official performance. Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to the employee's primary employer, the MVA. Employees are especially urged to seek the advice of the Administrative Officer or Managing Director before committing themselves to such activities.
- (e) An employee shall not perform outside work:
 - (1) Which is of such a nature that it may be reasonably construed by the public to be the official act of the MVA.
 - (2) Which involves the use of MVA facilities, equipment or supplies of whatever kind.
 - (3) Which involves the use of official information not available to the public.
- (f) While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work the employee performs for the MVA, no employee may perform outside work:
 - (1) If the work is such that the employee would be expected to do it as a part of regular duties.
 - (2) If the work involves active proprietary management of a business closely related to the official work of the employee.
 - (3) If the work for a private employer is of the same type or closely kin to that involved in the program responsibilities of the office in which the employee is employed.
 - (4) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of official duties.
- (g) This section does not preclude an employee from:
 - (1) Participation in the activities of political parties not prescribed by applicable law.
 - (2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, non-profit educational, recreational, public service, or civic organization.

§ 549 Financial Interests

- (a) An employee shall not:
 - (1) Have a direct or indirect financial interest that conflicts with MVA duties and responsibilities.
 - (2) Engage in directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through MVA employment.
- (b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not

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employed by the MVA, so long as it is not prohibited by law, the Constitution, or the regulations in this part.

§ 550 MVA Property

General Responsibility. Employees shall be held accountable for MVA properties and money entrusted to their individual use in connection with their official duties. It is their responsibility to protect and conserve MVA property and to use it economically and for official purposes only.

§ 551 Information

It is the policy of the MVA to accord the public access to information about its activities and to make available to the public records of the MVA except in cases where the disclosure of the record is prohibited by statute or constitutes an invasion of privacy of any individual concerned, or the record is exempt from the disclosure requirements, and sound grounds exist which require application of an applicable exemption. An employee may not testify in any judicial or administrative proceedings concerning matters related to the business of the MVA without the permission of the Managing Director or the Board of Directors.

§ 552 Gambling, Betting, and Lotteries

While on MVA-owned or leased property or while on duty for the MVA, an employee shall not participate in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket, unless the activity has prior approval by the MVA Board of Directors and is a required MVA duty.

§ 553 Other Types of Conduct

(a) **Negotiations for Post-MVA Employment.**

It is the policy of the MVA that employees shall not, without proper clearance, negotiate for future non-MVA employment with persons or organizations having business with the MVA and to which the employee is called upon officially to render advice or make judgments. In the event an employee desires to negotiate for such employment, the employee must inform the Managing Director of his/her intentions. If the Managing Director determines that the proposed negotiations will not adversely affect the MVA's interests, the employee may be authorized to proceed.

(b) **Selling or Soliciting.** Employees and other persons are prohibited from selling or soliciting for personal gain within any building occupied or used by the MVA without proper permission. This prohibition does not apply to:

- (1) Authorized and installed business activities.
- (2) Solicitation for health drives, the Red Cross and other purposes approved under the government's fund-raising policy.
- (3) Token solicitations for floral remembrances, retirement gifts and similar purposes.

§ 554 Community and Professional Activities

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Employees are encouraged to participate in the activities of professional societies and of civic organizations whose purposes and objectives are not inconsistent with those of the departments in which they are employed. Affiliation with such groups may be mutually beneficial to the employee and to the MVA; however, such participation must not affect adversely an employee's performance of regularly assigned duties.

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**Part 500
Employee Management Processes**

Subpart E: Political Activity

§ 560 Political Activities

The political activities of persons in the MVA shall be subject to the restrictions of this subpart.

§ 561 Rights of Employees

All employees in the MVA shall have the following rights:

- (a) To vote for the candidates of their choice and to express their opinions on political matters.
- (b) To be active members of the political party or organization of their choosing.
- (c) To make voluntary contributions to a political party for its general expenditures.

§ 562 Prohibited Activities

Employees of the MVA shall not:

- (a) Use their office or official influence to interfere with an election or to affect the results of an election.
- (b) Use their official authority to coerce any person or political party in reference to any politically related activity.
- (c) Be obligated to contribute to any political fund or render service to any political activity.
- (d) Solicit or receive political contributions from anyone while on MVA time, on MVA property or on MVA business.
- (e) Campaign for any candidate for public office during official working hours.
- (f) Promote or oppose legislation relating to programs of the MVA without the official sanction of the proper MVA authority. (It should be clearly understood, however, that nothing in this policy is to be considered as restricting or interfering with the obligation of employees to respond freely and candidly to any inquiries made of them in regard to appropriations or related matters.)

§ 563 Public Office

An employee who is an official candidate for public office, once certified by the Board of Elections, shall take annual leave or leave without pay.

§ 564 Penalty

An employee found guilty of a prohibited activity shall be subject to disciplinary action.

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**Part 600
Fair Treatment in the Workplace**

§ 601 Equal Employment Opportunity Policy

It is the policy of the MVA that there shall be no discrimination based on such factors as race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, disability, sex, religion, age, sexual orientation, veterans status and similar matters not related to individual merit and fitness.

The MVA will establish and implement a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement and separation of MVA employees. The MVA will contribute to the CNMI Government's efforts to build a career service which will attract, select and retain the best-qualified employees, based on merit, who shall hold their positions free from coercion, discrimination, reprisal or political influences and will render competent and effective service to the Community, according to the dictates of ethics and morality. In order to achieve these purposes, the MVA that the personnel system shall be applied and administered in accordance with the following merit principles:

- (a) Equal opportunity for all regardless of race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, disability, sex, religion, age, sexual orientation, or veterans status;
- (b) Impartial selection of the ablest person for service with the MVA by means of selection tools which are fair, objective and practical;
- (c) Just opportunity for competent employees to be promoted within the MVA;
- (d) Reasonable job security for the competent employee;
- (e) Systematic classification of all positions through adequate job evaluation;
- (f) Fair and reasonable grievance and complaint procedures for all employees on matters pertinent to conditions of employment and these regulations;
- (g) Proper employer-employee relations to achieve a well-trained, productive and happy work force.

§ 602 Prohibition of Harassment

The MVA prohibits any form of unlawful harassment against its employees based upon any of the protected categories listed above. The prohibited conduct includes actions taken by or against employees by other employees, agents, contractors, vendors or clients. Each employee is expected to assist the MVA in preventing or eliminating harassment by bringing incidents of perceived harassment or discrimination to the attention of management or the MVA's Administrative Officer.

§ 603 Prohibition of Sexual Harassment

Sexual harassment of employees by their supervisors, coworkers, vendors or customers will not be tolerated and should be promptly. Employees at all levels are expected to conduct themselves in a courteous and professional manner at all times.

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Any behavior that is coercive, intimidating, harassing or sexually offensive in nature is inappropriate and prohibited.

- (a) Based on guidelines developed by the U.S. Equal Employment Opportunity Commission, sexual harassment includes unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct based on gender when:
 - (1) Submission to such conduct is an explicit or implicit term or condition of employment.
 - (2) Submission to or rejection of the conduct is used as the basis for an employment decision.
 - (3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- (b) Inappropriate sexual conduct can take many forms and is not limited to physical assault, unwelcomed or unwanted sexual requests or demands for sexual favors. Sexual harassing actions may include, but are not limited to, any of the following kinds of behavior: explicit sexual propositions, sexual innuendos, sexually suggestive comments, obscene or sexually suggestive pictures or drawings, obscene gestures or language, sexually oriented jokes and teasing, intimate touching or other unwanted physical contact, such as hugging, pinching, patting or "accidental" brushing up against.

§ 604 Expectation of Non-Discriminatory and Non-Harassing Behavior

All employees, and especially supervisors and managers, are expected to implement and enforce the equal employment opportunity policy at all times. Discrimination for or against any employee on the basis of any of the protected factors listed above, or any other basis prohibited by federal or Commonwealth law shall not be tolerated. The MVA shall maintain its workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates MVA and government policy, and such misconduct will subject an employee to corrective action ranging from counseling to adverse action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited. Supervisors and management officials shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

§ 605 Complaint Process

- (a) Any employee who believes that he or she have been the subject of, or have witnessed, job-related harassment or discrimination (whether by an employee, agent, contractor, vendor or client of the MVA, or others doing business with the MVA), promptly report it to a supervisor or manager, or the Administrative Officer.
- (b) If any supervisor or manager is considered to be the discriminating or harassing agent, the employee may go directly to the Administrative Officer or the Managing Director. Confidentiality will be maintained to the extent permitted by the circumstances.

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- (c) Complaints of discrimination, harassment and/or retaliation shall be accepted both in writing and orally. If any supervisor or manager becomes aware of a discriminatory or harassment situation, he or she must immediately report the situation to the Administrative Officer or the Managing Director, even if the employee does not wish to file a complaint.
- (d) A supervisor who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously and immediately notify the Managing Director. A supervisor who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.
- (e) After a complaint is received, the MVA shall investigate the complaint or promptly forward the complaint to an assigned Complaint Investigator, who may be within or outside the MVA. The Complaint Investigator shall commence the investigation immediately upon receipt of the complaint from the contact person. The investigation shall not exceed 14 days unless a longer period is necessary to gather all material information relevant to the complaint. Any person accused of a violation shall be allowed the opportunity to rebut the charges.
- (f) After the investigation is completed, the MVA will take appropriate disciplinary action, if warranted. Discipline may include: EEO training, counseling, written warning, demotion, discharge or any other action deemed appropriate. The MVA will also communicate with the complainant its decision on the results of the investigation and any corrective or remedial actions taken or proposed.

§ 606 Retaliation

The MVA absolutely forbids retaliation of any kind against any employee who, in good faith, complains about harassment or assists or participates in any manner in the investigation. The MVA will take disciplinary action against anyone, fellow employee or management staff, who attempts to retaliate in any way.

§ 607 Equal Employment Opportunity Officer and Representative

The Managing Director of the MVA shall be the Equal Employment Opportunity Officer for the MVA with the responsibility for ensuring compliance with the MVA EEO program. The EEO Officer shall appoint and be assisted by the Administrative Officer, as the MVA's EEO Representative, who shall fulfill this role as part of that person's regular duties. The Administrative Officer shall advise employees, including managers and other supervisors, regarding their rights and responsibilities under this policy and applicable federal and Commonwealth laws and shall be provided with appropriate training for such purpose. The Administrative Officer must be accessible to employees and capable of assisting them in the complaint process.

§ 608 Nepotism

- (a) For the purpose of this regulation, nepotism is defined as employment or employment benefit bestowed on the basis of family relationship and not in consideration of merit.

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- (b) For the purpose of this regulation, an immediate relative is defined as a spouse, parent, sibling, or child related by blood, legal marriage, common-law marriage, legal adoption, or cultural adoption.
- (c) The basic criteria for the appointment and promotion of all MVA employees shall be appropriate qualifications and performance. There shall be no discrimination, for or against, based on relationship by family or marriage in any employment action.
- (d) Employment or employment benefit by reason of blood or marriage relationship rather than merit is prohibited.
- (e) No employee shall supervise an immediate family member except in emergency situations.
- (f) No applicant will be hired to a position with a direct reporting relationship to an immediate relative or where a relationship or association exists that creates a reasonable assumption that that person, as an employee, would be in a favored position in relationship to other employees.

§ 609 Political Affiliation

No person with authority to make or recommend a personnel action relative to a person in, or an applicant for, a position with the MVA, may make inquiry concerning political affiliation. All disclosures made by an employee or an applicant concerning political affiliation shall be ignored. Discrimination may not be exercised, threatened or promised by any person in the MVA against or in favor of an employee in, or an applicant for, a position with the MVA because of political affiliation.

§ 610 Coercion

An MVA employee shall not use MVA employment to coerce, or give the appearance of coercing, a person to provide financial benefit to self or another person, particularly one with whom the employee has family, business or financial ties.

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**Part 700
Employee Benefits and Services**

§ 701 Policy

The MVA will provide benefits and services to its employees in keeping with the general practices of the CNMI Government and private enterprise and as limited or prescribed by law. This part delineates those benefits and services which include:

- (a) Leaves of absence; and
- (b) Insurance, such as group life and health insurance, accident and health insurance, and worker's compensation coverage.
- (c) Retirement

Subpart A: Leaves of Absence

§ 702 Purpose

Leaves of absence from work are for the mutual benefit of the employee and employer. When leaves of absence are granted, they will be approved based upon legitimate as presented by the employee for such times as will not be detrimental to the MVA and its responsibilities.

§ 703 Types of Government Service that Qualify for Leave Accrual Purposes

Prior service in the following government activities will count in the determination of the MVA leave accrual rate:

- (a) Employment within the Departments of the Executive Branch
- (b) Employment within the Judicial Branch
- (c) Employment within the Legislative Branch
- (d) Employment within government corporations, agencies, commissions and instrumentalities
- (e) Employment within the Offices of the Mayors and the Municipal Councils
- (f) Prior service employment within the Trust Territories government, as defined and recognized by the Commonwealth Government's civil service regulations.

§ 704 Kinds of Leaves

Broadly characterized, leaves of absence are either with pay or without pay.

§ 705 Leaves with Pay

(a) Annual Leave.

- (1) Annual leave, or vacation, shall be granted for the purpose of rest and relaxation. Annual leave requests must be made at least three work days in advance on a leave request form. All annual leave requests must be approved by the employee's section manager and concurred by the Managing Director. A denial of request for annual leave is subject to employees' grievance rights.
- (2) MVA employees who have less than three years of creditable service shall earn annual leave at the rate of four hours per pay period; except that

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newly appointed employees shall undergo a waiting period of ninety calendar days before being credited with annual leave. Employees with three but less than six years of creditable service shall earn annual leave at the rate of six hours per pay period. Employees who have six or more years of creditable service shall earn annual leave at the rate of eight hours per pay period.

- (3) **Maximum Accumulation.** The maximum accumulation of annual leave for MVA employees shall be three hundred sixty hours. Accrued annual leave in excess of 360 hours remaining at the end of each calendar leave year shall be converted to sick leave.
- (b) **Sick Leave.**
- (1) Sick leave shall be allowed whenever the employee is to be absent from duty because of illness or injury or because of medically required quarantine of the family and/or residence. Use of sick leave is appropriate for medical, dental, optometric or mental health counseling or other necessary treatment which the employee personally must undergo.
 - (2) If an employee is absent because of illness, injury or quarantine in excess of three days, the employee may be required to furnish a certification as to the incapacity from the attending physician. The Managing Director may require certification for such other period(s) of illness as is determined appropriate due to suspected abuse of the sick leave benefit.
 - (3) If the required certification is not furnished, all absence which would have been covered by such certification shall be indicated on the time and attendance record and the payroll as absent without leave (AWOL).
 - (4) Sick leave may be accumulated and carried over to succeeding leave years without limitation. A report showing the accrued sick leave balance will be provided the employee each pay period.
 - (5) The generality of the foregoing is subject to the following special provisions:
 - (i) Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from employment.
 - (ii) Sick leave with pay shall be allowed during leaves of absence or vacations; provided, however, that any sick leave taken by an employee while on vacation must be supported by a certified medical statement issued by the attending physician. No employee shall be allowed to undertake gainful employment while on sick leave status.
 - (iii) Sick leave with pay may be granted in advance of earning sick leave as provided under § 705(d). If an employee is separated from the service without having earned all of the sick leave allowed and taken, there shall be deducted from any money due the employee at the time of separation an amount equal to salary for the period of unearned sick leave allowed and taken.
 - (6) Sick leave accrued for service with the government in any branch or agency shall vest in the employee upon accrual and shall remain vested so long as the individual is employed by the government, provided that if such employee is separated from government service (other than through

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retirement) for a period longer than three years, the employee shall be divested of accumulated sick leave.

(c) **Family Sick Leave.** It should be noted that this leave, while it may be counted as Family and Medical Leave Act (FMLA) leave is authorized by Commonwealth law and should not be confused with the federal FMLA.

(1) An employee may apply for leave to attend to an immediate family member who is sick. For leave in excess of two (2) consecutive days, such request shall be supported by a certified medical statement. Leave taken for this purpose shall be deducted from the employee's earned sick leave.

(2) Per Public Law No. 15-116 the following definitions apply for Family Sick Leave:

(i) "Certified medical statement" means a statement from an attending physician that a Commonwealth Government employee is needed to care for an immediate family member;

(ii) "Immediate family member" means a legal spouse; child, whether natural or adopted, or parent.

(3) Employees are authorized to use up to 80 hours of earned sick leave hours per 12 month period. The Managing Director may approve an additional 80 hours in cases of severe illness or injury, or the need to accompany a qualified sick immediate family member for off-island treatment.

(4) Only one family member, as designated in a medical referral statement, may use this benefit to accompany a qualified sick immediate family member for off-island treatment.

(5) An Employee may not utilize this benefit:

(i) until all annual leave has been exhausted

(ii) if it brings the employee's sick leave balance to less than 40 hours.

(d) **Leave Advance.**

(1) Where, for good reason, an employee requires additional annual or sick leave in addition to the amounts accrued, the Managing Director, with recommendation of the employee's section manager, may grant advance leave. For permanent employees the advance leave will be limited to a maximum of one-half of the total earnable leave credits for which the employee is eligible for one year from the date the application is received. In the case of limited term or probationary employees, advance leave can be approved up to a maximum of one-half of the total earnable leave credits for which the employee is eligible during the remainder of the employment term, whichever is shorter. Subsequent accrued leave earnings shall serve to replace the amount of advance leave granted and taken. Requests for leave advance must be in writing from the employee with a recommendation from the section manager.

(2) Leave advance granted and taken:

(i) Constitutes a legal contract between the employee and the MVA; and

(ii) Must be repaid, even if the employee separates or transfers from the MVA. Recovery of advance leave that is unpaid may be through the

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MVA's assumption of employee's accrued unused leave, payroll deductions, matched reduction of service time and/or recourse to the courts.

- (e) **Compassionate Leave.** Employees may be granted compassionate leave with pay of no more than five consecutive work days in cases of death in the immediate family of the employee. For the purpose of this subpart, the term "immediate family" shall be defined as an employee's mother, father, brother, sister, spouse, immediate off-spring (natural and culturally or legally adopted), grandfather, grandmother, grandchild, mother-in-law or father-in-law. Compassionate leave must be taken within eighteen days after the death of the immediate family member. The Managing Director will be responsible for approving compassionate leave requests.
- (f) **Administrative Leaves.** An absence from duty administratively authorized, without loss of pay and without charge to accrued leave, is administrative leave. The governor or the Managing Director may approve administrative leave requests. The following are the three general classes into which administrative leaves fall:
 - (1) Administrative leave may be authorized under emergency conditions beyond the control of management, e.g., typhoons, or for participation in civic activities of interest to the government, or for such reasons as the Governor may determine (such as a shortened work day on Christmas Eve).
 - (2) Administrative leaves may be authorized relative to disciplinary actions. The Managing Director may place an employee in non-working status with pay for up to three work days pending an investigation or preparation of a notice of proposed suspension for up to thirty calendar days or termination of employment.
 - (3) Administrative leave may be granted to employees serving on government boards and commissions, provided such employees do not receive compensation from the boards and commissions.
- (g) **Court Leave.** The MVA encourages its employees to fulfill their obligations as citizens of the Commonwealth. Thus, employees who are called upon to serve as jurors may, at their option, be granted court leave for such period as the jury may be impaneled. Employees who are called to jury duty shall present their juror summons to their section manager together with a completed request for leave for the Managing Director's approval. Employees who serve as jurors using court leave to cover the period of absence shall turn over to the Commonwealth Treasurer such jury fees (as distinct from expense allowances) as they receive from a Commonwealth court. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted. The employee may retain any jury fee paid by the Federal court. An employee subpoenaed as witness, except as a government witness, shall charge such absence to annual leave or leave without pay. Court leave shall be granted to an employee subpoenaed in litigation in which the government has no interest, to serve as a witness in the employee's present or past official capacity as a government employee and who may be required to

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present government records in testimony. Such employee must inform the Managing Director of the required testimony as soon as possible after being subpoenaed.

- (h) **Military Leave.** Military leaves of absence with pay, not to exceed fifteen working days in any calendar year, regardless of the number of training periods in the year, may be granted by the Managing Director to employees who are members of the United States National Guard and reserve components of the United States Armed Forces, when directed under orders issued by proper military authority. Administrative leave will not be granted in order to extend leave time for any additional training days.
- (i) **Maternity Leave.** Maternity leave shall be granted to a female employee who is absent from work because of childbirth. The Managing Director shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed fifteen work days, shall be in addition to any accumulated sick leave, and shall be any fifteen work days encompassing the date of childbirth. Any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave. This benefit will not be granted in cases of adoption. All leave time related to the birth of a child will be counted as Family and Medical Leave.
- (j) **Paternity Leave.** Paternity leave shall be granted to a male employee on who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two work days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.
- (k) **Sick Leave Bank Leave.**
 - (1) All MVA employees are eligible to participate in and utilize the Commonwealth's Sick Leave Bank established by Public Law No. 8-25, as amended by Public Law No. 15-69.
 - (2) The Sick Leave Bank serves as a depository into which participating employees may donate accrued sick leave time for allocation to other Commonwealth employees who have personally suffered, or have an immediate family member who has suffered, a catastrophic illness or injury, and who have exhausted their compensatory time, sick leave, and annual leave balances.
 - (3) Employees are eligible for up to 160 hours of Sick Leave Bank hours once during their employment, unless the loaned hours are repaid. The terms and conditions of this benefit are provided in the Sick Leave Bank Regulations.
 - (4) The MVA Administrative Office will provide access to this regulation and will assist employees in submitting applications for this benefit.

§ 706 Leaves without Pay

- (a) **Leave Without Pay for Personal Reasons.** An employee may be granted leave without pay not to exceed ninety consecutive work days if the Managing Director considers it justified. Leave without pay may be extended up to ninety additional consecutive work days ONLY with the approval of the Board of

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- Directors Personnel Committee, upon recommendation by the Managing Director. Such leave without pay may be granted to permit the employee to attend to important family affairs, or for justifiable personal or business reasons.
- (b) **Leave Without Pay in Extension of Annual or Sick Leave.** An employee may be granted leave without pay (LWOP) for the purpose of extending annual or sick leave. When sick leave is so extended, the attending physician must provide medical certification as to the necessity of the extension. The Managing Director is responsible for approving or disapproving requests for leave without pay, upon recommendation by the section manager.
 - (c) **Tardiness.**
 - (1) At the end of each pay period accumulated tardiness in excess of 15 minutes shall be charged to leave without pay (LWOP) or absence without leave (AWOL). In respect to each incident of tardiness,
 - (i) If the period of lateness is less than one hour it will be charged to LWOP or annual leave at the employee's election.
 - (ii) If the period of lateness is more than one hour the Managing Director will review the justification for absence to determine whether annual leave can be used in lieu of leave without pay.
 - (2) The period of tardiness shall be calculated in the same manner as hours worked are calculated for time keeping purposes.
 - (d) **Extended Military Leave.** The federal Uniformed Services Employment and Reemployment Act (USERRA) generally requires the Commonwealth government to provide extended military leave for its career employees, regardless of whether the service is voluntary or involuntary. The cumulative length of all absences due to military leave and extended military leave shall not exceed five years, unless extended for good reason documented in writing by the Managing Director. The employee must give advance notice to the Managing Director, unless military necessity or circumstances make this impossible or unreasonable. In most cases, the employee is guaranteed reinstatement rights and certain seniority rights upon return from leave. The employee must also comply with requests for documentation and with the requirements of this subchapter regarding the timing of applications for reemployment. For details, employees and managers should contact the U.S. Department of Labor.
 - (e) **Family and Medical Leave Act (FMLA) Leave.**
 - (1) The federal Family and Medical Leave Act of 1993 (FMLA), as amended, entitles employees who have worked for the Commonwealth for at least one year and who worked at least 1,250 hours over the previous 12 months to take up to 12 weeks of LWOP for any of the following reasons:
 - (i) To care for the employee's child after birth or placement for adoption or foster care;
 - (ii) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - (iii) For a serious health condition that makes the employee unable to perform the employee's job.
 - (iv) For specified situations relating to family members in military service.

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- (2) Annual leave, sick leave, maternity leave, or paternity leave may be substituted for LWOP for FMLA purposes. All leave qualifying under the FMLA shall be documented as FMLA leave either before it is taken or promptly thereafter. The MVA can designate a leave as a FMLA leave.
- (3) In most cases, participation in the government group health insurance program shall continue during FMLA leave.
- (4) The definitions, benefit eligibility, and limits and notification procedures comply with the federal Family and Medical Leave Act (FMLA) of 1973 as amended in November 2008.

§ 707 Basis for Accrual

- (a) Employees shall accrue annual leave and sick leave for each biweekly pay period in which they are in pay status for the entire ten days. Pay status will include paid annual or sick leave, holidays, administrative leave and overtime work hours. No annual leave will be earned if the pay period includes unpaid periods where the total time worked is less than 80 hours per pay period. If the work week is shortened due to the needs of the MVA, the shortened work week will then be the basis for leave accrual.
- (b) Provided, however, employees serving on government boards and commissions who elect to take leave without pay (LWOP) during such performance shall accrue leave for that service time.
- (c) Part-time employees with regular scheduled tours of duty of forty to seventy hours during a biweekly pay period will accrue annual and sick leave at one-half the rate of full-time employees and will be eligible for other paid leaves, as provided in § 620 at this rate.
- (d) Part-time employees with regular scheduled tours of duty of less than forty hours during a biweekly pay period will not accrue annual or sick leave benefits or be eligible for the other paid leave benefits. Part-time employees must be in a pay status for their full regular scheduled tour of duty for the entire ten days; otherwise there shall be no accrual for such period.

§ 708 Unauthorized Leave

Unauthorized leave (absent without leave, AWOL) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, except in bona fide emergencies, shall be charged as being AWOL. Employees who are AWOL are subject to loss of pay and possible disciplinary action.

§ 709 Disposition of Leave upon Separation

- (a) Annual Leave.
 - (1) An employee separated from the MVA for any reason shall receive a lump-sum payment for all annual leave accrued to the employee's credit and remaining unused at the time of separation. If the employee returns to duty in any capacity with the government before the accumulated term of leave would have expired, had it been liquidated in the normal course of employment, the employee must return to the government the gross value

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of such unused leave and have those hours of leave re-credited to the employee's annual leave account.

For example:

If an employee has 360 hours annual leave to his credit upon separation that represents 45 days of annual leave. If the employee returns to government employment before the passage of 45 work days, the employee is required to make a refund for the unexpired term of leave remaining. To calculate the amount of repayment, subtract the number of work days (exclusive of holidays or other paid days off) from the annual leave amount paid to the employee.

- (2) Repayment may be through lump-sum cash prior to resuming duty status, payroll deduction or assigning to the government all annual leave accrued subsequent to returning to duty until the repayment is completed.
- (b) Sick Leave. An employee separated from the MVA for any reason shall have all sick leave accrued to the employee's account held in the leave records for three years. Should the person be reemployed in any government agency at any time during that three year period, the sick leave balance shall be re-credited to the employee's sick leave account and available for use from the first day of reemployment. Provided, however, that an employee separated from the MVA for retirement purposes, and whose unused sick leave has been converted to service time to determine eligibility in the retirement program, shall not be recredited for such sick leave balance.

§ 710 Administration of the System

- (a) Leave Year. For administrative convenience, leave accumulations and usages are based upon the leave year. A "leave year" is that period of 52 consecutive weeks (26 pay periods) which begins on the first day of the first full pay period of the calendar year and ends on the last day of the last pay period which begins in that calendar year.
- (b) Employee's Right to Annual Leave. Employees have a legal right to accumulate annual leave, but the right to use that leave is contingent upon management's requirements. Thus, it is incumbent upon managers and employees to agree mutually as to the duration of annual leave and the period of taking. A manager is wholly within managerial rights to deny an employee's request for annual leave if that denial is based upon demands of MVA. The manager is obligated, in event of a denial, to suggest to the employee a more appropriate time for taking annual leave.
- (c) Vacation Scheduling. The MVA urges and encourages employees to use annual leave for the purpose for which it is intended. That is for rest and relaxation. The MVA considers that a "vacation" of not less than two consecutive weeks of annual leave meets the basic intent of annual leave provisions. To avoid internal dissension, managers are urged to schedule vacation periods for their employees, bearing in mind employees' preferences,

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needs and desires, so that the MVA will not be unduly affected by employee absences.

- (d) Lump Sum Leave Payment upon Separation. When an employee is separated from the MVA, the employee is entitled to the payment of unused annual leave in a lump sum. However, lump-sum leave payment shall not be processed for an employee who has not completed the MVA's separation requirements.

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**Part 700
Employee Benefits and Services**

Subpart B: Insurance

§ 720 General

It is the policy of the MVA to provide certain insurance benefits to all its employees, whatever their appointive status. These are defined in the section which follows.

§ 721 Nature of Coverage

- (a) In the event of an on-the-job work-related injury or illness, the employee may be entitled to benefits under the Commonwealth's Workers' Compensation Insurance program.
- (b) The MVA will pay part of the cost of Group Health and Group Life Insurance coverage and the employee may pay his/her share through payroll. The MVA does not pay any share of the Group Dental insurance.
- (c) Employees have the option to waive dental, health/medical, and life insurance.
- (d) Managers and supervisors are responsible to know the provisions of the several plans for coverage of the employees under their supervision and the procedures necessary to present claims.
- (e) Employees are responsible to familiarize themselves with reporting procedures so that they may be assured of proper coverage in event of injury or illness.

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**Part 700
Employee Benefits and Services**

Subpart C: Retirement

§ 730 Retirement Program

1 CMC, Division 8, Part 3 of the CNMI Commonwealth Code requires participation in the Retirement Fund by all government employees including employees of the MVA. Rights and benefits of members will be governed by effective statutes and regulations.

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**Part 800
Performance Evaluation**

§ 801 Employee Performance Evaluation Process

The MVA will establish and maintain an employee work performance review system which will recognize, evaluate and reward employees and their contributions toward increasing efficiency and economy within the MVA. An employee performance evaluation process is essential to:

- (a) Improve employee effectiveness by:
 - (1) Providing a working atmosphere in which an employee may be motivated to achieve the highest performance potential; and
 - (2) Identifying work performance standards agreed to by both management and employee.
- (b) Strengthen the employee-supervisory relationship by:
 - (1) Establishing a framework for continuing employee-supervisor communications regarding performance standards and development of employee potential; and
 - (2) Guaranteeing employees the opportunity to participate in the establishment of performance standards.
- (c) Provide management with an objective basis for relating employee work performance to a wide variety of pertinent personnel management activities.

§ 802 Policy

- (a) The Managing Director shall ensure that managers/supervisors in their respective jurisdictions reach and maintain a clear understanding with their subordinates of the standards of work performance which must be met in order to successfully accomplish assigned work. The supervisor and the employee, on a person-to-person basis, must understand and agree on the work objectives set, the manner in which they can be reached, and the way they will be evaluated. A review of the employee's position description is necessary, therefore, to assure such understanding of the duties, performance standards and work objectives established.
- (b) A written rating of performance shall be submitted by the employee's manager/supervisor annually, commencing at the anniversary of the employee's employment date, based upon the preceding twelve months performance record and other pertinent factors. The performance rating will be acknowledged by the employee and concurred by the Managing Director, on forms prescribed by the MVA Personnel Committee, for each permanent, probationary, and limited-term employee. The MVA Administrative Officer shall administer the performance rating report ensuring timely and justified implementation of the program and will alert the Managing Director to any problem or changes needed for improvement to the program.
- (c) Non-MVA employees shall not be delegated the authority to supervise or evaluate MVA employees.

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§ 803 Responsibilities

- (a) The MVA Personnel Committee shall be responsible to:
 - (1) Develop, evaluate and improve the MVA's annual employee review system and performance rating report; and
 - (2) Provide advice, assistance and supervision in the administration of the system.
- (b) The Managing Director shall be responsible to implement, administer and obtain compliance with the purposes of the system, including:
 - (1) Provide assistance to supervisors and employees, as needed, in preparing the annual performance rating;
 - (2) Provide training to managers/supervisors so they can effectively evaluate employee performance; and
 - (3) Assure that employees understand the provisions, procedures and objectives of the performance evaluation plan.
- (c) Managers/Supervisors are responsible to:
 - (1) Ensure that position descriptions accurately reflect the duties and responsibilities assigned;
 - (2) Determine jointly with each employee the performance standards to be met and keep each employee advised of strengths, weaknesses and opportunities for improvement;
 - (3) Provide periodic counseling to employees throughout the evaluation year and document significant incidents of good or poor performance;
 - (4) Conduct the annual employee performance reviews; and
 - (5) Initiate appropriate personnel actions in cases of continuing unsatisfactory performance.
- (d) The employee is responsible to:
 - (1) Request clarification from the manager/supervisor of any performance ratings, work objectives or duties which are not clearly understood;
 - (2) Advise the manager/supervisor of any fact or circumstance which the employee believes should be considered during the review process;
 - (3) Participate in performance appraisal discussions and in the development of performance standards, and make suggestions for improving performance; and
 - (4) Acknowledge the performance ratings.
- (e) In the event the employee disagrees with any of the ratings, the employee must so indicate on the performance rating form and must submit a written statement to the Managing Director for review and inclusion in the employee's Official Personnel Folder along with the appraisal.

§804 Relationship to Other Personnel Management Activities

- (a) By using the employee anniversary date system (as contrasted to a fixed due date), managers/supervisors will have a full year to better consider and evaluate each employee and coordinate the employee's performance evaluation with the other factors which make up the totality of the employee review system.

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- (b) Managers/Supervisors do not have a right to retain an employee in a position in which the employee's overall rating is "unsatisfactory." To permit such a situation would not be in the best public interest and would not be consistent with good management principles. In such cases, the manager/supervisor must initiate the necessary personnel action to have such an employee reassigned, demoted or separated from the position at the earliest possible date in accordance with the provisions of this regulation.
- (c) An employee with a current official rating of "outstanding/exceptional" will receive an additional two points of retention credit for reduction-in-force purposes.

§ 805 Performance Rating

A completed performance rating must be submitted to the Managing Director by the responsible manager/supervisor for each employee on an annual basis at the employee's anniversary date for appropriate action.

§ 806 Rating Probationary Employees

The final probationary performance rating shall be completed for probationary appointees prior to the completion of six months of employment with MVA. The rating will recommend conversion to a permanent appointment after six months or a continuation of probationary status until the end of one year of employment.

§ 807 Appeals

An employee may appeal an "unsatisfactory" appraisal as provided in Part 300, Subpart B, of this regulation.

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**Part 900
Training and Employee Development**

§ 901 Policy

As appropriate training increases workers' effectiveness in jobs, improves morale, decreases labor turnover, prepares new employees to do jobs for which they are not trained, provides an effective means of screening and placement, and prepares employees for filling responsible jobs and upward mobility, MVA acknowledges its commitment to train and develop a viable workforce within the MVA.

§ 902 Responsibilities

- (a) The Managing Director, supported by the MVA Administrative Officer, shall:
- (1) Implement training programs at all levels within MVA to assure that training objectives are met;
 - (2) Determine annual training objectives and implementation plans that reflect the immediate priorities within the MVA;
 - (3) Budget funds to support the needed training programs;
 - (4) Report to the MVA Board of Directors annually by September 30 of each year, the nature, content and results attained by in-service training activities;
- (b) The MVA Administrative Officer will hold the secondary role of Training Officer for the MVA and shall work with managers/supervisors to:
- (1) Identify and define training needs for developing the MVA workforce;
 - (2) Determine training goals to be met for each MVA job category;
 - (3) Establish training and development goals to be met by MVA employees for promotion and career development;
 - (4) Evaluate all training programs to ensure that manpower development programs accomplish their objectives;
 - (5) Assure that training and education services in the Commonwealth are fully utilized before seeking outside sources; and
 - (6) Develop a recommended training schedule to be submitted with the annual budget;
 - (7) Provide advice and assistance to managers/supervisors as they conduct employee development activities;
 - (8) Locate, evaluate and determine the cost of training resources within and outside the Commonwealth, as needed;
 - (9) Maintain current training records for all employees;
 - (10) Improve quality of training through evaluation of course content and practical testing of skills and knowledge gained through training.
- (c) Supervisors/Managers, in carrying out the training objectives in their respective program areas, shall:
- (1) Plan to release employees when needed for formal classroom instruction;
 - (2) Inform trainees of the content of the training programs, the objectives and benefits, and the employees' responsibility to absorb and use the instruction provided;

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- (3) Encourage employees to engage in self-improvement activities which may lead to improved performance and possible promotion; and
- (4) Deliver or assist in the delivery of instruction within the limits of their individual capabilities.

§ 903 Coverage

All training must be authorized by the Managing Director, will be work-related, and will be limited to the following categories:

- (a) Orientation: Within one week after an employee enters employment with MVA, the MVA Administrative Officer and the employee's manager/supervisor will conduct an orientation for the new employee in the policies, procedures, rules and regulations which are specific to the employee and to the performance of the employee's job.
- (b) Job Skills: training to:
 - (1) Improve an employee's performance in the position currently occupied; and
 - (2) Prepare an employee to move laterally in the same or closely related class of position.
- (c) Promotional: training which prepares an employee to perform with adequate efficiency the basic task of higher-level position for which the employee is being trained.
- (d) Developmental: training offered to broaden an employee's knowledge and perspectives
- (e) Supervisory, Managerial and Executive Training:
 - (1) Inasmuch as the work of the government is the best and most important training resource for potential managers, opportunity should be given to qualified employees to participate in progressively responsible work within the area(s) of intended succession.
 - (2) Opportunities for Supervisory, Managerial, Professional and Executive Training will be offered to potential managers if value to MVA can be identified and if funding is available.
 - (3) Employees entering a supervisory position must receive supervisory/management training not earlier than six months prior to such promotion and no later than six months after entry into such position.

§ 904 External Training Sources

Training courses provided by sources outside the Commonwealth will be utilized as necessary and to the extent the budget will permit.

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§ 905 Training Costs Defined

- (a) The term "all costs," when used in this part to define the MVA's intent to support an employee undergoing training, means:
 - (1) Round trip transportation to the training site by the least expensive air routing;
 - (2) Mileage allowance for on-island travel by private transportation;

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- (3) Training leave with pay, i.e., the employee's regular salary will be paid, as all training will be work-related and the employee will be in work status. If overtime work is required and performed, payment will be made in accordance with law.
 - (4) Cost of tuition, books and fees; and
 - (5) Stipend. i.e., the regular per diem rate for the time authorized to be spent at the training site.
- (b) MVA will pay all pre-reviewed and approved necessary costs for training.
 - (c) Unapproved costs incurred or caused by the employee will be the responsibility of the employee.
 - (d) Unplanned and unavoidable expenses related to approved-training and not caused by the actions of the employee will be reviewed on a case-by-case basis by the Managing Director.

§ 906 Support for Training

Managers/Supervisors are encouraged to support positively MVA's training efforts, as improved skills and more effective supervision at all levels will improve mission accomplishment.

§ 907 Evaluation of Training

The MVA Administrative Officer shall develop and maintain a system which will provide information and analysis of the effectiveness of training received by MVA employees. Such analyses shall be used to determine the value of training received and programs utilized.

- (a) All personnel who attend and return from a training course outside the Commonwealth shall submit to the MVA Administrative Officer a written report including a summary of the course along with a judgment of the added value gained from the course.
- (b) Employees who received training may be required to provide a presentation to MVA managers/supervisors and/or staff, sharing the training received.

§ 908 Un-sponsored Training Activities

- (a) Personal advancement training or academic training toward baccalaureate or higher degrees is highly encouraged. However, the MVA shall not sponsor or have any responsibility for any costs incurred for such training.
- (b) Personal advancement training or academic training taken at the election of the employee will utilize annual leave or leave without pay, as approved by the Managing Director.
- (c) Un-sponsored training activities will comply with the leave policies established by this regulation.

§ 909 Workshops

An employee occupying a permanent position who successfully completes 120 hours of training workshops that are supervised, sponsored and/or sanctioned by the MVA may be given a salary increase equivalent to one step in accordance with the provisions established in §423 of this regulation.

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**Part 1000
Performance Management Evaluation**

§ 1001 Purpose

Regularly and honestly evaluating the performance of the MVA is one of the most difficult, yet one of the most important requirements for MVA to be a successful organization. A meaningful performance management evaluation requires that the individuals conducting the evaluation not only to know and understand the mission, strategy and goals established by the MVA for the period being evaluated, but also the projects and their measurable objectives for each MVA section and the duties and responsibilities for each employee. With this knowledge and the use of analytical evaluative methods the evaluator must determine how well each section has performed in their part of achieving the MVA mission and goals, and then, after full consideration of the findings, make an objective judgment of the overall degree of effectiveness that MVA has attained in relation to mission and goal accomplishment.

§ 1002 MVA Mission Statement

The MVA Mission Statement was previously stated in § 102 of his regulation:

To promote and develop the Northern Mariana Islands as the premiere destination of choice for visitors from throughout the world while providing a maximum quality of life for our people. We nurture and encourage cultural interchange and environmental sensitivity for visitor's enjoyment and for our children's children.

§ 1003 MVA Strategic Goals

The MVA's Long Range Plan and Strategic Goals will be set, reviewed and modified, as required by changing circumstances, annually in conjunction with budget development at a Strategic Planning session held for that express purpose.

§ 1004 Objectives of the MVA Performance Management Evaluation Program

The objectives of the MVA Performance Management evaluation program are to:

- (a) Provide a comprehensive basis for improvements in MVA's management of its activities, programs and employee performance;
- (b) Assure compliance with statutory requirements, regulations and Board directives governing MVA's programs and practices;
- (c) Evaluate the participation and effectiveness of managers and supervisors in their performance management and section goal attainment; and
- (d) Achieve the MVA goals and objectives established in the annual strategic planning session.

§ 1005 Responsibilities

- (a) Section Managers are responsible for:
 - (1) Establishing section objectives that contribute to the accomplishment of MVA's strategic objectives;
 - (2) Providing leadership, guidance and supervision in the accomplishment of section objectives;

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- (3) Keeping the Managing Director apprised of significant problems and achievements in carrying out their performance management responsibilities and accomplishing their assigned portion of the MVA's strategic goals.
- (b) The Managing Director is responsible for:
 - (1) Guiding senior MVA managers in an annual strategic planning session to establish, review and modify strategic goals for the MVA;
 - (2) Providing management, direction and continued oversight in the accomplishment of the MVA's established strategic goals;
 - (3) Conducting, through a designated Evaluation Officer, an annual performance management evaluation to measure goal accomplishment;
 - (4) Using evaluation results to work with the MVA management team and the Board of Directors to developing plans for improving MVA's performance and goal accomplishment.

§ 1006 Annual Report

- (a) Report of the MVA Performance Management Evaluation shall be made to the MVA Board in its annual report not later than November 30 of each year. The report shall be based upon:
 - (1) the comprehensive MVA Performance Management evaluation report on the projects completed and the goal-related objectives reached for each section; and
 - (2) the overall successful goal achievement performance of the MVA.
 - (3) the MVA's financial status on the last day of the fiscal year.
- (b) The designated evaluating officer in consultation with the Managing Director shall develop the evaluation plan and the format for reporting.

§ 1007 Action

Using on-going observations and the findings in the annual comprehensive MVA performance management report, the Managing Director shall:

- (a) Direct and follow-up on corrective action to be taken with respect to any deficiencies noted in any of the reports.
- (b) Ensure that managers conduct or arrange training for those employees who appear to be deficient in the supervisory, technical or other job-related performance aspects of meeting MVA's mission, as indicated in the several evaluations.

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**Part 1100
Records and Reports**

§ 1101 Purpose

This subpart defines the minimum requirements for personnel records to be originated and maintained by the MVA.

§ 1102 Policy

MVA shall establish a system of records for all personnel presently or previously employed by the MVA. The records shall be separated so that those of active employees are filed separately from those of former employees. Other supporting records, as deemed appropriate by the Personnel Committee, may also be maintained. The Administrative Officer shall develop and maintain the personnel records for the MVA.

§ 1103 Records Required

- (a) Official Personnel Folder (OPF). For each employee an official personnel folder (or file) shall be maintained. The folder shall contain, as a minimum, the following elements of primary information covering the employee:
 - (1) Formal application for employment.
 - (2) Copy of the certificate of eligibles from which selected.
 - (3) Form on which prior creditable service is listed and service computation date is derived.
 - (4) Letter of original selection signed by an authorized selecting official.
 - (5) Copy of each personnel action affecting the employee.
 - (6) Copy of each form reflecting choice of health benefits or group life insurance coverage, designation of beneficiary and other legal and binding assignments or designations.
 - (7) Adverse action supporting material, if the action is consummated.

- (b) Secondary information, as contrasted to permanent-type information as delineated above, shall be kept in the OPF but filed on the LEFT side of the folder. Examples of temporary material include:
 - (1) Performance evaluation reports;
 - (2) Annual employee review documentation sheets;
 - (3) Descriptions of positions occupied by the employee;
 - (4) Letters of reprimand (retained but usable as a past offense for two years only); and
 - (5) Items of correspondence concerning the employee but which have no historical or permanent value, e.g., letters of commendation or congratulation.

- (c) Employee Record Card. This card record summarizes critical data concerning the identity, status, movement and separation of an employee. Every personnel action taken will be recorded on the employee record card.

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Exceptional or less than satisfactory performance ratings shall be noted on the employee record card showing the rating and date thereof.

(d) **Medical Records.**

(1) Medical examination forms and drug and alcohol test result forms for each employee shall be maintained in a file separate from the OPF. This is essential to protect the privacy of the individual. The records shall be maintained in a locked filing cabinet or safe with access allowed only to personnel authorized by the Managing Director. Access must be restricted only to persons who have a "need to know" as determined and approved by the Managing Director.

(2) Whenever access to a medical record is allowed, the Administrative Officer shall record on a log sheet maintained in the individual medical record:

- (i) Date of access;
- (ii) Name of person allowed such access; and
- (iii) Reason for access.

(e) **Records of EEO Cases, Disciplinary Investigations and Official Inquiries.** Any records of an EEO case, disciplinary investigation or official inquiry concerning an employee shall be filed in a separate folder, clearly identified by the employee's name, date of birth and social security number. The material shall be kept in a locked filing cabinet or safe, with access allowed only on a "need to know" basis and upon approval by the Managing Director. The existence of any of these files shall be noted in the OPF, filed on top of the last entry therein.

(f) Confidential medical and investigation records may be kept in the same filing cabinet or safe, but must be maintained in separate drawers or areas. Access to one individual file or set of files does not allow access to others without specific authorization.

§ 1104 Disposition of Records

Upon the separation of an employee for whatever reason, the employee's official personnel folder shall be closed and removed to storage.

- (a) Prior to sending the file to storage, all secondary material filed on the left side of the folder shall be reviewed and duplicate information or documents considered unnecessary for permanent retention will be either given to the employee or destroyed.
- (b) Medical examination records and investigation file material shall be placed in the OPF for retention so that the record is accurate and complete.
- (c) Records of alcohol and drug test results shall be retained in the employee's medical file until the time period for retention, established as one year for negative testing results, two years for testing program records and five years for all positive testing results, has passed. At that time, the test records shall be destroyed.

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§ 1105 Access to Official Personnel Folder Employees may have access to their own official personnel folders at any time during regular working hours provided the Administrative Officer or another responsible employee assigned by the Managing Director watches as the employees' reviews take place. Employees are entitled access to their medical records, but Investigation reports are not available to the employees. If employees persist in their desire to see investigation reports, they should be referred to the agency which prepared the report or secure a court order authorizing the Managing Director to allow the employee access to the investigation report.

§ 1106 Information Available to the Public

The names, present and past position titles, grades, salaries and duty stations of a MVA employee is information available to the public; provided, however, such shall not be available when the release of the information is otherwise prohibited by law or when the information is sought for the purpose of commercial or other solicitation. To receive information an open-government request for the information must be submitted to MVA.

§ 1107 Reports

Accurate and timely reports are invaluable to the management of a workforce. They are important to the processes of budgeting, manpower planning, forecasting staffing needs and declines, and other management areas.

- (a) The MVA Administrative Officer is required to establish and maintain a roster of all persons in the MVA which shall include, as a minimum, for each person, the class of position held, the salary or pay, any changes that might occur in class, title, pay, or status and any other necessary data.
- (b) The Managing Director shall prescribe a system of reports and the format for reporting to provide, on a timely basis, the information required by law and for the efficient and effective operation of the MVA.

§ 1108 Timekeeping Records

An assigned and trained timekeeper shall be responsible for recording and certifying time and attendance reports of MVA employees. The timekeeper shall also record and certify leave time taken by any MVA employee. The method of recording and certifying time, attendance and leave shall be in compliance with Commonwealth and federal law and requirements established by the Director of Finance.

**Marianas Visitors Authority
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**Part 1200
Special Provisions**

§ 1201 Financial Austerity Measures

- (a) At any time the MVA Board of Directors, at the advice of the MVA Personnel Committee, declares by directive to all MVA staff the need for financial austerity measures that affect the MVA, all provisions in this regulation that require increases in employees' salaries due to permanent or temporary promotions, acting or detail assignments, reallocation or reclassification of positions, and step increases of any type, will be suspended effective on the date set in the directive.
- (b) The suspension shall expire upon subsequent notice to all MVA staff of its expiry. Upon such expiration, all employees who qualified for the increases during the time of suspension shall receive the pay increases effective the date the suspension expired. The increases shall not be made retroactive to any earlier date.

Commonwealth of the Northern Mariana Islands
Department of Lands and Natural Resources
Arnold Palacios, Secretary
Department of Lands and Natural Resources,
Caller Box 10007
Saipan, MP 96950
Tel. 322-9830

**PUBLIC NOTICE OF PROPOSED REGULATIONS FOR OUTER COVE MARINA
UNDER THE DEPARTMENT OF LANDS AND NATURAL RESOURCES**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:
The Commonwealth of the Northern Mariana Islands, Department of Land and Natural Resources, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))


AUTHORITY: The Secretary of Lands and Natural Resources ("Secretary") has the authority to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC §§ 2653, 2654; 3 CMC § 2661 (responsible for marine resources); 2 CMC §§ 1201–1231, 4112 (designating DLNR as the manager of the Commonwealth's submerged lands); 1 CMC §§ 9101–9115 (Administrative Procedure Act).


THE SUBJECTS AND ISSUES INVOLVED: The proposed regulations concern Outer Cove Marina. The specific issues involved are leasing berths and fees.

THE TERMS AND SUBSTANCE: These regulations establish procedures and rules for the maintenance and administration of Outer Cove Marina.

TO PROVIDE COMMENTS: Send or deliver your comments to Arnold Palacios, Secretary of Lands and Natural Resources, at the above address, with the subject line "Outer Cove Marina Regulations." Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2)).

These proposed regulations were approved by the Secretary on June ___, 2013.


Submitted by:  7/23/13
ARNOLD PALACIOS Date
Secretary of Lands and Natural Resources

Received by:  7/24/13
ESTHER S. FLEMING Date
Governor's Special Assistant for Administration

Filed and Recorded by:  7/26/2013
ESTHER M SAN NICOLAS Date
Commonwealth Register

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 the 23^d day of July 2013.


Gilbert Birnbach, Chief, Civil Division
Joey Patrick San Nicolas
Attorney General

**NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 85
DEPARTMENT OF LANDS AND NATURAL RESOURCES REGULATIONS**

Regulation Title: Northern Mariana Island Administrative Code
Title 85 (Department of Lands and Natural Resources)
Chapter 85-30 (Division of Fish and Wildlife)
Subchapter 85-30.3 (Outer Cove Marina Rules and Regulations)

The following subchapter shall be added to Chapter 85-30 of Title 85:

**Part 001 - General Provisions
85-30.3-001 Authority and Purpose**

(a) Authority. The regulations in this subchapter are promulgated under the authority of 1 CMC §§ 2653 and 2654 providing the Department of Lands and Natural Resources with the authority to adopt rules and regulations in furtherance of its powers and duties, including the responsibility for the protection and enhancement of the natural resources of the islands, including the marine environment. Further, 2 CMC §§ 1201-1231 provides the Department with the authority to manage submerged lands.

(b) Purpose. It is the purpose of this subchapter to maintain Outer Cove Marina in a sanitary, sightly, and orderly condition and to preserve the public health, safety, peace, welfare, and convenience in the use thereof.

85-30.3-005 Application and Scope

(a) Geographic Area. The regulations codified in this subchapter shall apply to the berthing of vessels at docks, their mooring in the waterways, and other activities conducted within the Outer Cove Marina as depicted in Appendix A.

(b) Other Laws and Regulations. The regulations in this subchapter in no manner diminish the authority of laws and lawful regulations that otherwise apply to the waters and lands of the Outer Cove Marina.

85-30.3-010 Notice.

If a notice to a Permittee or owner is provided for in these Rules, that notice shall be personally served on the person. If after diligent effort has been made to effect personal service, no personal service can be made, the Marina General Manager (hereinafter "Manager") may effect service by:

(a) Posting the notice in a conspicuous place aboard the Permittee's vessel or at the assigned berth; or mooring.

(b) Mailing the notice to the person at the person's last known address; provided that in an emergency, where life or property is endangered or if, a vessel may interfere with

other vessels or with the free and proper navigation of a waterway unless immediate action is taken, remedial action may be taken by the Manager without prior notice.

§ 85-30.3-015 Definitions

Unless the context clearly indicates otherwise, the following definitions shall apply to the terms used in this subchapter:

- (a) "Agreement" means the agreement between the boat owner and the Secretary.
- (b) "Assigned berth" means a berth that is assigned to a Permittee by a valid regular berthing permit.
- (c) "Berth" means where a vessel:
 - (1) is laid alongside a dock
 - (2) is made fast alongside boat slip
- (d) "Department" shall mean the Department of Lands and Natural Resources.
- (e) "Division" shall mean the Division of Fish and Wildlife.

"Dormant vessel" - means a floating contrivance that has not been navigated outside the harbor where berthed or moored by means of its propulsion system at a minimum of two times during each quarter of the calendar year on voyages of at least two hours duration.

- (f) "Moor" means to secure a boat by making it fast with cables, lines or anchors.
- (g) "Mooring" means a device for holding a vessel in place, when an anchor, concrete block or similar device is placed or dropped on submerged land with a rope or chain attached to a buoy to which the vessel is attached.
- (h) "Passenger" means every person carried on board a vessel other than:
 - (1) the owner or the owner's representative;
 - (2) the operator;
 - (3) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and are paid for their services; or
 - (4) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for the guest's carriage
- (i) "Vessel" mean every description of watercraft, used or capable of being used as a means of transportation on water.
- (j) "Commercial Vessel" means a vessel engaged in the commercial carriage of passengers or cargo and or for commercial fishing in and about the waters of the Commonwealth. "Commercial" is defined as relating to or connected with trade and

traffic or commerce in general, as defined in Section 2 of the Preamble of the Lease of Water Dependent Use Of submerged Lands approved by the CNMI Legislature.

(k) "Commercial Fishing Vessel" means vessel engaged in fishing for profit, either by individual, partnership or corporation.

(l) "Transient vessel" means any vessel visiting the CNMI for a period of not more than seven (7) days.

(m) "Vessel carrying passengers for hire" means any vessel which is used for the carriage of any person or persons for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any person who has a lien on the vessel.

(n) "Vessel length" means the end-to-end measurement of a vessel taken over the deck, parallel to the waterline from the foremost part of the bow to the aftermost part of the stern; provided, that hull plating, plankings, and extensions aside from the hull proper, such as bowsprit, are not to be included in the measurement; provided further, that an open-type vessel or one with a cockpit shall be measured as if a complete deck existed at the upper level of the hull.

(o) "Vessel length overall" (LOA) means the distance between the fore-and-aft extremities of a vessel including hull platings, plankings and any extensions beyond the hull proper, such as bowsprit, planking, steering device, or other extensions.

Part 100 - Selection of Leases and Permits for Berthing Slips

85-30.3-101 Lease or Permit Required for Tenancy in Outer Cove Marina

(a) Berths: No vessel shall be permitted to be berthed at a dock slip in Outer Cove Marina without a lease approved by the Secretary. This includes government-owned vessels that are also required to pay berth fees. There are no exemptions unless mutually agreed upon between the government agency and the Secretary.

(b) Moorings: No vessel shall be permitted to be moored in the waterways of Outer Cove Marina, except as provided for in part 300 for storm and typhoon conditions.

(c) Tenant Vessels defined: Tenant vessels are vessels for which a valid berthing lease has been issued.

(d) Temporary Permits: The Secretary may issue temporary berthing permits at Outer Cove Marina for visiting or transient vessels, not to exceed thirty days in duration.

85-30.3-105 Categories of Vessel Exclusions

Except as provided for in part 300 of this subchapter, the following vessels shall not be granted leases, issued permits, or be allowed to berth on any dock or moor within the waterways of Outer Cove:

- (a) **Vessels as a Place of Abode.** A vessel on which any person remains overnight for seven (7) or more days in any month is a vessel as a place of abode. A vessel shall be deemed to be lived aboard if a person or persons occupy the vessel and engage in those usual and customary activities associated with a person's residence or abode, such as sleeping, preparation of meals, etc., for any period in excess of forty-eight (48) consecutive hours in any seven-day period. An exception to this exclusion shall apply to a transient vessel that has a holding tank for containment of waste by-products.
- (b) **Unseaworthy Vessels.** A vessel is unseaworthy if it is not in a fit condition or ready for sea voyage. Lessees, permittees and applicants shall, upon request, demonstrate or allow inspection of vessels for seaworthiness by the Secretary or his or her designee.
- (c) **Work Boats.** The term work boats includes tugboats, crew boats, landing crafts, vessels engaged in cargo trade, fishing trawlers, utility boats, construction boats, barges and dredges.
- (d) **Deep Draft Vessels.** Vessels with a draft deeper than six feet are deep draft vessels.
- (e) **Vessels Greater than 100 feet Long.** The length of the vessel shall be determined by its length overall (LOA) rounded upward to the next whole foot, including all permanent and functioning overhangs.
- (f) **Vessels Without Auxiliary Propulsion.** Auxiliary propulsion means an engine, either outboard or inboard, sufficient to provide the vessel with safe maneuvering ability in the marina.
- (g) **Vessels without Insurance Coverage.** Vessels without insurance coverage for third party liabilities will be excluded from the Premises. Copy of the insurance policy must be presented with the application.

85-30.3-110 Categories of Exclusion for Leases

No vessel shall be granted a lease for a berthing slip that comes within any of the categories listed in 85-30.3-105.

- (a) **Unregistered or Undocumented Vessel.** A vessel must have either current CNMI registration or U.S. Coast Guard documentation.
- (b) **Commercial Vessel.** A vessel engaged in the commercial carriage of passengers, including but not limited to, sport-fishing boats, Managaha transfer boats, tour boats, and parasailing tow boats may only be allowed to lease a berthing slip on a month-to-month basis after all non-commercial priority preference berthing slip requests are satisfied. Commercial vessel month-to-month berthing slip leases may only be granted or renewed if there are no pending berthing slip lease requests from non-commercial vessels.
- (c) **Minimum Length.** A vessel with a length overall (LOA) of less than fifteen feet.
- (d) **Maximum Beam.** A vessel with a beam greater than fifteen feet (15'), except that vessels of greater than 15' beam may be berthed at dock G. Beam is defined as the maximum breadth of the vessel.

85-30.3-115 First-Come, First-Served Priority

- (a) Slips shall be assigned on a first-come, first-served basis.
 - (1) Any person who owns commercial vessel, commercial fishing vessel or vessel carrying passengers for hire who first submitted his or her completed Berthing/Mooring

application shall be given first priority for the grant of a Lease for a berthing slip or mooring space. Incomplete application shall be returned to the applicant for resubmission and will be treated as if it was for the first time.

(2) Vessels shall be matched to slips so as to maximize useable berthing space and not restrict maneuverability.

85-30.3-120 Grant of Berthing Lease

Upon selection for the grant of a lease, an applicant shall have ten days to complete the berthing lease, execute it, and pay the first months berthing fees and the security deposit. Failure to do so will result in the denial of the application and the award of the lease to another applicant.

85-30.3-125 Security Deposit

(a) A security deposit in the amount of three months berthing fees shall be required of a new applicant for a berthing lease.

(b) A security deposit in the amount of six months berthing fees shall be required of an evicted lessee or permittee whose application is being reconsidered pursuant to 85-30.3-710.

(c) All security deposits may be applied to expenses incurred by the Department for enforcing violations of lease or permit terms or violations of the rules and regulations in this subchapter, including but not limited to curing delinquent berthing fees and expenses for impoundment or removal of a vessel pursuant to 85-30.3-701 and 85-30.3-705.

(d) The security deposit shall not be considered to be an advance payment of berthing fees by the lessee or permittee. In the event that all berthing fees are paid on a timely basis, then at the conclusion of any lease or permit period, the lessee or permittee shall be entitled to a return of his or her security deposit without interest.

85-30.3-130 Mooring Permits

[Reserved.]

85-30.3-135 Location of Moorings

[Reserved.]

85-30.3-140 Restriction on Moorings

Until the Department installs mooring buoys in the Premises, no vessel shall be allowed to place anchors for mooring purposes.

Part 200 - Fees

85-30.3-201 Fees for Berthing Slips

The following fees shall be assessed lessees assigned berths, on a monthly basis:

- (a) Vessels 20.0 feet to 29.0 feet in length: \$5.00 per foot.
- (b) Vessels 29.1 feet to 42.0 feet in length: \$7.00 per foot.
- (c) Vessels 42.1 feet to 52.0 feet in length: \$10.00 per foot.
- (d) Vessels 52.1 feet to 65.0 feet in length: \$15.00 per foot.
- (e) Vessels 65.1 feet to 100.0 feet in length: \$20.00 per foot.

85-30.3-205 Fees for Moorings

- (a) Vessel 20.0 ft. to 29.0': \$2.50 per foot
- (b) Vessel 20.1 ft. to 29.0': \$3.50 per foot
- (c) Vessel 29.1 ft. to 42.0': \$5.00 per foot.
- (d) Vessel 42.1 ft. to 65.0': \$7.50 per foot.
- (e) Vessel 65.1 ft. to 100.0': \$10.00 per foot.

85-30.3-210 Fees for Visiting Vessels

(a) The following fees shall be collected daily for mooring or berthing in the Outer Cove Marina:

- (1) First day of arrival shall be free.
- (2) Every day, or a fraction of a day, thereafter shall be charged according to the prevailing fees for the size of boat, plus other applicable charges, prorated.

(b) Maximum Stay Permitted. A visiting vessel may stay only as long as permitted by the Secretary, and subject to the availability of mooring or berthing spaces.

85-30.3-215 Delinquency

- (a) The due date for berthing slip lease and/or mooring payment shall be no later than the 10th day of each month (e.g., January lease payment is due by January 10).
- (b) All delinquent payments made after the 10th day of each month, shall be charged a 10% late fee for each month that payment is not made.
- (c) Failure to pay berthing or mooring fees for a period of 30 days after the date that those fees are due, shall constitute delinquency, and shall be grounds for cancellation of the lease or permit pursuant to 85-30.3-701.

85-30.3-220 Passenger Departure Fees

A Passenger Departure Fee of \$4.00 will be charged to every passenger boarding on a vessel carrying passengers for hire, regardless of water activity or destination. Boat owners will be billed each month and the billing shall be paid to the Department within fifteen (15) days from the date of the billing.

Part 300 - Typhoons and Tropical Storms

85-30.3-301 Storm Conditions Defined

Storm conditions means the government has declared that Saipan is currently in tropical storm condition 2 or 1 or typhoon condition 2 or 1.

85-30.3-305 Typhoon Contingency Plan

All references to storm or typhoon preparation shall be in accordance with the current year's typhoon contingency plan. The plan specifies where each vessel will be berthed or moored in the event of a storm. The plan may be amended by the Secretary as necessary to accurately reflect the assigned berthing and mooring locations of all vessels during storm conditions.

85-30.3-310 Temporary Lifting of Exclusions During Storm Conditions

In the event of storm conditions, vessels excluded from Outer Cove Marina under 85-30.3-105(a) through 85-30.3-105(f) may enter and moor in Outer Cove Marina provided that they have applied for and received an approved non-tenant storm condition permit from the marina office, in accordance with 85-30.3-330 and 85-30.3-335. The permit will specify where the non-tenant vessel may berth or moor in the marina area during storm conditions, according to the typhoon contingency plan. All vessels registered in the typhoon contingency plan but which do not hold a valid lease issued pursuant to 85-30.3-101 are required to leave within forty-eight hours after the return to condition 3 or the giving of the all clear signal.

85-30.3-315 Emergency Moorings

In the event of storm conditions, any vessel permitted in Outer Cove may moor across the channel of the waterway if the following conditions are observed and the vessel does not obstruct other permitted vessels according to the typhoon contingency plan:

- (a) The vessel operator must follow the directions of the Secretary or his designee.
- (b) The vessel must be moored in a manner that will not jeopardize the safety of adjacent vessels in a storm.
- (c) All floats, gangways, and other floating obstacles other than vessels must be removed entirely from the water and secured on high ground.
- (d) All loose objects on the vessel shall be either removed or sufficiently tied down to withstand typhoon strength winds.
- (e) Mooring lines must use chafing protection on the vessel and at the end where they are fastened to trees, posts, or other objects out of the water.
- (f) Vessels entering the Outer Cove Marina specifically for storm protection, which are not registered according to the typhoon contingency plan, shall be placed in available locations on a first-come, first-served basis by the Secretary or his designee.

(g) Mooring lines must be removed from crossing the channel and all other locations that impede the movement or navigation of vessels in the waterways within twelve hours of the announcement of the all clear signal.

85-30.3-320 Unattended Vessels During Storm Conditions

Any vessel with a berthing lease that is within Outer Cove Marina during storm conditions and is not attended to by a person or persons who adequately secure the vessel for typhoon strength winds shall have its lease or permit terminated. It is the obligation of every boat owner to adequately secure his vessel so that it does not present a hazard to other vessels in the marina.

85-30.3-325 Secretary's Authority

The Secretary is empowered to regulate all vessel movement and placement within Outer Cove Marina, its boundaries and shore areas prior to or during storm conditions. The Secretary or his/her designee shall:

- (a) Announce when the marina is officially closed to vessel movement into or out of it when condition 2 is aired by weather broadcast, via, VHF marine band radio on channel 16 as notice to mariners. This broadcast will be transmitted at ten minute intervals for one hour.
- (b) Advise owners of trailerable vessels to remove them from the marina before storm condition 2 or typhoon condition 2.
- (c) Monitor the placement of non-tenant vessels according to size and berth space. Non-tenant vessels are accorded refuge at Outer Cove Marina pursuant to compliance with 85-30.3-330 and 85-30.3-335.
- (d) Ensure that no vessels moor or anchor in the marina channel.
- (e) Penalize and assess fines pursuant to CNMI laws for violations of this section.
- (f) [Reserved.]
- (g) [Reserved.]

85-30.3-330 Non-tenant Storm Condition Permit Procedures

An owner of any vessel that is not a tenant at Outer Cove Marina who wishes to berth or moor within its premises during storms or typhoons must apply for a Non-Tenant Storm Condition Permit in accordance with 85-30.3-330(a) through 85-30.3-330(d) below:

- (a) Complete an application and submit it to the marina office during the open application period, held each year between January 1 and March 31;
- (b) Produce evidence of current, adequate and applicable insurance coverage along with the application;
- (c) Pay the required annual fee if the application is approved; and
- (d) Have a current vessel inspection report and certificate of number, as applicable.
- (e) Any application submitted that cannot show evidence required by 85-30.3-330(a) through 85-30.3-330(d) above will be denied.
- (f) No non-tenant vessel has the right to infringe upon the safety and welfare of the tenants of Outer Cove Marina.

(g) All applications are subject to availability of berthing slips or mooring spaces at the marina.

85-30.3-335 Non-Tenant Storm Condition Permit Fees

The fees to be charged for the privilege to berth, moor or anchor within Outer Cove Marina premises during storm conditions are assessed on an annual basis, are due and payable when the application is received and approved, and are not refundable. Fees are charged as follows:

- (a) Vessels under 20 feet in length: Not permitted
- (b) Vessels 20 feet to 30 feet in length: \$50.00
- (c) Vessels 31 feet to 40 feet in length: \$55.00
- (d) Vessels 41 feet to 50 feet in length: \$60.00
- (e) Vessels over 51 feet in length: \$65.00
- (f) Vessels at anchor: \$30.00.

History: Amdts Adopted 28 Com. Reg. 26409 (Dec. 29, 2006); Amdts Proposed 28 Com. Reg. 26231 (Oct. 30, 2006); Amdts Adopted 25 Com. Reg. 21401 (Sept. 18, 2003); Amdts Proposed 58 Com. Reg. 20399 (July 15, 2003).

Commission Comment: The Commission changed 51over feet to over 51 feet in subsection (e) to correct a manifest error. The 2006 amendments changed subsection (e).

Part 400 Use of Outer Cove Marina

85-30.1- 401 General statement and restrictions on mooring dormant vessels.

- (a) It is the policy of the Department that the moorings and berthing in the Saipan small boat harbor be used for the purposes of accommodating vessels used for commercial boating activities involving transportation of passenger on water to and from the other islands in the CNMI, or for commercial fishing. Therefore, occupancy of berths and mooring areas at the small boat harbor shall be limited to vessels actively utilized as a means of transportation on water.
- (b) The use permit relating to any dormant vessel shall be revoked, unless the owner presents valid evidence that the vessel is temporarily dormant due to circumstances beyond the owner's control.
- (c) The owner shall remove the dormant vessel from the harbor upon revocation of the use permit. The Department reserves the right to restrict the use of the Premises property or facilities to those who observe these rules and make full and timely payment of their fees and charges.

85-30.3-405 Insurance

- (a) All boat owners are required to procure third party liability insurance coverage for their boats, in the event owner's vessel caused damages to other vessel or the improvement of the Premises during storm and during their normal activities. A copy of the insurance policy must be provided to the Department.

(b) The owner shall ensure that the policy is maintained; failure to keep the policy active shall result in termination of the lease permit and the owner will be required to remove the uninsured boat from the premises.

(c) The Commonwealth shall not be liable for any damages resulting from the use of the premises or during storm conditions.

Part 600 - Special Events

85-30.3-601 Special Events Defined

Special events include use of the Outer Cove Marina facilities for events including, but not limited to, fishing derbies and holiday celebrations, hosted by a person, a company, a non-profit organization, or a government agency. Marina facilities include, but are not limited to, berthing docks, launching ramp, trash bins, weigh station, convenience dock, parking area, water facilities, and channel access.

85-30.3-605 Permit Required

(a) Sponsors of special events are required to apply for a permit from the Secretary for the special event. Application must be made in writing, on a form supplied by the Department. A non-refundable fee of \$50.00 will be charged for the use of the marina facilities for the special event. No special event may be held in Outer Cove Marina without a permit approved by the Secretary and full payment of the special event fee.

(b) The Secretary may require a security deposit of \$250 as a condition of the special event permit.

(c) The Secretary may require the event sponsor to obtain and provide evidence of event insurance coverage.

Part 700 - Leases and Permits

85-30.3-701 Cancellation

(a) The Secretary may cancel and terminate any lease or permit upon five days written notice to the lessee or permittee for failure to comply with:

(1) Any provision of the lease or permit, including without limitation, nonpayment of lease rent or permit fees;

(2) The Outer Cove Marina rules and regulations in this subchapter; or

(3) The Boating Safety rules and regulations [NMIAC, title 150, chapter 20].

(b) In addition, if there is any change of circumstances that causes a vessel to come within 85-30.3-105 or 85-30.3-110, the lease or permit may be canceled upon twenty-four hours' notice.

(c) Notice shall be deemed served within twenty-four hours of the time said notice is deposited in the United States Postal Service, if mailed by first-class mail, postage prepaid, to the lessees or permittee's address as designated on the lease or permit. In the case of personal service, notice shall be effective upon such service.

(d) The notice shall specify the applicable provision of the lease or permit, Marina Regulations in this subchapter or Boating Safety Regulations [NMIAC, title 150, chapter

20] with which the lessee or permittee has failed or refused to comply, the date and time on or before which the slip must be vacated, and the cancellation date.

(e) The lessee or permittee shall be liable for all berthing or mooring fees that accrue prior to the date of cancellation.

85-30.3-705 Impoundment of Vessel upon Cancellation of Lease or Permit

(a) If the lessee or permittee fails or refuses to remove his or her vessel from a slip on or before the date of cancellation of the lease or permit, the Secretary or his designee shall impound or remove the vessel at the lessee or permittee's risk and expense.

(b) Impoundment shall consist of chaining the vessel to the dock and placing a dated sign upon the vessel explaining the reasons for impoundment.

(c) The Secretary or his designee may also remove the vessel from the slip or mooring and retake possession of the slip or mooring.

(d) Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for any such actions and all lessees and permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

(e) The lessee or permittee shall reimburse the Department for costs incurred in moving and storing the vessel. In addition to costs, the lessee or permittee shall also be subject to the fines for impoundment and removal as set forth in § 85-30.3-1101.

(f) A vessel that is not removed by the cancellation date shall be deemed to be an illegally berth vessel and shall be subject to fines set forth in § 85-30.3-1101.

85-30.3-710 Reconsideration of Evicted Lessees or Permittees

(a) A lessee or permittee evicted from the marina under part 700 of this subchapter who would like reconsideration of his or her eviction from Outer Cove Marina must make a new application. The Secretary will consider the new application if all delinquent berthing fees and fines are paid, and any other violations or lease or permit provisions are cured.

(b) The Department may require an advanced deposit of six months rental fees for any such new application, which shall be distinct from the required security deposit under § 85-30.3-125.

85-30.3-715 Reassignment of Slips

(a) The Secretary shall have the right to temporarily or permanently reassign berthing slip spaces and to move or cause to be moved any vessel so reassigned. A lessee or permittee, by applying for and accepting the use of a slip, shall be deemed to have consented to the reassignment and movement of the vessel to another slip:

- (1) For the proper operation, maintenance and repair of Outer Cove Marina,
- (2) For the convenience of the Commonwealth,
- (3) For a special event, or
- (4) In case of an emergency.

(b) The lessee or permittee further consents to the movement of the vessel by the Secretary if, after notice to move the vessel is given by the Secretary, the lessee or

permittee fails to comply with any such notice. The lessee or permittee shall reimburse the Department for costs incurred in moving the vessel.

(c) Neither the Department nor the Commonwealth government nor any of its officers or employees shall be liable for such action and all lessees and permittees waive all claims for damage to persons and property sustained by a vessel resulting from its movement pursuant to this provision.

85-30.3-720 Non-Transferability of Lease

A lessee or permittee shall not give, sell, sublease, assign, or transfer, or attempt to give, sell, sublease, assign or transfer, whether voluntarily or involuntarily, the use of a designated slip, the lease or permit therefore, or any interest therein. No agreement, whether oral or in writing, between the lessee or permittee and any other person, firm, or entity may be made in connection with:

- (a) The use of a designated slip by a person other than the lessee or permittee,
- (b) The use of a designated slip by a vessel other than one owned by the lessee or permittee,
- (c) The transfer of ownership of or an interest in a vessel, or
- (d) A transfer of an interest in a corporation or partnership (general or limited) or joint venture owning a vessel, by which agreement lessee or permittee attempts to give, sell, sublease, assign, or to otherwise transfer the lease or permit and interest therein, or the right to use the designated slip, shall make the lease void and shall constitute grounds for the cancellation of the lease.

85-30.3-725 Sale of Vessel

(a) A lessee or permittee may retain his or her designated slip for a period of thirty days after transferring title to or agreeing to sell his or her vessel provided:

(1) The lessee or permittee shall notify the Secretary in writing of the sale of the vessel and his or her intent to acquire another vessel of appropriate length for the occupancy of the slip within five days of the date the agreement for the sale of the vessel is entered into, and

(2) The lessee or permittee shall pay slip fees equal to the amount specified in the lease or permit for the vessel sold pending the acquisition of another vessel.

(b) An extension of an additional period may be granted at the discretion of the Secretary upon presentation of proof of a contract to purchase or construct another vessel.

(c) If the lessee or permittee does not acquire and accept delivery of another vessel of appropriate length for the assigned slip within the thirty day period or any extension thereof; the lease or permit shall be canceled. The lessee or permittee shall remain liable for all fees accruing prior to cancellation.

(d) A lessee or permittee shall notify the Secretary in writing within five days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition or substitution of partners, the sale or transfer of stock in a closely held corporate ownership of the vessel or a change of officers or directors of a closely held corporation owning the vessel. If a lessee or permittee fails or refuses to notify the Secretary within five days from the date of any such change, such failure or refusal shall constitute grounds for cancellation of the lease or permit.

85-30.3-730 Partnerships and Corporations

- (a) No lease will be issued in the name of a partnership, corporation, joint venture or other legal entity.
- (b) A lease or permit for a vessel which is registered or documented by a partnership, corporation, joint venture, or other legal entity will be issued only to a natural person whose name appears on the Outer Cove Marina waiting list and whose interest in the vessel is equal to or greater than that of each of the other partners, stockholders, members or associates.
- (c) An application for a berthing lease for a vessel owned by a partnership, corporation, joint venture or other legal entity shall submit to the Secretary a fully executed marine bureau statement of ownership.
- (d) If a lessee or permittee fails or refuses to notify the Secretary of a change to any of the information contained in the marine bureau statement of ownership within five days from the date of any such change, such failure or refusal shall constitute grounds for cancellation of the lease or permit.

85-30.3-735 Absence from Slips or Moorings

- (a) In the event of an absence from a slip or mooring of more than seven days, the Secretary shall be notified of the intended length of absence so that the slip may be made available to other vessels under a temporary permit.
- (b) In the event that the planned absence is greater than ninety days, then a leave of absence must be requested from the Secretary. The Secretary may grant a leave of absence for a reasonable period. If the period is deemed to not be reasonable, then the lease or permit shall be canceled.

85-30.3-740 Temporary Slip or Mooring Permit

The Secretary may issue temporary permits to occupy and use an assigned but vacant slip or mooring or unassigned slips or moorings upon such terms and conditions as may be required for the efficient operation of Outer Cove Marina.

85-30.3-745 Waiver of Liability

Neither the Commonwealth of the Northern Mariana Islands government nor any of its officers or employees shall be liable to a lessee or permittee and their guests for any damages to persons or property within Outer Cove Marina.

Part 800 - General Regulations

85-30.3-801 Application

The regulations in this part shall control the conduct of all lessees and permittees of Outer Cove Marina and shall be incorporated as a part of any berthing lease or temporary slip

permit. The regulations in this part may be changed from time to time and shall apply prospectively as changed or amended to all existing lessees and permittees.

85-30.3-802 Commercial Use of Slips

The slip or dock structure within the Premises may be used for commercial purposes if it can be demonstrated that, if appropriate terms, conditions, and limitations are placed upon such conduct, it can be undertaken without risk to safe navigation, without endangering the public health, safety, or welfare (with due regard to other lessees of slips), and in a manner that will promote public convenience and necessity. Non-commercial vessel may lease slips in accordance with the Lease Agreement.

85-30.3-804 Storage on Docks

Nothing shall be stored on the dock by any lessee or permittee. Each lessee or permittee is responsible for keeping the adjacent dock area clean and free of litter. A lessee or permittee shall not place items on the dock except for short periods of time (not more than thirty minutes); and at such times shall place the items in such a manner so as to not obstruct free passage along the dock.

85-30.3-806 Fenders on Dock

No lessee or permittee shall install fender material, dock wheels, or carpet on the docks without the express permission of the Secretary. Upon installation, title to said fender or dock wheels shall be vested in the Commonwealth.

85-30.3-808 Movement of Vessels in Marina

Movement of vessels within Outer Cove Marina shall only be for the purposes of entering or leaving a slip or mooring.

85-30.3-810 Speed Within the Marina

(a) Basic Speed Law: No vessel shall be operated at such a speed in the Outer Cove Marina and its channel that a wake is created that will disturb other vessels docked or moored or cause destruction of the shoreline. This shall apply to all vessels for the full length of the channel. The speed limit is five miles per hour.

(b) Vessels Engaged in the Commercial Carriage of Passengers. Heavy displacement vessels, such as those which carry passengers to Managaha or Tinian Island or those greater than twenty tons, are particularly prone to causing destructive wakes at slow speeds. Operators of these vessels shall maintain their speeds at less than 5 mph while traveling at the entrance and within the Premises.

(c) All Other Vessels: All vessels not specified in 85-30.3-810(b) shall observe a 5 mph speed limit within Outer Cove Marina for the full length of the channel.

(d) Complaints: Lessees and permittees are encouraged to report incidents of vessels traveling in excess of the speed limits.

85-30.3-812 Toilet Usage

Toilets or marine heads shall not be used aboard a vessel in Outer Cove Marina.

85-30.3-814 Mooring of a Vessel

A lessee or permittee shall, at all times, ensure that his or her vessel is safely moored with lines adequate for the weather conditions.

85-30.3-816 Maintenance Work on Vessel

(a) Major repair or reconstruction work (such as overhaul of engines and fiber glassing of boats) shall not be performed in or at any slip or mooring areas.

(b) No repair or other work on a vessel shall be performed before sunrise or after sunset, except in the case of emergency repairs to keep a vessel afloat. The Secretary may provide written authorization to have a vessel repaired after sunset in the marina if the repairs require a longer period of time provided that the repairs do not infringe upon the safety and welfare of the tenants of Outer Cove Marina. Such authorization must state a start and ending time and date for the repairs.

(c) Tools and equipment must not be placed on the dock in a manner that will obstruct free passage along the dock. The dock area must be kept in a neat, clean and orderly condition.

(d) No material of any type resulting from maintenance work, such as solvents, paints, sandpaper, and other non-biodegradable materials shall be allowed to enter the water of Outer Cove Marina.

(e) Spray painting, welding, burning, and other hazardous activities are strictly prohibited in the marina.

85-30.3-818 Garbage and Littering

(a) A lessee, permittee, or other user of the Premises may not have or keep on a vessel or on the adjacent dock any garbage or decaying matter. Trash bins are provided at the Outer Cove Marina parking area for proper disposal of trash and other disposable materials.

(b) A lessee, permittee, or other user of the Premises may not throw, place, leave, deposit, or abandon, or cause to be thrown, placed, deposited, or abandoned, any litter within the Outer Cove Marina and the adjacent areas of American Memorial Park except in receptacles designated by the Department for the disposal of such materials. A lessee or permittee shall place only that garbage or litter within such receptacles as is generated during and results from a vessels voyage.

(c) A lessee, permittee, or other user of the Premises may not place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the waters of Outer Cove Marina any litter, sewage, garbage, gaseous liquid or solid materials.

85-30.3-820 Fire Safety

(a) Basic Rule: A lessee or permittee may not use or permit his or her vessel to be used or maintained in a manner that creates or constitutes a potential fire hazard.

(b) Fire Extinguishing Equipment: A vessel berthed in the Outer Cove Marina must have at least two operable hand portable fire extinguishers containing ten pounds of dry chemicals.

(c) Fueling: Vessels may not be fueled within Outer Cove Marina.

(d) LPG: A vessel equipped with liquid propane gas for cooking must also be equipped with a solenoid or a warning indicator for detecting LPG leaks.

85-30.3-822 Dumping of Hazardous Substances

(a) A lessee or permittee may not dump, discharge or pump oil, spirits, gasoline, diesel, distillate, any petroleum product, any other flammable materials, detergent, cleaning solutions or any substance that violates CNMI Water Quality Standards [NMIAC, title 65, chapter 130] into the waters of Outer Cove Marina, upon any of the docks, or on any land adjacent to the marina.

(b) Combustible materials must be stored in receptacles specially marked for combustibles and petroleum products. In the absence of such a receptacle, a lessee or permittee shall remove the substances for disposal at a site other than the marina or American Memorial Park.

85-30.3-824 Swimming

A person may not swim in the Outer Cove Marina, except as necessary to moor or anchor a vessel, clear a fouled propeller, assist a vessel in clearing another vessel's mooring lines, or remove a vessel that is grounded.

85-30.3-826 Fishing

Fishing in Outer Cove Marina is strictly prohibited. The prohibition includes fishing from any docks of the marina and adjacent locations and shoreline, and fishing from the banks within Outer Cove Marina.

85-30.3-828 Visitors

Visitors, unless accompanied by a lessee or permittee, or designated by the lessee or permittee in writing, shall not be permitted on the docks after sunset.

85-30.3-830 Small Children on Docks

Children under ten years of age are not permitted on the docks without the immediate presence of their parents or other responsible adults.

85-30.3-832 Obstructions Placed in Water

No float, pier, dock, pile, ramp or other obstruction may be placed in the Outer Cove Marina without the prior authorization of the Secretary.

85-30.3-834 Signs

(a) No lessee or permittee shall place, erect or maintain any sign, display or notice on any property, structure, or improvement within the Outer Cove Marina, without the prior written authorization of the Secretary.

(b) A lessee or permittee may place one sign on the exterior of a vessel advertising the sale or offering for sale of said vessel; provided however, the size of any such sign shall not exceed nine inches by twelve inches and the lettering thereon shall not exceed four inches in height. Such a sign shall be displayed on the vessel for seven consecutive calendar days that is written on the authorization.

(c) Application for another week to post a sign shall be made again to the Secretary.

(d) The Secretary may require the removal of any nonconforming or unauthorized sign, display, or notice. In the event that a lessee or permittee refuses to remove it, such shall constitute grounds for cancellation of the lease or permit.

85-30.3-836 Maintenance of Marina

A lessee or permittee shall immediately notify the Secretary of the need for repairs to the docks or any dangerous conditions in the marina requiring attention.

85-30.3-838 Alteration of Docks

A lessee or permittee shall not alter any dock in any way without the prior written consent of the Secretary.

85-30.3-840 Nuisance

No lessee or permittee may use his or her vessel in such a manner or maintain it in such a condition that its presence in the marina is a nuisance. A nuisance is defined as when the health or safety of others is threatened or their quiet and peaceful use of the marina is interfered with.

85-30.3-842 Guests Aboard at Night

A lessee or permittee shall not have more than five guests aboard his or her vessel while at its berthing space between the hours of 8:00 p.m. and 4:00 a.m. The exception to this rule shall be when a vessel is departing or arriving at its berth space. In such an event, any guests may remain only as long as engaged in performing any acts necessary for the departure or arrival, such as the loading and unloading of the vessel.

85-30.3-844 Noise

A lessee or permittee may not create, or allow to be created by any person, animal, machinery, hardware, sound system, radio, television, or any form of device, any sound which may be considered offensive or a nuisance to any other users of the marina, taking into consideration the circumstances of the time, place, and nature of the sound.

Part 1000 - Enforcement

85-30.3-1001 Effect of Regulations on Lease and Permits

- (a) The rules and regulations in this subchapter, as stated herein, and as they may be amended from time to time, are express conditions of every lease and permit.
- (b) A violation of the rules and regulations in this subchapter may result in the cancellation of a lease or permit and/or the imposition of a fine by the Secretary.

85-30.3-1005 Enforcement of Regulations

- (a) The rules and regulations in this subchapter may be enforced against persons who are not lessees or permittees by an action for specific performance and/or damages.
- (b) The Secretary of Lands & Natural Resources shall enforce the regulations and may designate marina enforcement personnel enforce the regulations in this subchapter.
- (d) The Director of Fish and Wildlife shall instruct and train designated marina enforcement personnel in the proper procedures for the issuance of citations and/or notices pursuant to the regulations in this subchapter.
- (e) Marina enforcement personnel must wear uniforms identifying them as enforcement and must carry identification cards in the performance of their duty.

85-30.3-1010 Discretion of the Secretary in Removing Applicants from Waiting List

The Secretary may remove an applicant for a berth lease from the waiting list for failure to comply with the regulations in this subchapter or to obey the directives of the Secretary. No application will be accepted if that person has an unpaid debt to Outer Cove Marina for prior usage of the facility. Upon complete payment of all debts in arrears, the Secretary may consider including the applicant on the waiting list.

85-30.3-1015 Nature of Lease and Permit

No person has a right to a lease or a permit or the use of the government docks or the Outer Cove Marina. Upon execution of a lease agreement or a permit, a holder obtains certain rights to the extent provided in the agreement.

Part 1100 - Fines

85-30.3-1101 Fines

Assessment of fines for violation of the Outer Cove Marina Rules and Regulations in this subchapter is as follows:

- (a) Illegally berthed vessel: \$4.00 per linear foot per day.
- (b) Impounded vessel:
 - (1) \$25.00 per week for vessels from 20 feet to 30 feet in length;
 - (2) \$50.00 per week for vessels from 31 feet to 45 feet in length; and
 - (3) \$75.00 per week for vessels over 45 feet in length.
- (c) Trailer removal: \$25.00 per trailer.
- (d) Vessel removal:
 - (1) \$50.00 per vessel from 20 feet to 30 feet in length;
 - (2) \$100.00 per vessel from 31 feet to 45 feet in length; and
 - (3) \$250.00 per vessel over 45 feet in length.
- (e) Illegal parking: \$25.00 per day.
- (f) Unauthorized signs: \$10.00 per sign after warning to remove it.
- (g) Unauthorized persons on dock: \$10.00 per person after warning to leave.
- (h) Articles and equipment on dock: \$50.00 per occurrence after warning to remove it.
- (i) Dumping of hazardous substances: \$500.00 per occurrence.

Part 1200 - Miscellaneous Provisions

85-30.3-1201 Severability

If any section or portion of a section herein is invalid, it shall be deleted from this subchapter and shall not invalidate the remaining sections of the regulations.

Commonwealth Gi Sangkattan Na Islas Marianas Siha
Department of Lands yan Natural Resources
Arnold Palacios, Sekretâriu
Department of Lands yan Natural Resources
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Tilifon: 322-9830

**NUTISIAN PUBLIKU GI MANMAPROPONIN NREGULASION SIHA PARA I OUTER COVE MARINA
GI PAPA' I DEPARTMENT OF LANDS YAN NATURAL RESOURCES**

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas, Department of Lands and Natural Resources, ha intensiona para u adapta kumu petmanienti na regulasion siha ni mañechettun i Manmaproponi na Regulasion Siha, sigun gi dinimândan i Âktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi dies(10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))

ÂTURIDÂT: I Sekretâriun i Department of Lands yan Natural Resources ("Sekretâriu") gai âoturidât para uma'adapta i areklamentu yan i regulasion siha para u inayuda mo'na i opbligasion yan risponsâpblidât-ña. 1 CMC §§ 2653, 2654; 3 CMC § 2661 (risponsâppli gi marine resources); 2 CMC §§ 1201 -1231, 4112 (madisistikna i DLNR kumu manihânti gi Commonwealth's submerged lands); 1 CMC §§ 9101-9115 (Âktun Administrative Procedure).


I SUHETU NI MASUMÂRIA YAN ASUNTU NI TINEKKA: I maproponi na regulasion siha ni tinetekka i Outer Cove Marina. I ispisifiku na manera siha ni mañâonâo gi atkilon bantalân yan âpas siha.

I TEMA YAN SUSTÂNSIAN I PALÂBRA SIHA: Esti na regulasion siha ni ha estapblesi manera yan areklamentu siha para i maintenance yan atministrasion i Outer Cove Marina.

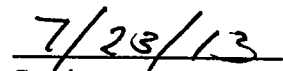
PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânâo pat intrega i imfotmasion guatu gi as Siñot Arnold Palacios, Sekretâriun i Department of Lands yan Natural Resources, gi sanhilu' na address, yan i râyan suhetu "Regulasion Siha gi Outer Cove Marina". Todu imfotmasion debi na u fanhâlum gi halum i trenta(30) dihas ginin i fetchan publikasion esti na nutisia. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ni Sekretâriu gi Huniu _____, 2013.

Nina'hâlum as:



ARNOLD PALACIOS
Sekretâriu, Department of Lands yan
Natural Resources



7/23/13
Fetcha

Rinisibi as:


ESTHER S. FLEMING
Ispisiãt na Ayudãnti para Atministrasion

7/24/13
Fetcha


Pine'lu yan
Ninota as


ESTHER M. SAN NICOLAS

7/26/2013
Fetcha

Sigun i 1 CMC § 2153(e) (Inapruedan Abugãdu Henerãt gi regulasion siha ni para u macho'gui kumu para fotma) yan 1 CMC § 9104(a)(3) (inahentan inapruedan Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan sufisienti ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika. 1 CMC § 2153(f) (puplikasion areklamentu yan regulasion siha).

Mafetcha gi diha 23d di July, 2013.


Gilbert Bimbrich, Chief, Civil Division
for Joey Patrick San Nicolas
Abugãdu Henerãt

Commonwealth Téel falúw kka falúwasch Efáng Marianas

Bwulasiyool Land and Natural Resources

Arnold Palacios, Secretary
Department of Lands and Natural Resources
Caller Box 10007,
Seipél MP 96950
Tilifoon. (670) 322-9830

**ARONGOL TOULAP REEL POMWOL ALLÉGHÚL OUTER COVE MARINA FÁÁL
BWULASIYOOL LAND AND NATURAL RESOURCES**

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁALI POMMWOL

ATIWLIGH KKAL: Commonwealth of the Northern Mariana Islands, Department of Land and Natural Resources, e tipali ebwe adaptáali me aléghúw ló atiwlich kkaa e appasch bwe Proposed Regulations sangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwlich kkaal ebwe kkamaló 10 ráll mwiril re adáptáali me apascha lól Commonwealth Register (1 CMC §9105(b)).


BWÁNGIL: Secretary il Lands me Natural Resources (“Secretary”) eyoor bwangil ebwe adaptáali allégh kkaal me bwal peighil yaal angaang me responsabilidód. 1 CMC §§ 2653, 2654; 3 CMC §2661 (responsibilidód reel marine resources); 2 CMC §§ 1201-1231, 4112 (afeli DLNR bwe ebwe lemelem reel falúwal Commonwealth kkaa e lo faal saat); 1 CMC §§ 9101-9115(Administrative Procedure Act)

KKAPASAL ME ÓUTOL: Pomwol allégh kkaal nge reel Outer Cove Marina. Reel leasing berths me obwoss.

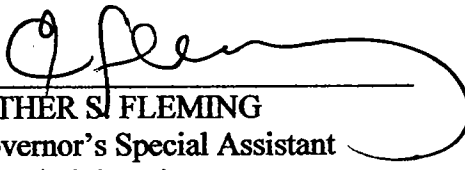
KKAPASAL ME AWEWEEL: Allégh kkaal ebwe ayoora mwoghutughutul me alléghul reel maintenance me administration il Outer Cove Marina.

ATOTOOLONGOL MWALILILI : Afanga ngáre bwughiló yóómw mángemáng reel Arnold Palacios, Secretary il Lands me Natural Resource reel address iye weilang. Me subject line”Outer Cove Marina Regulations” Isisilongol mangemang nge ebwe lol 30 raal sangi raalil iye e appasch arongorong yeel. (1 CMC § 9104(a)(2)).

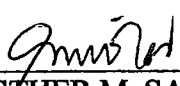
Pomwol atiwlich kkaal re apreba li mereel Secretary wóól Unnyo _____ 2013.

Isáliiyallong: 
ARNOLD PALACIOS
Secretary of Lands and Natural
Resources

7/23/13
Ráll

Aramas ye: 
E bwughi ESTHER S. FLEMING
Governor's Special Assistant
for Administration

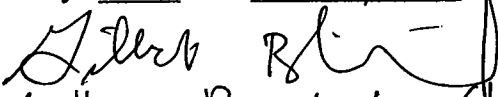
7/24/13
Ráll

File me
Rekoodliiyal: 
ESTHER M. SAN NICOLAS
Commonwealth Register

7/26/2013
Ráll

Sengi 1 CMC § 2153(e) Allégh kkaal lléghló sáangi AG bwe e fil reel fféeruúl me 1 CMC§ 9104(a)(3) (mwiir sáangi AG) Pomwol amenda kkal e appasch a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f)(Arongowowul allégh me atiwligh kkaal

Rááilil iye 23^d wóol July 2013


Gilbert Birnbridge, Chief, Civil Division
Joey Patrick San Nicolas
Attorney General

Commonwealth of the Northern Mariana Islands
Department of Lands and Natural Resources
Arnold Palacios, Secretary
Department of Lands and Natural Resources,
Caller Box 10007
Saipan, MP 96950
Tel. 322-9830

**PUBLIC NOTICE OF PROPOSED REGULATIONS FOR THE DIVISION OF PARKS
AND RECREATION UNDER THE DEPARTMENT OF LANDS AND NATURAL
RESORUCES**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Division of Parks and Recreation of the Department of Land and Natural Resources, intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to requirements of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The Secretary of Lands and Natural Resources ("Secretary") is empowered by statute to adopt rules and regulations in furtherance of his duties and responsibilities. 1 CMC § 2654 (authority to adopt rules and regulations). The Division of Parks and Recreation, headed by the Director serving under the supervision and control of the Secretary, is charged with supervising and maintaining the Commonwealth's parks and recreational facilities, and has the authority to promulgate rules and regulations to carry out its duties. 1 CMC § 2701; 1 CMC § 2703(d) (permit use of Commonwealth parks and recreational facilities); 1 CMC § 2703(e) (prohibit activities in parks and recreational facilities); 1 CMC § 2703(f) (collect fees from concessionaires and vendors, and charge reasonable user fees to cover costs of maintaining parks and recreational facilities); 1 CMC § 2705 (authority for Division of Parks and Recreation to adopt rules and regulations for parks and recreational facilities and to impose fines for violations); 1 CMC §§ 9101–9115 (Administrative Procedure Act).


THE SUBJECTS AND ISSUES INVOLVED: The proposed regulations govern the use of the Commonwealth's parks and recreational facilities and tourist sites.

THE TERMS AND SUBSTANCE: These rules and regulations establish the permitting procedure and fee schedule for the use of parks and recreational facilities, set forth prohibited activity and conduct in parks and recreational facilities, and establish user fees.

TO PROVIDE COMMENTS: Send or deliver your comments to Arnold Palacios, Secretary of Lands and Natural Resources, at the above address, with the subject line "Division of Parks and Recreation Rules and Regulations" Comments are due within 30 days from the date of publication of this notice. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Secretary on March ____, 2013.

Submitted by:

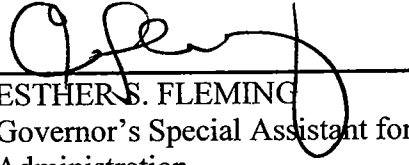

ARNOLD PALACIOS
Secretary of Lands and Natural
Resources

7/23/13
Date

ELI CABRERA
Director of Division of Parks
and Recreation

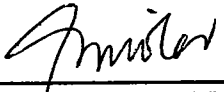
Date

Received by:


ESTHER S. FLEMING
Governor's Special Assistant for
Administration

7/24/13
Date

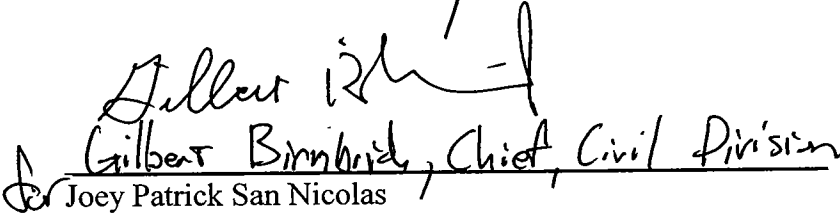
Filed and
Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Register

7/26/2013
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 the 23^d day of July 2013.


Joey Patrick San Nicolas
Attorney General

Commonwealth Gi Sangkattan Na Islas Marianas Siha
Department of Lands yan Natural Resources
Arnold Palacios, Sekretariu
Department of Lands yan Natural Resources
Caller Box 10007
Saipan, MP 96950
Tilifon: 322-9830

NUTISIAN PUBLIKU GI MANMAPROPONIN REGULASION SIHA PARA I DIBISION PARKS YAN RECREATION GI PAPA' I DEPARTMENT OF LANDS YAN NATURAL RESOURCES

I AKSION NI MA'INTENSIONA PARA U MA'ADAPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Marianas, Department of Lands and Natural Resources, ha intensiona para u adapta kumu petmanienti na regulasion siha ni maflechettun i Manmaproponi na Regulasion Siha, sigun gi dinimandan i Aktun Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u ifektibu gi dies(10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105(b))


ATURIDAT: I Sekretariun i Department of Lands yan Natural Resources ("Sekretariu") manã'i fuetsã-ña ni estatua para u adapta i areklamentu yan regulasion siha ni para u inayuda mo'na gi obligasion-ña yan risponsapblidat-ña siha. 1 CMC § 2654 (inaturisa para u adapta i areklamentu yan regulasion siha). I Dibision Parks yan Recreation, ginigiha ni Direktot ni sinetsitbi gi papa' i supervision yan control gi Sekretariu, ni mumaneneha i supervising yan maintaining i Commonwealth parks yan recreational na fasilidat siha, yan gai aoturidat para u cho'gui i areklamentu yan regulasion siha ni para u katga huyung i obligasion-ña siha. 1 CMC § 2701; 1 CMC § 2703(d) (ma'usan petmisu ni Commonwealth parks yan recreational na fasilidat siha); 1 CMC § 2703(e) (aktibidat siha ni ti mapribi gi halum i parks yan recreational na fasilidat siha); 1 CMC § 2703(f) (rinikohin apas siha ginin i concessionaires yan vendors, yan charge reasonable user fees ni para u cover i gastu siha gi maintaining parks yan recreational na fasilidat siha); 1 CMC § 2705 (aoturidat para i Dibision Parks yan Recreation ni para u ma'adapta i areklamentu yan regulasion siha para i parks yan recreational na fasilidat siha yan para u na'guaha mutta siha para i kumontradisi i areklu siha); 1 CMC §§ 9101-9115 (Aktun Administrative Procedure).

I SUHETU NI MASUMARIA YAN ASUNTU NI TINEKKA: I manmaproponi na regulasion siha ginibebetna i usun i Commonwealth parks yan recreational na fasilidat siha yan lugat siha para i tourists.

I TEMA YAN SUSTANSIAN I PALABRA SIHA: Esti na areklamentu yan regulasion siha ni ha estapblesi manera yan siniñalan apas para u usun parks yan recreational na fasilidat siha, ni mapega mo'na i aktibidat ni ti mapribi yan kunduktu gi halum i parks yan recreational na fasilidat siha, yan u ma'istapblesi i user fees.

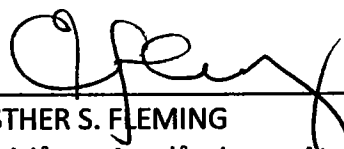
PARA U MAPRIBENIYI UPIÑON SIHA: Na'hânão pat intrega i imfotmasion guatu gi as Arnold Palacios, Sekretariun i Department of Lands yan Natural Resources, gi sanhilu' na address, yan i râyan suhetu "Areklamentu yan Regulasion gi Dibision Parks yan Recreation". Todu imfotmasion debi na u fanhålum gi halum i trenta(30) dihas ginin i fetchan publikasion esti na nutisia. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na regulasion siha manma'aprueba ni Sekretariu gi Måtsu _____, 2013.

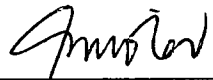
Nina'hålum as: 
ARNOLD PALACIOS
Sekretariu, Department of Lands yan
Natural Resources

7/23/13
Fetcha

ELI CABRERA
Direktot Dibision Parks yan Recreation

Rinisibi as: 
ESTHER S. FLEMING
Ispisiåt na Ayudånti para Administrasion

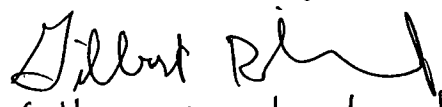
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Pine'lu yan
Ninota as 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

7/26/2013
Fetcha

Sigun i 1 CMC § 2153(e) (Inapruedan Abugådu Heneråt gi regulasion siha ni para u macho'gui kumu para fotma) yan 1 CMC § 9104(a)(3) (inahentan inapruedan Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapublika. 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 23d di July, 2013.


Gilbert Birnbroich, Chief, Civil Division
Joey Patrick San Nicolas
Abugådu Heneråt

Commonwealth Téel falúw kka falúwasch Efáng Marianas

Bwulasiyool Land and Natural Resources

Arnold Palacios, Secretary
Department of Lands and Natural Resources
Caller Box 10007,
Seipél MP 96950
Tilifoon. (670) 322-9830

ARONGOL TOULAP REEL POMWOL ALLÉGHÚL DIBISION IL PARKS ME RECREATION FAAL BWULASIYOOOL LAND AND NATURAL RESOURCES

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL

ATIWLIGH KKAL: Commonwealth of the Northern Mariana Islands, Dibision il Parks me Recreation faal Land and Natural Resources, e tipali ebwe adaptááli me aléghúw ló atiwligh kkaa e appasch bwe Proposed Regulations sangi mwóghutughutul Administrative Procedure Act, 1 CMC § 9104(a). Atiwligh kkaal ebwe kkamaló 10 ráll mwiril re adaptááli me apascha lól Commonwealth Register (1 CMC §9105(b)).


BWÁNGIL: Secretary il Lands me Natural Resources (“Secretary”) eyoor bwangil ebwe adaptááli allégh kkaal me bwal peighil yaal angaang me responsabilidód. 1 CMC § 2654, (bwangil ebwe adaptááli alléghul). Dibision il Parks me Recreation, lemelem sangi Director iye e lo faal lemelemil Secretary, e lo ngali ebwe lemeli me afaali parks me recreational facilities llol Commonwealth me eyoor bwangil ebwe akkatewow alleghul reel ebwe fééru yaal angaang. 1 CMC § 2701; 1 CMC §2703(d)(yááyál permit reel Commonwealth parks me recreational facilities); 1 CMC § 2703 (e) ayúwló mwóghutughut kkaa ese ghatch llól park me recreational facility); 1 CMC §2703 (f)(bwughi obwoss mereer schóól akkamwéló, charge user fee reel ebwe obwossu méel maintenance il park me recreational facilities); 1 CMC § 2705(bwangil Division of Parks me Recreation reel rebwe adaptááli alléghul parks me recreational facilities me rebwe impose mwuta reer violations); 1 CMC §§ 9101-9115 (Administrative Procedure Act).

KKAPASAL ME ÓUTOL: Pomwol allégh kkaal nge amwelil yááyál Commonealth parks me recreational facilities me leliyer tourist.

KKAPASAL ME AWEWEEL: Allégh kkaal ebwe ayoora mwoghutughutul mwumwuta me obwoss reel yááyál park me akkaw recreational facilities, affata tiw mwoghutughut kkaa ese ffil llól fasilidód il parks me recreation, me ayoora obwossul yááyál leli.

ATOTOOLONGOL MWALILI : Afanga ngáre bwughiló yóómw mángemáng reel Arnold Palacios, Secretary il Lands me Natural Resource reel address iye weilang. Me subject line”Division of Parks and Recreation Rules and Regulations” Isisilongol mangemang nge ebwe lol 30 raal sangi raalil iye e appasch arongorong yeel. (1 CMC § 9104(a)(2)).

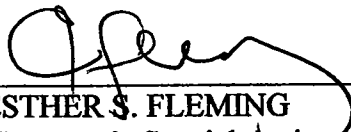
Pomwol atiwligh kkaal re apreba li mereel Secretary wóól Mótso_____ 2013.

Isáliiyallong: 
ARNOLD PALACIOS
Secretary of Lands and Natural
Resources

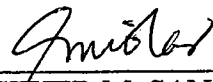
7/23/13
Ráll

ELI CABRERA
Director of Division of Parks
and Recreation

Ráll

Aramas ye: 
E bwughi ESTHER S. FLEMING
Governor's Special Assistant
for Administration


7/24/13
Ráll

File me
Rekoodliiyal: 
ESTHER M. SAN NICOLAS
Commonwealth Register

7/26/2013
Ráll

Sengi 1 CMC § 2153(e) Allégh kkaal lléghló sáangi AG bwe e fil reel fféeruúl me 1 CMC§ 9104(a)(3) (mwuir sáangi AG) Pomwol amenda kkal e appasch a takkal amwuri fiischiy, me angúungú ló fféerúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC § 2153(f) (Arongowowul allégh me atiwligh kkaal

Ráálil iye 23d wóol July 2013


Gilbert Birnbroich, Chief, Civil Division
Joey Patrick San Nicolas
Attorney General

NORTHERN MARIANA ISLANDS ADMINISTRATIVE CODE
TITLE 85
DEPARTMENT OF LANDS AND NATURAL RESOURCES REGULATIONS

Regulation Title: Northern Mariana Island Administrative Code
Title 85 (Department of Lands and Natural Resources)
Chapter 85-50 (Division of Parks and Recreation)
Subchapter 85-50.2 (Commonwealth Parks, Recreational Facilities,
and Tourist Sites)

A new sub-chapter 85-50.2 is added to Chapter 85-50 of Title 85 of the Northern Marianas Administrative Code as follows:

Part 001 General Provisions

§ 85-50.2-001 Authority

These rules and regulation are promulgated under the authority of 1 CMC §§ 2653, 2654, and 2705 providing the Department of Lands and Natural Resources and its Division of Parks and Recreation with the authority to adopt rules and regulations in furtherance of its powers and duties.

§ 85-50.2-005 Purpose

The purpose of these rules and regulations is to provide for the proper management of the Commonwealth Parks, recreational facilities, and tourist sites. The regulations establish a permit system, set fee and security deposit rates, identify allowable and prohibited activities, and establish enforcement procedures.

§ 85-50.2-010 Definitions

- (a) “Camping” means the act of occupying a facility after sunset with the intent of remaining over night.
- (b) “Commonwealth Park” means an area set apart and designated as a Commonwealth park by the Division of Parks and Recreation including any public facilities located within the boundaries of the park.
- (c) “Department” means the Department of Lands and Natural Resources of the government of the Commonwealth of the Northern Mariana Islands.
- (d) “Director” means the Director of the Division of Parks and Recreation or his or her authorized designee.

(e) “Division” means the Division of Parks and Recreation within the Department of Lands and Natural Resources.

(f) “Facility” means any land, body of water, recreational area building, structure equipment, machinery, or other appurtenance owned, managed, controlled, or operated by the Division of Parks and Recreation, and includes all Commonwealth parks, recreational facilities, and tourist sites as defined in this section.

(g) “Fee” means an amount of money charged to a permittee for use of a Facility to recover the Division’s cost of administering the fee system and managing, maintaining, landscaping, and beautifying the facility.

(h) “Fund” means the Commonwealth Parks and Recreation Fund, established under 1 CMC § 2707.

(i) “Pavilion” means a large, open-sided shelter, usually constructed of concrete, often equipped with benches along the sides and a place to build a fire for barbequing food, and with an open floor and picnic tables.

(j) “Picnic Shelter” means an open-sided shelter, smaller than a pavilion, usually constructed partially or fully of concrete, equipped with a picnic tables, and often equipped with a place to build a fire for barbequing food.

(k) “Permit” means written authorization from the Division granting exclusive temporary use of a facility or a specific portion of a facility for a stated duration of time.

(l) “Permittee” means a person who applies for and is granted a permit for exclusive temporary use of a facility or portion of a facility from the Division.

(m) “Recreational facility” means any public sports or recreational facility, outdoor sports or recreation area, or field, except for the Gilbert C. Ada Gymnasium and adjoining sports facilities.

(n) “Secretary” means the Secretary of the Department of Lands and Natural Resources or his or her authorized designee.

(o) “Security deposit” means an amount of money a permittee is required to deposit with the Division, some or all of which may be retained by the Division to the extent that a facility is damaged and such damage is caused by the activities of the permittee during the exclusive use of the facility under the permit.

(p) “Tent site” means a place within a facility specifically designated on a permit or on an application for a permit, by description or sketch, where a tent may be erected.

(q) "Tourist site" means any public tourist site that was formerly managed and maintained by the Marianas Visitors Authority and for which the management and maintenance duties were transferred to the Division of Parks and Recreation.

§ 85-50.2-015 Application and Scope

(a) These rules and regulations apply to all Commonwealth parks, recreational facilities, and tourist sites that the Division has the responsibility to beautify and manage.

(1) Commonwealth parks currently under the management authority of the Division are listed in Exhibit A.

(2) Recreational facilities currently under management authority of the Division are listed in Exhibit B.

(3) Tourist sites currently under the management authority of the Division are listed in Exhibit C.

(b) These rules and regulation shall apply to any site that is designated as a Commonwealth park, recreational area, or tourist site subsequent to the adoption of these regulations.

(c) These regulations shall not be construed to diminish the force of other laws or regulations that apply to Commonwealth parks, recreational facilities, and tourist sites.

Part 100 Permits

§ 85-50.2-101 Activities Requiring a Permit

(a) A person wishing to use a facility or portion thereof that requires a permit, shall first obtain a permit for such use from the Division.

(b) The activities that require a permit include, but are not limited to, the following:

(1) Picnics, barbeques, parties, or other events at a facility involving more than 20 persons;

(2) Use of a pavilion, picnic shelter, or tent site, irrespective of the number of persons in attendance;

(3) Placement of a portable toilet;

(4) Use of recreational facilities such as basketball courts, tennis courts and softball fields for tournaments, leagues, or special events;

(5) The selling or offering for sale, hire, or lease of any merchandise, service, or other thing of value; the taking of moving pictures or photographs for commercial or publicity purposes, or the purchasing or selling of negatives thereof or prints therefrom or the exhibition of same in public;

(6) The holding of any lecture or any form of entertainment, performance, motion picture, contest or other such event for commercial purposes and the distribution or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand or platform in connection therewith;

(7) The posting or distributing of commercial advertising matter or the oral advertising for sale of any merchandise, article, service or other thing of value, or soliciting in connection with the sale of the same, unless the commercial activity is inextricably intertwined with the expression of free speech rights; and

(8) Any other activity that is similar in nature to those activities listed in this subsection.

(c) The activities that do not require a permit are limited to the following:

(1) Picnics or barbeques involving a family or group of 20 persons or less, unless such gathering involves the use of a picnic shelter, pavilion, or tent site;

(2) Swimming, snorkeling, wading, canoeing, kayaking, windsurfing, or using other non-motorized craft in the waters adjacent to a facility, including entry into and exit from these waters at a facility for such purposes;

(3) Recreational use of park facilities for non-motorist activities, such as walking, jogging, playing on the playground equipment, playing in beach sand, sunbathing, wildlife viewing and sightseeing; and

(4) Use of recreational facilities such as basketball courts, tennis courts, and softball fields for pick-up games (i.e., games that are not part of an organized tournament, league, or fundraiser).

§ 85-50.2-105 Permit Application Process

(a) A person wishing to carry out activities in park facilities which require a permit shall file an application for the permit with the Director, on an application form obtained at the Division's Office.

(1) An application for a group, organization, or corporation must be made in the name of natural person.

(2) The applicant shall provide the following information:

- (A) The name and address of the applicant;
- (B) The name and address of the person, group, organization, or corporation sponsoring the activity;
- (C) The nature of the proposed activity;
- (D) The dates, hours, and facility for which the permit is desired;
- (E) An estimate of the number of persons who will attend the proposed activity or event; and
- (F) Any other information regarding public health, safety, or welfare that the Director finds reasonably necessary to render a fair determination as to whether a permit should be issued.

§ 85-50.2-110 Standards for Issuance of Permits

(a) Upon receipt of a completed permit application form that contains all the necessary information, the Director may issue a permit if he or she finds that the following have been satisfied:

- (1) The proposed activity or use of the facility will not unreasonably interfere with or detract from the enjoyment of the facility by the general public;
- (2) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (3) All application and regulatory conditions have been met, including the payment of applicable fees and security deposits;
- (4) The proposed activity or use will not require unusual, extraordinary, or overly burdensome security operations from the Division; and
- (5) That the desired facility has not been reserved for another use.

(b) The Division may reject a permit application for any of the following reasons:

- (1) Another activity or use has been previously scheduled for the same time at the facility or area requested.
- (2) The proposed activity or use, as determined by the Director, is not compatible with the recreational, environmental, or historical character of the facility or area requested;

- (3) The Director determines in writing that the proposed activity or use cannot be reasonably accommodated without jeopardizing the safety of park patrons or the activity will likely result in damage to park or facility resources;
 - (4) The proposed activity or use cannot be accommodated unless the Division expends additional funds to provide operational, supervisory, maintenance, or law enforcement personnel; equipment; or services;
 - (5) The proposed activity or use will cause undue interference with the activities of other park patrons;
 - (6) The applicant has not satisfied a material condition of the permit or refuses to accept the conditions of the permit's use; or
 - (7) The application is not complete or application fee not received.
- (c) If the Division denies an application for a permit, it will notify the applicant of its reasons why the permit was not issued and return any fees or security deposit to the applicant.

§ 85-50.2-115 Permit Conditions

- (a) Mandatory conditions. All permits shall include the following:
- (1) The facility or portion thereof that the permit holder is permitted to use as designated by a description, sketch, or map attached thereto and made a part of the permit;
 - (2) The time and date(s) for which the permit is valid;
 - (3) Requirement that the permittee pick up all trash and waste generated during his or her use of the facility from the grounds and properly dispose of such in trash receptacles or haul it to the landfill;
 - (4) Acknowledgement by permittee that a violation of conditions will result in revocation of the permit, fines, and/or denial of future permit applications;
 - (5) The amount of any applicable liability and/or property damage insurance that is required for the permit and use of the facility. The amount of insurance shall be based upon the size of the event and the type of activity; and
 - (6) Acknowledgement by permittee that he or she assumes all liability and responsibility for any activity conducted under the authority of the permit or any actions resulting from activities authorized by the permit.

(b) Special conditions. The Director may place additional conditions on a permit as is reasonably necessary to address particular concerns of the proposed use or activity at the proposed facility.

(c) When a permit is issued, the Permittee will sign the permit and his or her signature will indicate acceptance of all permit conditions.

§ 85-50.2-120 Use of Permits

(a) Permits are valid only for the specified use, date, time and location as stated on the permit. Permits are valid only in the facility as stated on the permit

(b) Permits shall be held by the Permittee during the permitted event or use and shall be shown to a division Park Ranger or any other Division employee who requests to see said permit for the purpose of enforcing compliance with any of these regulations

(c) The Permittee shall be subject to all conditions listed on the permit and shall be responsible for any damage resulting from use of the facility. The Permittee will inform the members of his or her party about the conditions of use on the permit.

(d) Permits grant an exclusive right to use that specific part of a facility as designated on the permit. Other persons or groups of persons shall be permitted to use other portions of the facility.

(e) The CNMI Government shall not be responsible for any personal injury, loss of life, or damage to personal property during the use of any facility. By acceptance of a permit, the Permittee assumes full liability and responsibility thereof.

(f) A permit shall be revoked by the Director if the Permittee violates par rules conditions of the permit or if the Director determines that revocation is [deemed to be in the public interest] necessary for public health, safety, or welfare

(g) No person shall use, occupy, or otherwise remain in any facility or portion thereof for which a permit is required without a permit.

Part 200 Fees

§ 85-50.2-201 Permit Fees and Security Deposit

(a) Purpose. The Division shall collect from the Permittee a reasonable fee to recover the cost of administering the permit system and managing, maintaining, landscaping, and beautifying facilities.

(b) Fee Criteria. Permit fees shall reflect the amount reasonably necessary to recover the cost of managing the facilities and providing related services. Examples of the type of facilities and services for which fees may be recovered include, but are not limited to, the

following: reservation of buildings, structures, or picnic areas; use of electrical power, water, and sewer utilities; participation in organized sports activities and other recreational programs.

(c) **Fee Schedule.** Fees shall be collected in accordance with the schedule set forth in Exhibit D. The schedule of fees established therein is applicable to all facilities and at all hours the facilities are open or used by the general public.

(d) **Security Deposit.** The Division shall collect a reasonable security deposit for use of park facilities based on the number of people, type of use, and other relevant factors as set forth in Exhibit D.

(1) The Division shall return the security deposit to the Permittee provided that there is no damage caused by the Permittee's use of the facility.

(2) The Division may retain the security deposit or a portion thereof to the cover the costs of repairing damage caused by the Permittee's use of the facility. The Division shall return any portion of the security deposit that exceeds the costs of repair.

(e) **Cancellation Fee.** Cancellation of a permit for use of a facility shall be subject to forfeiture of permit fee if cancellation is made less than 7 days prior to the permitted event. Permit fees for an event that is cancelled 7 days or more prior to the permitted event will be returned to the Permittee except that a \$5.00 fee will be charged to recover the administrative costs associated with cancellation. Security deposits shall not be forfeited due to cancellation.

(f) **Fee Violations.** It is a violation for any person who is subject to the payment of fee pursuant to these regulations to enter into or remain within any facility or portion thereof for which a fee is charges without having first paid such fees.

§ 85-50.2-205 User Fees for Tourist Sites

A reasonable user fee of \$1 shall be charged at the tourist sites listed in Exhibit C. If the Director determines that the collection of fees at certain tourist sites would not be cost-effective at this time, the failure to collect such fees from those sites shall not be construed as a waiver for future collection.

§ 85-50.2-210 Commonwealth Parks and Recreation Fund

Fees and forfeited security deposits shall be deposited in the Commonwealth Parks and Recreation Fund. Monies in the fund shall only be expended to manage, maintain, landscape, and beautify facilities and tourist sites, and to erect and maintain structures, signs, and facilities at Commonwealth parks, recreational facilities, and tourist sites.

Part 300 General Regulations

§ 85-50.2-301 Structures

(a) Temporary Structures. No person may construct or erect a temporary structure in a facility without a proper permit authorizing such. Temporary structures include, but are not limited to, the following: tents, movable stages or platforms, and movable fencing for race events.

(1) Permittees must remove authorized temporary structures after use and in accordance with the time limits set forth in the permit (e.g., if the permit expires on May 1, 20XX, the temporary structure must be removed that day). A temporary structure that is not removed will be removed by Division personnel or by a private contractor, and the Permittee will be billed and liable for the costs of removal.

(b) Permanent Structures. Placement or construction of permanent structures by persons or entities other than the CNMI Government (either directly or indirectly through a contractor) is prohibited.

§ 85-50.2-305 Motorized Vehicles

(a) No person may drive or operate any automobile, truck, motorcycle, motor scooter, trail bike, or other motorized vehicle within the boundaries of a facility, except on roads or trails designated for such.

(b) The speed limit for motorized vehicles driving on a designated road within a facility is five (5) miles per hour, except as otherwise posted by the Director.

(c) Driving of any motorized vehicle on the beaches within any facility is strictly prohibited.

(d) Motorized vehicles shall be parked in areas specifically designated as parking areas. No person may park a motorized vehicle in a manner that presents a hazard to the public.

(e) Motorized vehicles may not remain in any facility during the hours the facility is closed without a permit from the Director.

(f) No person may abandon any motorized vehicle within the boundaries of a facility.

(1) A vehicle or trailer remaining in a facility for 24 hours or more will be deemed abandoned and towed at the owner's expense. The vehicle or trailer will be stored at the Division. The owner of will be billed and liable for storage fees.

(2) The Division shall notify the owner of the vehicle of the removal and provide directions as to how to claim the vehicle. If the Division cannot determine who owns the vehicle, the Division shall publish notice of the removal of the vehicle in a locally circulated newspaper. A vehicle that is not claimed within thirty days of notice (whether personal or by publication) will be deemed government property and disposed of by the Division of Procurement and Supply.

(g) No person may wash or repair any motorized vehicle within the boundaries of any facility. An exception shall apply to emergency repairs.

§ 85-50.2-310 Selling goods, services

(a) No person may sell, vend, peddle, expose, offer for sell, or distribute after sale any item of value without a valid permit.

(b) No person may post or distribute commercial advertising matter or the orally advertise for sale of any merchandise, article, service, or other thing of value, or solicit in connection with the sale of the same without a valid permit.

§ 85-50.2-315 Protection of Natural Resources

(a) No person may pull, trample upon, cut, break, or pick flowers, fruits, leaves, limbs, branches, or other plant of any kind within the boundaries of a facility.

(1) An exception may be made for the taking, use, or possession of plants for ceremonial, religious, cultural, medicinal, or scientific purposes. A proper permit must be obtained from the Division before engaging in any such conduct under this exception.

(b) No person may molest, disturb, injure, poison, trap, harm, or kill any animal, reptile, amphibian, or bird (including their nest and/or eggs), or any of their habitats, within the boundaries of any facility.

(1) An exception may be made for scientific or research purposes. A proper permit must be obtained from the Division before engaging in any such conduct under this exception.

(c) No person may alter or remove any land features, or remove any soil, rock, sand or gravel from the boundaries of a facility.

(1) An exceptions may be made for scientific, research, cultural, or religious purposes. A proper permit must be obtained from the Division before engaging in such conduct under this exception.

(d) No person may introduce wildlife, fish, or plants or their reproductive bodies, into the ecosystem of any park.

- (1) An exception may be made for such introductions that are intended to enhance the facility (e.g., community volunteer efforts to plant trees or flowers) provided that it is authorized by and coordinated with the Director.

§ 85-50.2-320 Fires

- (a) No person may ignite or maintain a fire outside of designed fireplaces, portable barbeque grills, hibachis, or other appropriate devices or containers used for fire.
- (b) No person may ignite or maintain a fire of materials deposited in a can, box, trench, pit, or other receptacle for the purpose of garbage disposal.
- (c) A person that ignites or maintains a fire in an authorized space shall ensure that the fire is extinguished before leaving the area.

§ 85-50.2-325 Picnicking

- (a) Picnicking is allowed in any facility, unless otherwise specifically prohibited.
 - (1) A picnic with more than twenty people requires a permit as required under § 85-50.2-101(a)(1).

§ 85-50.2-330 Animals

- (a) Dogs and cats are the only pets that are permitted in facilities with the limitations set forth in this section.
 - (1) Pets must be within the surrounding areas of the pet owners. Dogs must be on a leash.
 - (2) Pets are prohibited in public eating places (e.g., the Round House, the Pavilions and the Picnic Shelters), restrooms, playgrounds and public buildings within park facilities, except for dogs accompanying a sight- or hearing-impaired person, law enforcement K-9's, and snake detection dogs.
 - (3) Pets shall be under the physical control of the owner or handler when on or in any road, parking area, picnic area, camping area, or athletic field.
 - (4) The owner or handler of a pet shall ensure that the animal does not mutilate, injure, or harm plants, other animals, land features, or people.

§ 85-50.2-335 Audio Devices

The operation or use of audio devices including, but not limited to, radios, television sets, and musical instruments, is permitted provided that they do not create excessive noise that disrupts the public's ability to use and enjoy the facility.

§ 85-50.2-340 Skateboards, Skates and Bicycles

Skateboards, roller Skate, bicycles and all other non-motorized, wheeled conveyances shall be used in a safe manner on paved pathways, and shall not be used in public buildings, on the beaches, or in the parking lots within any facility.

§ 85-50.2-345 Sanitation

The following conduct is prohibited in all facilities:

- (a) Burning of garbage, papers, cans, bottles, waste materials and other rubbish;
- (b) Draining or dumping of refuse, waster, liquids, fish entrails, fish and other animal parts;
- (c) Dumping, abandoning, or disposing of oil or any petroleum products;
- (d) Disposal of personal, household, industrial, or commercial refuse originating outside of a facility in the trash receptacles or dumpsters of a facility, or anywhere in a facility;
- (e) Depositing of any material other than toilet paper in any toilet of a facility (examples of prohibited materials include, but are not limited to: garment scrap, rags, paper towels, paper napkins, tampon, sanitary napkins, and newspapers);
- (f) Urinating or defecating in any facility in any place other than toilets and bathroom facilities (e.g., parks users may not urinate or defecate in the bushes, in the trees, or in the lagoon of a facility); and
- (g) Littering.

§ 85-50.2-350 Alcohol-Free Zone

The Director may designate a facility or portion of a facility as an alcohol-free zone.

§ 85-50.2-355 Fireworks

No person may possess or ignite firecrackers or fireworks, including any article for the making of a pyrotechnic display, without a permit.

§ 85-50.2-360 Firearms, Air Guns and Other Weapons

No person other than enforcement officers in the performance of their duties shall use, maintain, possess, fire, or discharge a firearm, air gun, spring gun, bow and arrow,

slingshot, or other weapon which is potentially dangerous to wildlife or human safety or which may damage park structures or improvements.

§ 85-50.2-365 Games

Park users are prohibited from playing games such as football, baseball, horseshoes, soccer, or other games involving throwing, hitting, or otherwise propelling objects, except in fields, courts, or areas specifically provided for such activities or in other areas compatible with such use (e.g., areas that are open and away from other park users).

§ 85-50.2-370 Swimming

The Division does not provide lifeguards at Commonwealth Park beaches. Parents or guardians of children shall monitor children while they are in or near the water. Swimming is at one's own risk.

§ 85-50.2-375 Camping

- (a) Camping is permitted only in areas designated for that purpose.
- (b) A person must obtain a permit before camping.
- (c) Permittees shall clean the immediate area of their use before departing.
- (d) A camp shall not be left unattended for more than twenty-four (24) hours.
- (e) The Director may impose a maximum number of days for camping in specific areas.
- (f) Trenching, digging, removal of soil or cutting of vegetation while camping is prohibited unless otherwise authorized under the permit.

§ 85-50.2-380 Prohibited Activities

The following activities are prohibited within any facility:

- (a) Vandalism;
- (b) Gambling;
- (c) Abandoning of property. Property shall be considered abandoned if left unattended for a period of twenty-four (24) hours and shall be impounded;
- (d) Disorderly conduct;
- (e) Public intoxication;

- (f) Occupying an area reserved by a permit, falsifying a permit, or excluding other park users from an area not reserved by a permit; and
- (g) Climbing on structures (including shelters and monuments).

§ 85-50.2-385 Hours of Use

- (a) The Director shall post the regular hours of opening and closing for the facilities at the respective facilities. No person shall enter, remain in, or camp in any facility during the hours that the facility is closed without a valid permit authorizing such.
- (b) The Director may close any facility or portion thereof and evacuate all persons in the area upon finding that a condition exists which presents a hazard to the facility or to public safety.

Part 400 Enforcement

§ 85-50.2-401 Permit Revocation.

- (a) The Director or enforcement personnel shall have the authority to revoke a permit for a violation of this subchapter or any other applicable Commonwealth law.
 - (1) In the event of revocation, the fees paid by the Permittee shall be forfeited to the Division. Section 85-50.2-201(d) shall govern the withholding or return of a security deposit associated with a revoked permit.

§ 85-50.2-405 Ejection.

- (a) The Director or enforcement personnel may eject a person acting in violation of this subchapter or other Commonwealth law from any facility.
 - (1) In the event of ejection, the fees paid by the Permittee shall be forfeited to the Division. Section 85-50.2-201(d) shall govern the withholding or return of a security deposit.

§ 85-50.2-410 Enforcement Personnel.

These rules and regulations are enforceable by DPR Park Rangers and Law Enforcement Officers of the Department of Public Safety.

§ 85-50.2-415 Fines

- (a) The Director may impose a fine of up to \$500 for a violation of this subchapter. The fine shall be distinct from the forfeiture of fees and deposits.

(b) The following fine schedule shall apply to violations:

- | | | |
|-----|----------------------------|-------|
| (1) | First violation: | \$25 |
| (2) | Second violation: | \$50 |
| (3) | Third violation: | \$150 |
| (4) | All subsequent violations: | \$300 |

Part 500 Severability

§ 85-50.2-501 Severability

If any section or portion of a section herein or the application of any such section to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the regulations or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Exhibit A
Commonwealth Parks

Public Beach Parks

1. Afetna Beach Park
2. San Isidro Beach Park
3. Susupe Regional Beach Park
4. Civic Center Beach Park
5. Kili Beach Park
6. Garapan Shoreline Beach
7. Lower Base Beach (Across from DFW office)
8. Tanapag Beach Park
9. Paupau Beach Park
10. Marine Beach Park
11. Laulau Dive Site
12. Ladder Beach
13. Obyan Beach
14. Makaka Beach

Public Parks

1. San Antonio Youth Center
2. Garapan Central Park
3. Capitol Hill Open Ground Park
4. Kagman Homestead Park
5. Dandan Homestead Park

Exhibit B
Recreational Facilities

1. Koblerville Softball Field (across from Koblerville Elementary School)
2. Koblerville Basketball Court and Open Grounds
3. San Antonio Basketball Court
4. Chalan Kanoa District #1 Basketball Court
5. Chalan Kanoa District #3 Basketball Court
6. Susupe, District #5 Basketball Court
7. Joaquin S. Tudela Memorial Park (San Vicente Basketball Court)
8. Gualo Rai Basketball Court
9. China Town Basketball Court
10. Navy Hill Open Field
11. Tanapag Basketball Court
12. Capitol Hill Basketball and Tennis Court
13. Kagman Basketball Court
14. Dandan Basketball Court
15. San Roque Basketball Court
16. As Matuis Basketball Court
17. Lower Navy Basketball Court

Exhibit C
Tourist Sites

1. Korean Peace Memorial
2. Okinawa Peace Memorial
3. Last Command Post
4. Japanese Peace Memorial
5. Banzai Cliff Lookout
6. Grotto Dive Site
7. Bird Island Lookout
8. Kalabera Cave
9. Suicide Cliff Lookout
10. Japanese Jail
11. Susupe Peace Memorial
12. San Jose Memorial
13. Marpi Road Shoulder

Exhibit D
Fee Schedule

I. Facility Fees:

Multi-Purpose Round House (Garapan Central Park)

Daily Fee, Monday through Thursday	\$100.00
Daily Fee, Friday through Sunday	\$150.00
Security Deposit	\$150.00

Minachom Atdao Pavilion

Daily Fee, Monday through Thursday	\$50.00
Daily Fee, Friday through Sunday	\$75.00
Security Deposit	\$75.00

Other Park Pavilions

Daily Fee, Monday through Thursday	\$30.00
Daily Fee, Monday through Thursday	\$40.00
Security Deposit	\$30.00

Park Picnic Shelters (Concrete Structures)

Daily Fee, Monday through Thursday	\$20.00
Daily Fee, Friday through Sunday	\$25.00
Security Deposit	\$25.00

Park Picnic Shelters (Semi-Concrete Structures)

Daily Fee, Weekdays or Weekends	\$15.00
Security Deposit	\$15.00

Fees based on Event Size*

20-50 people	\$25
51-100 people	\$50
101-200 people	\$100
201-300 people	\$150
301+ people	\$300

***These fees are in addition to other applicable fees**

Other fees

Use of a tent site or erection of a tent	\$25.00
Temporary placement of a portable toilet (shall not exceed 90 days)	\$5/day or \$50.00/month
Professional photo or video shoot for the production of advertisements, movies, or promotional media	\$100.00/day

Vendor and/or advertising permit	\$5/day or \$50/month
Event (e.g., concert, lecture, movie, wedding)	\$100/day

II. Basketball Court Fee:

A. Village Recreational Activities	No Fee
B. Tournament or League Play	
a. Weekdays, evening rate (after 6:00 pm)	\$20.00/day
b. Weekends, evening rate (after 6:00 pm)	\$25.00/day
c. Security Deposit per court	\$25.00
C. Special Fees for Other Functions	
a. Non-Profit	\$100.00
b. Fund raising Users Daily Rate	\$100.00
c. Public Functions, Daily Rate	\$100.00
d. Security Deposit, per Court	\$100.00

III. Softball and Baseball Fields Fees

Practice Use

Field Preparation Fee, per field	\$15.00
Daylight Rate (before 6:30 pm)	\$20.00/month
Evening Rate (after 6:30 pm)	\$25.00/month
Security Deposit, per field	\$25.00

Tournament Use

One day Tournament, per field	\$50.00
Security Deposit, per field	\$50.00

IV. Camping Fees

- | | |
|---|---------|
| a. Per night, per group (Monday through Thursday) | \$10.00 |
| b. Per night, per group (Friday through Sunday) | \$20.00 |
| c. Security Deposit (refundable) | \$20.00 |

V. Cancellation Fee

- | | |
|--|--|
| a. Cancellation made less than 7 days prior to the permitted event | Forfeiture of all permit fees |
| b. Cancellation made 7 or more days prior to the permitted event | Return of all fees and paid except for \$5.00 administrative fee |



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box 502078, #1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com

NOTICE OF PROPOSED AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD
REGULATIONS FOR PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,
OCCUPATIONAL THERAPIST, AND OCCUPATIONAL THERAPY ASSISTANT

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 supersede the prior regulations for physical therapy published at Volume 22, No. 3 (3/20/2000) and adopted at Vol. 22, No. 9 (9/20/2000) of the Commonwealth Register.

AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to P.L. 15-105, Section 3, § 2206 (b), as amended.

THE TERMS AND SUBSTANCE: Regulation History: PL 15-105 (effective when approved by Governor Benigno R. Fitial, November 7, 2007), the "Health Care Professions Act of 2007," 3 CMC §§ 2201-36. The Act created a Health Care Professions Licensing Board, as an independent regulatory agency, without placing it in a Department. The Board is authorized to license health care professionals in the Commonwealth, establish standards for educational programs, administer exams, and to discipline licensees for violations of the act. See PL 15-105. 3 CMC § 2206(b), which empowers the Board to adopt rules and regulations consistent with the Act and necessary to carry out the Act's provisions, including define and describe the regulated professions and their practice. The physical therapist, physical therapy assistant, occupational therapist, and occupational therapy assistant are included in the health care professions, under the power, jurisdiction and authority of the HCPLB. § 2212 of PL 15-105.

THE SUBJECTS AND ISSUES INVOLVED: The proposed amendments to the regulations for physical therapist and physical therapy assistant shall supersede the prior regulations for physical therapy adopted at Vol. 22, No. 9 (9/20/2000) of the Commonwealth Register. The proposed amendments also include proposed regulations for occupational therapist and occupational therapy assistant.

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 bpl@pticom.com 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, or by email at bpl@pticom.com.

Submitted By: Ahmad Al-Alou
Ahmad Al-Alou, MD
HCPLB Acting Chairman

7/16/13

Date

Received By: Esther S. Fleming
Esther S. Fleming
Special Assistant for Administration

07/19/13

Date

Filed and Recorded By: Esther M. San Nicolas
Esther M. San Nicolas
Commonwealth Register

7/19/13

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).

Joey P. San Nicolas
JOEY P. SAN NICOLAS
Attorney General

7/18/13

Date

Commonwealth gi Sangkattan na Islas Marianas Siha
HEALTH CARE PROFESSIONS LICENSING BOARD
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e-mail: bpl@pticom.com

NUTISIAN I MANMAPROPONI NA AMENDASION GI REGULASION SIHA PARA I HEALTH CARE PROFESSIONS LICENSING BOARD PARA PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT, OCCUPATIONAL THERAPIST, YAN OCCUPATIONAL THERAPY ASSISTANT

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


Esti na regulasion siha debi na u tinilaika i finene'na na regulasion siha ni para physical therapy ni mapupblika gi Baluma 22, Numiru 3 gi (3/20/2000) yan ma'adāpta gi Baluma 22, Numiru 9 gi (9/20/2000), gi Rehistran Commonwealth.

ĀTURIDĀT: I Health Care Professions Licensing Board gai fuetsa ni para u macho'gui yan u huyung i regulasion siha sigun gi Lai Pupbliku 15-105, Seksiona 3, § 2206 (b), kumu ma'amenda.

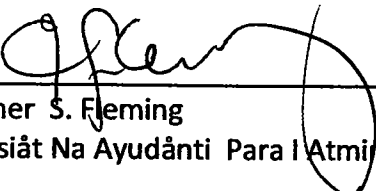
I TEMA YAN SUSTĀNSIAN I PALĀBRA SIHA: Historian Regulasion: PL 15-105 (ifektibu yanggin ma'aprueba ni Gubietnu as Benigno R. Fitial, Nubembri 7, 2007), i "Āktun Health Care Professions gi 2007," 3 CMC §§ 2201 -36. I āktu ha cho'gui i Health Care Professions Licensing Board, kumu independent regulatory agency, sin u pega gi halum i Dipattamentu. I Kuetpu ha āturisa para u lisensia i health care professionals gi halum Commonwealth, ha istapblesi i standard para i educational programs, u administer i exams, yan para u discipline i manmalisensia siha para i kinentran i āktu. Atan i PL 15-105. 3 CMC § 2206(b), ni nina'i fuetsa i Kuetpu para u adāpta i areklamentu yan regulasion siha ni kinonsisti ni Āktu yan nisisāriu para u ma-carry out i prubension i Āktu siha, ingklulusu i madifina yan diniskribin i regulated professions yan i prinaktikan-ñiha, yan i occupational therapy assistant ni maningklusu gi halum i health care professions, gi papa' i fuetsa, gi otdin yan āturidāt i HCPLB. § 2212 gi PL 15-105.

SUHETU NI MASUMĀRIA YAN ASUNTU NI TINEKKA: I manmaproponi na amendasion para i regulasion siha para i physical therapist yan physical therapy assistant debi na u tinahgui ni finene'na na regulasion siha para i physical therapy ni ma'adāpta gi Baluma 22, Numiru 9 gi (9/20/2000) gi Rehistran Commonwealth. I manmaproponi na amendasion siha lokku' maningklusu gi maproponi na regulasion siha para i occupational therapist yan occupational therapy assistant.

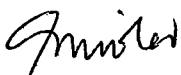
DIREKSION PARA U MAPO'LU YAN PUPBLIKASION: I Kuetpu mamamaisin imfotmasion sigun gi manmaproponi na amendasion siha ni debi na u marisibi ginin i Kuetpu gi halum i trenta (30) dihas na tiempu gi primet na pupublikasion esti na nutisia gi halum i Rehistran Commonwealth. Hãyi gai intires na petsona siña manggãgão kopia siha gi manmaproponi na amendasion siha ya ã'agang ham gi 664-4809 pat i email gi bpl@pticom.com 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 pat i email gi bpl@pticom.com.

Nina'hãlum as: 
Ahmad Al-Alou, MD
Acting na Kabesiyu, HCPLB

7/16/13
Fetcha

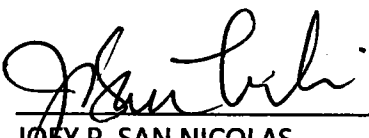
Rinisibi as: 
Esther S. Fleming
Ispisiãt Na Ayudãnti Para I Atministrasion

7/19/13
Fetcha

Pine'lu Yan Ninota as: 
Esther M. San Nicolas
Rehistran Commonwealth

7/19/13
Fetcha

Sigun i 1 CMC § 2153 (e), (Inapruedan Abugãdu Henerãt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inapruedan Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueda kumu fotma yan suficienti ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, 1 CMC § 2153 (f) (pupublikasion areklamentu yan regulasion siha).


JOEY P. SAN NICOLAS
Abugãdu Henerãt

7/18/13
Fetcha

**Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
P.O. Box. 502078, #1242 Pohnpei Court
Capital Hill, Saipan, MP 96950
Tel No: (670)664-4809 Fax: (670)664-4814
Email: bpl@pticom.com**

**ARONGORONG REEL POMWOL ATIWLIGH KKA REBWE AMENDALI REEL HEALTH CARE
PROFESSION LICENSING BOARD REER PHYSICAL THERAPIST, PHYSICAL THERAPY ASSISTANT,
OCCUPATIONAL THERAPIST, ME OCCUPATIONAL THERAPY ASSISTANT**

MÁNGEMÁNGIL MWÓGHUT YEEL BWE EBWE ADAPTÁÁLI POMMWOL ATIWLIGH KKA:
Health Care Professions Licensing Board (HCPLB) emuschel ebwe adaptááli me aleshú ló
atiwligh kka e appasch bwe Proposed Regulations, sáangi mwóghutughutul Administrative
Procedure Act, 1 CMC § 9104(a). Atiwligh kka ebwe bwunguló 10 ráál mwiril re atabwey
alleg hul 1 CMC §§ 9102 me 9104(a)ngare (b) (1 CMC §9105(b)).

Atiwligh kkaal ebwe siweli atiwligh kkewe ghomw reel physical therapy appasch reel Volume
22, No. 3 (3/20/2000)adapta reel Vol. 22, No. 9 (9/20/2000) reel Commonwealth Register.

BWÁNGIL: Health Care Professions Licensing Board nge eyoor bwángil ebwe akkaté me
ghitipwotchuw allégh kkaal bwelle reel P.L. 15-105, Talil 3, § 2206 (b), igha e amenda.

KKAPASAL ME AWEWEEL: Uruwowul atiwligh kkaal: P.L. 15-105(bwung ló ighiwe Sow
Lemelem Benigno R. Fitial, November 7, 2007), "Health Care Professions Act of 2007," 3
CMC§§2201-36. Mwoghut yeel e féerú ta Health Care Professional Licensing Board, ngare eew
independent regulatory agency, eso lo faal lemelemil eew department. Board e atorisa ebwe
license liir health care professionals llo Commonwealth, ayoor standards reel progróomal
education, isisiwow exams, me discipline liir licensees ngare re atay alleg hul mwoghut yeel.
Amweri PL 15-105. E CMC § 2206 (b), igha e ngaley bwangil Board ebwe adaptááli allégh kka e
attabwey ngali Act me meta kka e nesesariyo ebwe féerú provisions il Act, e bwal toolong reel
ebwe awewey regulated professions kkaal me yaar angaang. Physical therapist, physical
therapy assistant, occupation therapist, occupation therapy assistant rebwal schuulong reel
health care professions, faal lemelemil me bwangil HCPLB. §2212 reel PL 15-105.

KKAPASAL ME ÓUTOL: Pomwol atiwligh kkaal reel physical therapist me physical therapy assistant
ebwe liweli atiwligh kkewe mwal re adaptáli reel Vol. 22, No. 9 (9/20/2000) reel Commonwealth
Register. Pomwol amendáá kkaal nge ebwal toolong occupational therapist me occupational therapy
assistant.

AFALA REEL AMWELIL ME ARONGOWOWUL: Board ekke tittingor mángemángiir toulap reel pomwol liiwel kkal iye rebwe bwughil llól eliigh ráál ngare schagh aa akkatééló llól Commonwealth Register. Schóó kka re remuschal copy-il pomwol amenda kkal emwel rebwe faingi numero ye 664-4809 me ngare email bpl@pticom.com me ngare mweteló reel bwulasiyo Bldg 1242, Pohnpei Ct., Capital Hill, Seipel. Ischil mángemáng ebwe isisilong llól bwulasiyo me ngare afanga ngali BPL, P.O. Box 502078, Seipél, MP 96950.

Isáliiyalong: Ahmad Al-Alou
Ahmad Al-Alou, MD
HCPLB Acting Chairman

7/16/13
Ráál

Mwir Sáangi: Esther S. Fleming
Esther S. Fleming
Special Assistant for Administration

07/19/13
Ráál

Amwel Sáangi: Esther M. San Nicolas
Esther M. San Nicolas
Commonwealth Register

7/19/13
Ráál

Sáangi 1 CMC § 2153(e) Allégh kkaal a lléghló sáangi AG bwe e fil reel fféerúúl me 1 CMC §9104(a)(3)(mwiir sáangi AG)Pomwol atiwligh kkal a appaschlong a takkal amwuri fiischiy, me angúúngú ló fféerúúl me legal sufficiency sáangi CNMI Attorney General me ebwele akkatewoow, 1 CMC §2153(f) (Arongowowul allégh me atiwligh kkaal).

José P. San Nicolas
José P. San Nicolas
Attorney General

7/18/13
Ráál

§ 140-50.3- 003800 Part 3800. Physical Therapist, Physical Therapy Assistant, Occupational Therapist and Occupational Therapy Assistant.

§ 140-50.3- 003801 Definitions.

(a) "APTA" is the American Physical Therapy Association, which is the primary, voluntary, national professional organization of physical therapists and physical therapy assistants.

(b) "Accredited physical therapist or physical therapy assistant program," means a post-secondary physical therapist program that is accredited by the Commission on Accreditation in Physical Therapy Education, its predecessor organization, or its successor organization.

(c) "CAOT" means the Canadian Association of Occupational Therapists who accredits University Occupational Therapy Programs in Canada and also administers the National Occupational Therapy Certification Examination (NOTCE).

(d) "CAPTE" means the Commission on Accreditation in Physical Therapy Education, an independent accrediting body that is recognized by the U.S. Department of Education and by the Commission on Recognition of Postsecondary Accreditation or their successor organizations as the entity in the U.S. that is responsible for accrediting education programs for the preparation of physical therapists and physical therapy assistants.

(e) "CPA" is the Canadian Physiotherapy Association.

(f) "FSBPT" is the Federation of State Boards of Physical Therapy, which is the organization that develops and administers the National Physical Therapy Examination and also works towards reasonable uniformity in regulation and standards through ongoing communications between it and the state boards who are authorized by law to license and regulate physical therapists and physical therapy assistants.

(g) "Hand therapy" is the art and science of rehabilitation of the hand, wrist, and forearm requiring comprehensive knowledge of the upper extremity and specialized skills in assessment and treatment to prevent dysfunction, restore function, or reverse the advancement of pathology. This definition is not intended to prevent an occupational therapist practicing hand therapy from providing other occupational therapy services authorized under this act in conjunction with hand therapy.

(h) "NBCOT" means the National Board for Certification in Occupational Therapy, Inc., is a not-for-profit credentialing agency that provides certification for the occupational therapy

profession. NBCOT serves the public interest by developing, administering, and continually reviewing a certification process that reflects current standards of competent practice in occupational therapy.

(i) "NOTCE" means the National Occupational Therapy Certification Examination administered by the Canadian Association of Occupational Therapists.

(j) "Occupational Therapist (OT)" means a person who is licensed to practice occupational therapy as defined in these regulations and whose license is in good standing.

(k) "Occupational therapy" means, the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life".

(l) "Occupational therapy assistant (OTA)" means a person who is licensed pursuant to these regulations who assists in the practice of occupational therapy under the supervision of a licensed occupational therapist.

(m) "On-site supervision" means the supervising physical or occupational therapist is continuously on-site and present in the department or facility where services are provided, is immediately available to the person being supervised, and maintains continued involvement in appropriate aspects of each treatment session in which a physical or occupational therapy assistant is involved in components of care.

(n) "PCE" is the Physiotherapy Competency Examination administered in Canada.

(o) "Physical agent modalities" means techniques that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity. These techniques are used as adjunctive methods in conjunction with, or in immediate preparation for, occupational therapy services.

(p) "Physical therapy" means the care and services provided by or under the direction and supervision of a licensed physical therapist. The term "physiotherapy" shall be synonymous with "physical therapy" pursuant to these regulations.

(q) "Physical therapist (PT)" means a person who is licensed to practice physical therapy as defined in these regulations and whose license is in good standing. The term "physiotherapist" shall be synonymous with "physical therapist" pursuant to these regulations.

(r) "Physical therapy assistant (PTA)" means a person who is licensed pursuant to these regulations who assists in the practice of physical therapy or portions of it as initiated and supervised, and by a licensed physical therapist.

(s) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful goal-directed activities (occupations) which engage the individual's body and mind in meaningful, organized, and self-directed actions that maximize independence, prevent or minimize disability, and maintain health. Occupational therapy services encompass occupational therapy assessment, treatment, education of, and consultation with, individuals who have been referred for occupational therapy services subsequent to diagnosis of disease or disorder (or who are receiving occupational therapy services as part of an Individualized Education Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA)). Occupational therapy assessment identifies performance abilities and limitations that are necessary for self-maintenance, learning, work, and other similar meaningful activities. Occupational therapy treatment is focused on developing, improving, or restoring functional daily living skills, compensating for and preventing dysfunction, or minimizing disability. Occupational therapy techniques that are used for treatment involve teaching activities of daily living (excluding speech-language skills); designing or fabricating selective temporary orthotic devices, and applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training). Occupational therapy consultation provides expert advice to enhance function and quality of life. Consultation or treatment may involve modification of tasks or environments to allow an individual to achieve maximum independence. Services are provided individually, in groups, or through social groups.

(t) "Practice of physical therapy" means:

(1) Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disabilities or other health and movement-related conditions in order to determine a diagnosis, prognosis and plan of treatment intervention, and to assess the ongoing effects of intervention;

(2) Alleviating impairments, functional limitations and disabilities by designing, implementing and modifying treatment interventions that may include, but are not limited to: therapeutic exercise, functional training in

self-care and in home, community or work integration or reintegration, manual therapy including soft tissue and joint mobilization/manipulation, therapeutic massage, prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment, airway clearance techniques, integumentary protection and repair techniques, debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities, and patient-related instruction;

(3) Reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health and wellness in populations of all ages; and

(4) Engaging in administration, consultation, education and research.

(u) "Professional development activity" means an activity (except participation in a course of study leading to an entry-level academic degree or normal and routine employment responsibilities) engaged in subsequent to professional education, primarily concerned with maintaining and increasing the occupational therapy practitioner's knowledge, skill and ability.

(v) "Professional development unit (PDU)" is an assigned unit of measure for each professional development activity.

§ 140-50.3-003802 Exemptions from License Requirements.

These regulations shall apply to all licensed physical or occupational therapists and physical or occupational therapy assistants, in the CNMI except:

(a) Any person pursuing a course of study leading to a degree as a physical or occupational therapist or physical or occupational therapy assistant while under the supervision of a licensed physical or occupational therapist who shall be legally and professionally responsible for the person's performance;

(b) Physical and occupational therapists or physical or occupational therapy assistants practicing in the U.S. Armed Services, U.D. Department of Public Health, or the U.S. Department of Veterans Affairs pursuant to federal regulations for state licensure of health care providers; and

(c) A physical therapist that is licensed in another jurisdiction and is providing physical therapy to persons who are affiliated with or employed by established athletic teams or athletic organizations temporarily practicing, competing or performing in the CNMI for not more than thirty (30) days in a calendar year.

§ 140-50.3- 003803 Requirements for Licensure.

An applicant to practice as a physical therapist, occupational therapist, physical therapy or occupational therapy assistant must be at least twenty-one (21) years of age, is a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:

- (a) Physical Therapist (PT).
 - (1) Applicant graduated as a physical therapist in a physical therapy education program that is accredited by the CAPTE of the American Physical Therapy Association, or approved by the Council on Medical Education and Hospitals of the American Medical Association, or an accredited physiotherapy college in Canada, or a school or program approved by the Board; and
 - (2) Applicant have successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S., the Physiotherapy Competency Examination (PCE) in Canada, or a physical therapy examination administered by a national testing serviced approved by the Board.
- (b) Physical Therapy Assistant (PTA).
 - (1) Applicant graduated as a physical therapy assistant in a physical therapy education program that is accredited by the CAPTE of the American Physical Therapy Association, or physical therapy program approved by the Board to be equivalent, or as meeting the evaluative criteria for accreditation by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association, or an accredited physiotherapy college in Canada, or a school or program approved by the Board; and
 - (2) Applicant have successfully passed the National Physical Therapy Examination administered by FSBPT for physical therapy assistants, the Physiotherapy Competency Examination (PCE) in Canada, or a physical therapy examination administered by a national testing serviced approved by the Board.
- (c) Occupational Therapist or Occupational Therapy Assistant.
 - (1) Applicant graduated from a school of occupational therapy as an occupational therapist or an occupational therapy assistant, from a school accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program, or an accredited school of occupational therapy in Canada, or a school or program approved by the Board; and

(2) Applicant has successfully passed the examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT). The certification examination for the occupational therapy assistant may be waived for any person who was certified as an occupational therapy assistant by the American Occupational Therapy Association prior to June 1977.

(d) Foreign-educated or Trained PT, PTA, OT or OTA Applicants.

(1) An applicant who is a graduate of a foreign school or completed a physical therapy or occupational therapy program outside of the U.S. or Canada must provide certified credentials evaluation indicating successful completion of a program, including education and training, equivalent to programs in the U.S. or Canada. The evaluation shall be prepared within one (1) year from the date of the application's submission and shall be performed by a credentials evaluation agency approved by the Board;

(2) Applicant have successfully passed the National Physical Therapy Examination administered by FSBPT in the U.S., the Physiotherapy Competency Examination (PCE) in Canada, or a physical therapy examination administered by a national testing serviced approved by the Board; or the examination for occupational therapist or occupational therapy assistant administered by the National Board for Certification in Occupational Therapy, Inc., of the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, or the National Occupational Therapy Certification Examination (NOTCE) administered by the Canadian Association of Occupational Therapists (CAOT); and

(3) The applicant must be able to speak, read, write and understand the English language as a requirement for licensing.

(e) No person who does not hold a current license shall practice or offer to practice occupational or physical therapy, or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational or physical therapist or an occupational or physical therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational or physical therapy unless an

individual holding a current license is or will at the appropriate time be rendering the occupational or physical therapy services to which reference is made.

§ 140-50.3 - 003804 Licensure by Endorsement.

(a) The Board may grant a license to a person to practice physical therapy or occupational therapy without examination if:

(1) The person holds a valid, active license to practice as a physical or occupational therapist or a physical or occupational therapy assistant in another jurisdiction;

(2) The person substantially complies with the requirements for licensure in § 140-50.3- 003803; and

(3) The requirements in the jurisdiction of licensure are at least as stringent as those under these regulations.

(b) The Board may deny a license by endorsement to a person to practice physical therapy or occupational therapy, if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned or renewal denied.

§ 140-50.3 - 003805 Applications.

An application for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant shall be made under oath on a form to be provided by the Board accompanied with the following information and documentations as are necessary to establish that the applicant possesses the qualifications as required in these regulations:

(a) The applicant's full name and all aliases or other names ever used, current address, date and place of birth and social security number; and

(b) Applicant's 2x2 photograph taken within six (6) months; and

(c) Applicant must pay the appropriate fees, including the application fee which shall not be refunded; and

(d) Applicant to provide originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:

(1) Diploma or certificate showing successful completion of a physical or occupational therapy educational school or program;

(2) Documents showing satisfactory proof that applicant has taken and passed the required examination; or

(3) Documents showing proof that applicant is licensed to practice as a physical or occupational therapist or

physical or occupational therapy assistant in another jurisdiction; and

(e) Applicant to provide a list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has applied for a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and

(f) Applicant to provide a detailed educational history, including places, institutions, dates and program descriptions of all his or her education beginning with secondary schooling and including all college and/or training programs; and

(g) Applicant to provide a list of all jurisdictions, U.S. or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a physical or occupational therapist or physical or occupational therapy assistant; and

(h) Applicant to provide a list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements or against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

§ 140-50.3-003806 Continuing Education (CE).

(a) All physical therapists and physician therapy assistant licensed to practice in the CNMI is required to complete at least twelve (12) CE hours relevant to the practice of physical therapy as a prerequisite to the renewal of their biennial license.

(b) All occupational therapists and occupational therapy assistant licensed to practice in the CNMI is required to complete at least twelve (12) CE or eight (8) PDU and four (4) CE hours relevant to the practice of occupational therapy as a prerequisite to the renewal of their biennial license.

(c) One CE unit or credit equals to one contact hour. One (1) hour of participation in a professional development activity qualifies for one PDU.

(d) Approved continuing education activities for physical or occupational therapy includes but is not limited to the following:

(1) Courses or workshops approved by the American Physical Therapy Association, the Canadian Physiotherapy Association, the Federation of State Boards of Physical Therapy, the American Medical Association, or other programs approved by the Board.

(2) Programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational

Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution that is not part of a course of study leading to an academic degree, or other programs approved by the Board.

(e) If a licensee fails to meet the CE or PDU requirements for renewal of license because of illness, military service, medical or religious activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written request from the applicant may grant an extension of time to complete same, on an individual basis.

(f) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of course/credit hours.

(g) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE or PDU requirements, or who falsely certifies attendance at and/or completion of the CE or PDU as required herein.

§ 140-50.3-003807 Referrals.

(a) Treatment of a person by a licensed physical therapist is prohibited unless the person has been referred to the therapist by a CNMI licensed physician or chiropractor, nurse practitioner, dentist or physician assistant.

(b) A licensed physical therapist may perform an initial evaluation of any person without a referral unless they need a referral. A physical therapist may then treat the patient at that initial evaluation unless the physical therapist has reasonable cause to believe that the patient has a symptom or condition that is either beyond the physical therapist's scope of practice, or for which physical therapy is contraindicated, in which case the physical therapist shall refer that patient to an appropriate healthcare provider.

(c) A licensed occupational therapist or licensed occupational therapy assistant may consult with, educate, evaluate, and monitor services for clients concerning non-medical occupational therapy needs. Implementation of direct occupational therapy to individuals for their specific health care conditions shall be based upon a referral from a licensed physician, dentist, podiatrist, advanced practice nurse who has a written collaborative agreement with a collaborating physician to provide or accept referrals from licensed occupational therapists, physician assistant who has been delegated authority to provide or accept referrals from or to licensed occupational therapists, or optometrist.

(d) An occupational therapist shall refer to a licensed

physician, dentist, optometrist, advanced practice nurse, physician assistant, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the occupational therapist.

§ 140-50.3-003808 Scope of Practice - Physical Therapist.

A physical therapist shall be responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide:

- (a) An interpretation of referrals when available;
- (b) An initial physical therapy examination, evaluation, diagnosis and prognosis of the patient;
- (c) The development or implementation of a plan or care based on the initial physical therapy examination and which includes the physical therapy goals and anticipated outcomes;
- (d) A determination of the components and the intervention that shall be provided by a physical therapist and the components that may be delegated to the physical therapy assistant or aide;
- (e) Direct one-on-one re-examination of the patient and revision of the plan of care when indicated;
- (f) The establishment of the discharge plan and documentation of the patient's discharge status;
- (g) Oversight of all services rendered to each patient, including the applicable documentation in accordance with APTA guidelines.

§ 140-50.3-003809 Scope of Practice - Physical Therapy Assistant.

A physical therapy assistant shall work under the supervision of a licensed physical therapist. The physical therapist shall at all times be professionally and legally responsible for patient care by the physical therapy assistant. The physical therapy assistant may provide physical therapy services pursuant to the following guidelines:

- (a) The physical therapy assistant shall have in possession written treatment plans formulated by the supervising physical therapist for each patient under the care of the physical therapy assistant. Treatment plans must be revised following periodic evaluations by the supervising physical therapist.
- (b) The physical therapy assistant may not initiate or alter a treatment program without prior evaluation by and approval from the supervising physical therapist.
- (c) The physical therapy assistant may, with prior approval by the supervising physical therapist, adjust a specific treatment procedure in accordance with changes in patient status.

(d) The physical therapy assistant may not interpret data beyond the scope of his/her education as a physical therapy assistant.

(e) The physical therapy assistant shall refer inquiries regarding patient prognosis to a supervising physical therapist.

(f) The physical therapy assistant shall report all adverse patient responses to any part of the physical therapy program to the supervising physical therapist.

(g) The physical therapy assistant shall not hold himself or herself out as a physical therapist.

A physical therapist or occupational therapist may supervise a maximum of two (2) physical therapy or occupational therapy assistants.

§ 140-50.3-003810 Scope of Practice - Occupational Therapist.

(a) The scope of practice of a licensed occupational therapist is defined to include the provision of direct, indirect or consultative services to a client, the administration of standardized and non-standardized assessments, the interpretation of such assessments to determine the need for an appropriate intervention plan for the client, the development and utilization of activities for the client, the design and fabrication of adaptive equipment, prosthetics and/or orthotic devices, consultation concerning adaptation of physical environments, as well as the utilization of physical modalities. It also includes, but is not limited to, intervention directed toward:

- (1) Assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or non-standardized tests and measurements, to identify areas for occupational therapy services;
- (2) Providing for the development of sensory integrative, neuromuscular, or motor components of performance;
- (3) Providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;
- (4) Developing daily living skills;
- (5) Developing feeding and swallowing skills;
- (6) Developing play skills and leisure capacities;
- (7) Enhancing educational performance skills;
- (8) Enhancing functional performance and work readiness

through exercise, range of motion and use of ergonomic principles;

(9) Designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;

(10) Designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;

(11) Adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning;

(12) Employing physical agent modalities, in preparation for or as an adjunct to purposeful activity, within the same treatment session or to meet established functional occupational therapy goals, consistent with the requirements; and

(13) Promoting health and wellness.

§ 140-50.3-003811 Scope of Practice - Occupational Therapy Assistant.

(a) An occupational therapy assistant shall work under the supervision of a licensed occupational therapist. The occupational therapist shall at all times be professionally and legally responsible for patient care by the occupational therapy assistant and performs client related activities assigned by the supervising occupational therapist. As used in this section, client related activities shall mean:

(1) Contributing to the evaluation of a client by gathering data, reporting observations and implementing assessments delegated by the supervising occupational therapist or licensed physician;

(2) Consulting with the supervising occupational therapist or licensed physician in order to assist him or her in making determinations related to the treatment plan, modification of client programs or termination of a client's treatment;

(3) The utilization of a program of purposeful activities, a treatment program, and/or consultation with the client, family, caregiver, or other health care or education providers, in keeping with the treatment plan and under the direction of the supervising occupational therapist or licensed physician;

(4) The use of treatment modalities and techniques that are based on approaches taught in an occupational therapy assistant educational program and that the occupational therapy assistant has demonstrated to the occupational therapist or licensed physician that he or she is competent to use; or

(5) The immediate suspension of any treatment intervention that appears harmful to the client and immediate notification of the supervising occupational therapist.

(b) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:

(1) The clinical complexity of the patient/client;

(2) The skill level of the occupational therapy assistant in the treatment technique; and

(3) Whether continual reassessment of the patient/client status is needed during treatment.

(c) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:

(1) Interpretation of referrals or prescriptions for occupational therapy services;

(2) Interpretation and analysis for evaluation purposes.

(d) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.

(e) Development, interpretation, implementation, and modifications of the treatment plan and the discharge Plan:

(1) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant;

(2) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.

(f) The responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist that is responsible for

appropriate supervision shall formulate and document in each client's record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapists appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.

(g) The supervising occupational therapist has the continuing responsibility to follow the progress of each patient, provide direct care to the patient, and to assure that the occupational therapy assistant does not function autonomously.

(h) It is the responsibility of the occupational therapy assistant to maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation shall contain the following: date of supervision, means of communication, information discussed and the outcomes of the interaction. Both the supervising occupational therapist and the occupational therapy assistant must sign each entry.

§ 140-50.3-003812 Delivery of Occupational Therapy Services.

(a) The following are general statements regarding roles and responsibilities during the delivery of occupational therapy services:

(1) The occupational therapist is responsible for the overall delivery of occupational therapy services and is accountable for the safety and effectiveness of the occupational therapy service delivery process.

2) The occupational therapy assistant delivers occupational therapy services under the supervision of the occupational therapist.

(3) It is the responsibility of the occupational therapist to be directly involved in the delivery of services during the initial evaluation and regularly throughout the course of intervention.

(4) Services delivered by the occupational therapy assistant are specifically selected and delegated by the occupational therapist. When delegating to the occupational therapy assistant, the occupational therapist considers the following factors:

(i) the complexity of the client's condition and needs;

ii) the knowledge, skill, and competence of the occupational therapy assistant;

iii) the nature and complexity of the intervention.

(5) Prior to delegation of any aspect of the service delivery process to the occupational therapy assistant, service competency must be demonstrated and documented between the occupational therapist and occupational therapy assistant. Service competency is demonstrated and documented for clinical reasoning and judgment required during the service delivery process as well as for the performance of specific techniques, assessments, and intervention methods used. Service competency must be monitored and reassessed regularly.

(6) The role delineation and responsibilities of the occupational therapist and the occupational therapy assistant remain unchanged regardless of the setting in which occupational therapy services are delivered (i.e., traditional, non-traditional, or newly emerging practice settings).

7) An occupational therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. An occupational therapy assistant shall document the services provided in the patient record. Occupational therapists and occupational therapy assistants shall document and sign the patient record legibly.

(8) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of un-emancipated minors shall be maintained at least one year after the minor has reached the age of 18 years and not in any case less than seven years.

§ 140-50.3-003813 Hand Therapy.

(a) Hand therapy services may be performed only when an occupational therapist has demonstrated to the Board that he or she has met the post professional education and training requirements as follows:

(1) Education: Completion of 45 contact hours including 30 hours specifically relating to the hand, wrist, and forearm.

(2) Training: Completion of 480 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to hand therapy?

(b) An occupational therapist providing hand therapy services using physical agent modalities must also comply with the requirements. A maximum of 8 contact hours and 60 hours of supervised on-the-job training, clinical internship or

affiliation, paid or voluntary, will be credited toward the requirements of this section.

(c) An occupational therapist may provide only those hand therapy services he or she is competent to perform.

§ 140-50.3-003814 Physical Agent Modalities.

(a) Physical agent modalities may be used only when an occupational therapist has demonstrated to the Board that he or she has met the post professional education and training requirements as follows:

(1) Education: Completion of 30 contact hours pertaining to physical agent modalities.

(2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to physical agent modalities.

(b) An occupational therapist may use only those physical agent modalities he or she is competent to use.

§ 140-50.3-003815 Use of Topical Medications.

(a) As used in this section, "topical medications" means medications applied locally to the skin or underlying tissue where such medications require a prescription or order under federal or state law. The following medications are applicable to the practice of occupational therapy and may be used by an occupational therapist:

- (1) Bactericidal agents;
- (2) Debriding agents
- (3) Topical anesthetic agents;
- (4) Anti-inflammatory agents;
- (5) Antispasmodic agents; and
- (6) Adrenocortico-steroids.

(b) An occupational therapist shall apply or administer topical medications in accordance with the following:

(1) Any topical medication applied or administered shall have been ordered on a specific or standing basis by a practitioner legally authorized to order or prescribe such medication;

(2) An occupational therapist may administer a topical medication by the use of a physical agent modality, only if the occupational therapist is approved by the Board in the advanced practice area of physical agent modalities;

(3) An occupational therapist shall follow written protocols in applying or administering topical medications. The protocols shall:

- (i) Be prepared by the facility within which the topical medications are being applied or administered;
- (ii) Be approved by the medical director or equivalent of the facility;
- (iii) Include a description of each medication, its actions, its indications and contraindications, and the proper procedure and technique for application;
- (iv) Require that the administration be consistent with the manufacturer's guidelines for any equipment to be used in the administration of the topical medication; and
- (v) Be based on research and evidence-based practice, pharmaceutical standards of practice and known desired outcomes.

(4) Supervision of the application or administration of topical medications by an occupational therapy assistant under this section shall be in accordance with § 140-50.3-003812.

(c) Under no circumstance does this section authorize an occupational therapist or occupational therapist assistant to administer a medication via injection.

§ 140-50.3-003816 Swallowing Assessment, Evaluation, or Intervention.

(a) The role of an occupational therapist in instrumental evaluations is to observe structure and function of the swallowing mechanism in order to assess swallowing capability and determine swallowing interventions. The occupational therapist may not perform the physically invasive components of the instrumental evaluation.

(b) Swallowing assessment, evaluation or intervention may be performed only when an occupational therapist has demonstrated to the Board that he or she has met the post professional education and training requirements established in this section as follows:

- (1) Education: Completion of 45 contact hours in the following subjects:
 - (i) Anatomy, physiology and neurophysiology of the

head and neck with focus on the structure and function of the aero digestive tract;

ii) The effect of pathology on the structures and functions of the aero digestive tract; including medical interventions and nutritional intake methods used with patients with swallowing problems;

iii) Interventions used to improve pharyngeal swallowing function.

(2) Training: Completion of 240 hours of supervised on-the-job training, clinical internship or affiliation, which may be paid or voluntary, pertaining to swallowing assessment, evaluation or intervention. An occupational therapist in the process of completing the training requirements of this section may practice swallowing assessment, evaluation or intervention under the supervision of an occupational therapist that has been approved under this article, a speech language pathologist with expertise in this area, or a physician and surgeon.

(c) An occupational therapist may provide only those swallowing assessment, evaluation or intervention services he or she is competent to perform.

§ 140-50.3-003817 Use of Titles; Restrictions.

(a) It shall be unlawful for any person or business entity, its employees, agents or representatives to use in connection with his/her name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "physical therapy assistant," "PT," "LPT," "PTA," ; or "occupational therapy," "occupational therapist," "occupational therapy assistant," "OT," "OTA," or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical or occupational therapy is provided or supplied, including billing of services labeled as physical or occupational therapy, unless such services are provided by or under the direction of a CNMI licensed physical or occupational therapist.

(b) A physical or occupational therapy assistant may not advertise or hold him/her out in any manner, which implies that he/she is either a licensed physical or occupational therapist or an independent practitioner.

(c) No person shall use the title "physical or occupational therapy assistant," or "physical or occupational therapy aide" or any combination of words to imply directly or indirectly that he/she is a physical or occupational therapy assistant unless he/she is under the on-site supervision of a CNMI licensed physical or occupational therapist or a physical or occupational therapy assistant.

§ 140-50.3-0038218

Professional Standards.

The Board recognizes the Code of Ethics, the Guide for Professional Conduct, Standards of Ethical Conduct for the Physical Therapy Assistant, , as amended, by the American Physical Therapy Association, as its professional standards model, and the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, as amended.

§ 140-50.3-003819

Disciplinary Action.

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; or refuse to issue, restore, or renew the license of any person who is found guilty of one or more of the violations pursuant to P.L. 15-105 § 2224 and §§ 140-50.3-3800 of the regulations, including, but not limited to the following:

- (a) Administering treatments or evaluation in a negligent manner;
- (b) Falsifying or otherwise altering patient records;
- (c) Accepting fees for services not provided;
- (d) Improper delegation or supervision of assistive personnel;
- (e) Practicing physical or occupational therapy outside the scope of practice;
- (f) Failing to immediately refer any patient to an appropriate healthcare provider if there is reasonable cause to believe that the patient's condition is beyond the physical or occupational therapists scope of practice or is a condition for which physical or occupational therapy is contraindicated.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER No. 2013- 13

DECLARATION OF HEALTH EMERGENCY

WHEREAS, the Commonwealth Healthcare Corporation ("CHC") provides the bulk of necessary healthcare in the Commonwealth, as well as providing all emergency medical services; and

WHEREAS, the disruption of the provision of medical services by the CHC poses a direct threat to the health and safety of the people of the Northern Mariana Islands; and

WHEREAS, the CHC is currently in arrears to payments to vendors providing vital services, equipment and supplies including critical medical supplies; and is in arrears in regards to salary payments to necessary employees; and

WHEREAS, CHC financial condition affects its ability to maintain adequate infrastructure, equipment and personnel such that it is jeopardizing CHC's federal funding; and

WHEREAS, CHC, in 2012 had been notified by federal authorities that, due to deficiencies in CHC operations and infrastructure, CHC will cease to be eligible for Medicare/Medicaid payments along with other penalties if the deficiencies are not promptly remediated.

WHEREAS, CHC, was given a temporary reprieve by the federal authorities, a final decision on CHC eligibility for Medicare/Medicaid payments is quickly approaching such that prompt steps need to be taken to meet the federal requirements or Medicare/Medicaid funding will be ended.

WHEREAS, the termination of Medicare/Medicaid funding will lead to the termination or reduction of many of the medical programs and services provided by CHC leading to an increase in otherwise preventable deaths, illness and injury.

WHEREAS, the management of CHC is unstable given the recent termination of the Chief Executive Officer of CHC and no permanent Chief Executive Officer having yet been appointed such that it may hinder CHC's ability to meet federal requirements.

WHEREAS, Article III §10 of the Constitution of the Commonwealth and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013 provide that the Governor has the authority and duty to take necessary steps to respond to impending disasters;

NOW THEREFORE, I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the disruption of critical medical services in the Commonwealth and the danger that such a condition poses to the public because of the great increase in otherwise preventable deaths, illness and injury that would result.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CHC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of all CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands and CHC including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30) day period, terminate the declaration of a state of significant emergency. See PL 18-4, § 104(g).

Under the authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

Directive 1: All of the executive power of the CHC shall be exercised either by me or by my designated Chief Executive Officer.

Directive 2: Authority is granted to suspend applicable procurement regulations as authorized by me so as to ensure timely compliance with Center for Medicare and Medicaid Certification.

Directive 3: To ensure that the suspension of regulatory provisions does not lead to financial abuse, this emergency declaration incorporates the March 19, 2012 Memorandum of Understanding (MOU) between CHC and the Department of Finance, Office Management and Budget, and Office of the Attorney General. In addition, any financial reports submitted by the

CHC pursuant to the MOU must be submitted with a certification of the person submitting them stating that the reports are a full and accurate under penalty of perjury.

The above described Directives are in no way meant as the limits of actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

Done this 30TH day of June, 2013



ELOY S. INOS
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

EXECUTIVE ORDER NO. 2013-14

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, ELOY S. INOS, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and PL 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited oil supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;
- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup oil supplies for emergency generators were exhausted; and

- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflows, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed approximately \$16 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by residential users;
- (2) There is conflict and potential conflict between CUC and government agencies over money owed and other issues. Such conflict drains resources especially if it results in the parties going to court. Interagency cooperation and oversight is vital to ensure that government agencies can continue its operations without draining CUC's remaining resources.
- (3) The people of the Commonwealth and its government are going through severe economically distressed times. This has put a severe strain on the government to meet its obligation.
- (4) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;
- (5) A unified government approach is necessary to reconcile and resolve the fiscal crises of the government with the fiscal crises of CUC. This can only be achieved through a declaration of significant emergency.

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled workers and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances;

- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;
- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstating a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, *except as otherwise limited by other law*. 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidates;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team, with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth.

WHEREAS, A BOARD OF DIRECTORS DOES NOT EXIST:

- (1) There is no Board of Directors. CUC has functioned without a Board because it has had to. While CUC's enabling act, reenacted as P.L. 16-17, as amended, authorizes a Board, there is no CUC Board yet because, while the staff of the Governor's Office have diligently tried to find Board volunteers who meet the complex statutory qualifications, they have been unable to do so. Nonetheless, CUC must continue to function.

- (2) Without a Board in place, I still must provide for the continued operations of CUC. The Executive Director needs to be able to negotiate with federal and other agencies.

WHEREAS, BY THIS DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and PL 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands including, but not limited to, the authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. Utilize all available resources of the Commonwealth government and its political subdivisions as reasonably necessary to respond to the emergency.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of this Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency. PL 18-4, § 104(g)

Under authority of this Declaration and with the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE 1: All of the executive power of the CUC, which shall include any and all powers vested in the Board of Directors and the Executive Director, shall be exercised by my designated Executive Director.

DIRECTIVE 2: Section 4531 of Title 3 of the Commonwealth Code is hereby suspended as to CUC as follows:

The following strike-out formatted language of the quoted provisions of the following statute regulating government employment is, as indicated, suspended immediately:


3 CMC §4531. Restrictions on Government Employment

~~Employment by departments, agencies, and all other instrumentalities of the Commonwealth government is limited to citizens and permanent residents; provided that the government may enter into contracts with foreign nationals for services performed outside of the Commonwealth.~~

As a result of my suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directives are in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 18TH day of July 2013.



ELOY S. INOS
Governor



DEPARTMENT OF CORRECTIONS
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
 Vicente Taman Seman Building
 P. O. Box 506506, Susupe, Saipan MP 96950
 Telephone: (670) 237-2701 or 2700 Facsimile: (670) 664-9515



Eloy S. Inos
 GOVERNOR

Jude U. Hofschneider
 LT. GOVERNOR

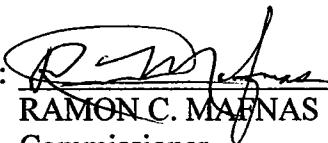
Ramon C. Mafnas
 COMMISSIONER

**PUBLIC NOTICE OF ADOPTION OF DEPARTMENT OF CORRECTIONS
 OFFICIAL DEPARTMENTAL DUTY UNIFORM COLOR OF "BLACK"**

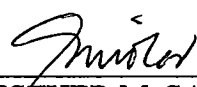
NOTICE OF ACTION: The Department of Corrections of the Commonwealth of the Northern Mariana Islands hereby notifies the general public of the adoption of the color "black" as its official departmental duty uniform color, including head cover; caps and hats. The official duty uniform color is black for Class A: coat and long sleeve shirt and trousers, Class B: long sleeve shirt and trousers, and Class C: short sleeve shirt and trousers. All head covers: caps and hats, are black in color.

Please take notice of the new duty uniform color of "black", attached hereto as Exhibit A: coat, long sleeve shirt and trousers, Exhibit B: long sleeve shirt and trousers, Exhibit C: short sleeve shirt and trousers, and Exhibit D: caps and hats.

This notice was approved by the Commissioner on June 30th, 2013.

Submitted by: 
 RAMON C. MAFNAS
 Commissioner
 Department of Corrections

1 July 2013
 Date

Filed and
 Recorded by: 
 ESTHER M. SAN NICOLAS
 Commonwealth Register

07.18.2013
 Date

EXHIBIT "A" COAT, LONG SLEEVE SHIRT, TROUSER

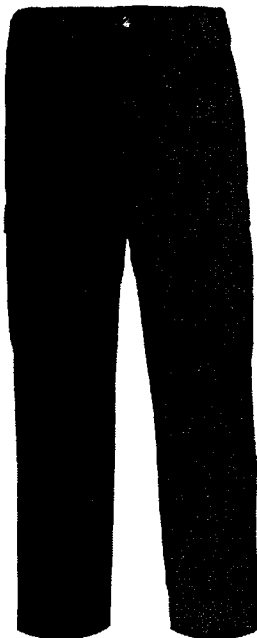
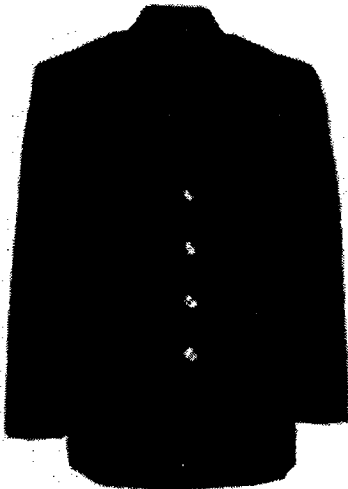


EXHIBIT "B" LONG SLEEVE SHIRT and TROUSER

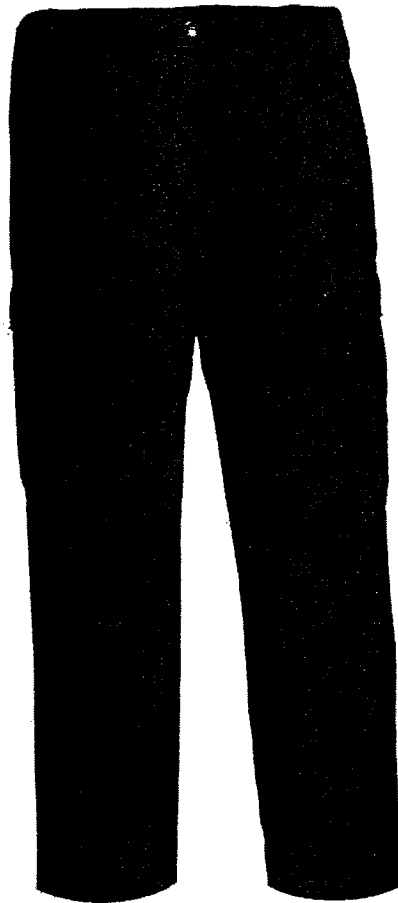


EXHIBIT "C" SHORT SLEEVE SHIRT and TROUSER

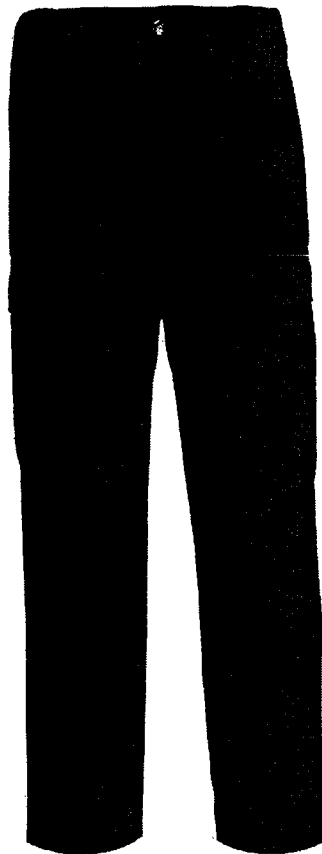
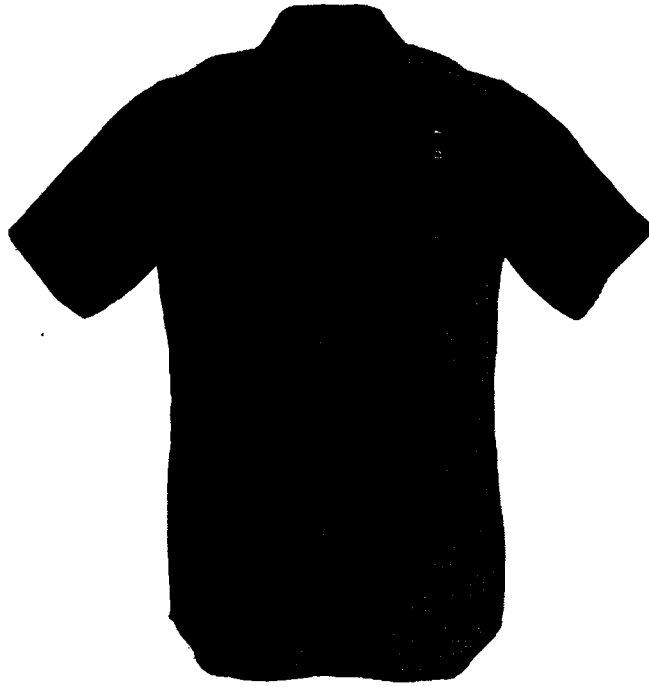
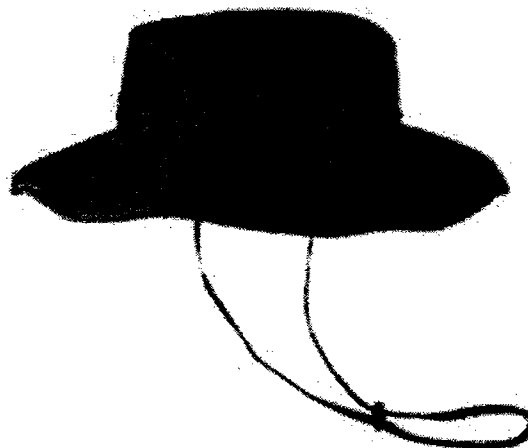
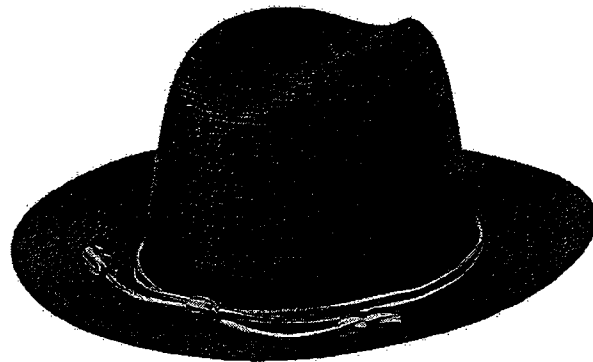


EXHIBIT "D" HATS and CAPS





**Commonwealth of the Northern Mariana Islands
Office of the Governor
Medical Referral Services**



PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS

**PROPOSED RULES AND REGULATIONS REPEALING AND REENACTING
MEDICAL REFERRAL SERVICES RULES AND REGULATIONS**

INTENDED ACTION TO ADOPT THESE PROPOSED REGULATIONS: The Commonwealth of the Northern Mariana Islands, Medical Referral Services intends to adopt as permanent regulations the attached Proposed Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a) and applicable regulations. The Proposed Rules and Regulations will become effective 10 days after compliance with 1 CMC §§ 9102, 9104 (a), 9105(b) and applicable regulations.

AUTHORITY: Medical Referral Services, through PL 16-51 § 3 (3 CMC § 2804(v)), as amended by Executive Order 2013-09, has the power to adopt regulations determining when off-island care is necessary and appropriate.

THE TERMS AND SUBSTANCE OF THE PROPOSED REGULATIONS: The Proposed Rules and Regulations are substantially similar to the current Rules and Regulations that the Medical Referral Service currently operates. The proposed Rules and Regulations, as promulgated, will resolve issues regarding the validity of the current regulations and will modify the current regulations in order to ensure the present and future fiscal viability of the Medical Referral Program.

In order to reflect the reorganization of Medical Referral Services under Executive Order 2013-09, the Proposed Rules and Regulations will repeal in its entirety the current rules and regulations located at Subchapter 140-10.7 of the Northern Mariana Islands Administrative Code as those apply under the Department of Public Health/Commonwealth Healthcare Corporation. The attached Proposed Rules and Regulations will be re-enacted under the Office of the Governor, Medical Referral Services.

As stated, the proposed Rules and Regulations are substantially similar to the current Rules and Regulations that the Medical Referral Service currently operates under. There are several modifications though. The proposed regulations reflect the fact that Medical Referral Services is now under the Office of the Governor. Importantly, the proposed regulations will narrow medical referral to medical care and treatment not available within the Commonwealth for conditions which are life threatening or involve acute neurology, vision of other possible permanent loss of function.

Other changes are to eligibility requirements, the types and amount of maintenance costs, medical evacuations from Rota, excluded expenses and modifications to the

