

JUNE 1975

Volume 1, Number 11 issue should have read May 1975

TRUST TERRITORY OF THE PACIFIC ISLANDS

HEADQUARTERS, SAIPAN, MARIANA ISLANDS

Volume 1 Number 12

Page 384 to 415

Effective date of

Publication October 29, 1976



Emergency Orders

Adopted Regulations

Proposed Amendments to Regulations

Proposed Regulations

# territorial

# register

---

Published monthly by the Register of Corporations, Office of the Attorney General

Printed by the Publication and Printing Division, Saipan, Mariana Islands 96950

**CONTENTS**

Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

**ORDERS**

page

MARSHALL ISLANDS EMERGENCY DISTRICT ORDER 76-1 ..... 384  
HIGH COMMISSIONER'S EMERGENCY ORDER 76-1 ..... 386  
PALAU DISTRICT EMERGENCY ORDER 76-1 ..... 386

**ADOPTED REGULATIONS**

**TITLE 2, TERRITORIAL GOVERNMENT**

CHAPTER 3, DISTRIBUTION AND COLLECTION OF OUTER-ISLAND MAIL ..... 387

**TITLE 63, PUBLIC HEALTH, SAFETY AND WELFARE**

CHAPTER 13, SUBCHAPTER III, CONTROL OF EARTHMOVING AND SEDIMENTATION IN  
THE TRUST TERRITORY OF THE PACIFIC ISLANDS ..... 388

**PROPOSED AMENDMENTS TO REGULATIONS**

**TITLE 25, ANIMALS AND PLANTS - QUARANTINES**

PUBLIC NOTICE ..... 392  
APPROVALS FOR PROPOSED AMENDMENTS ..... 392  
CHAPTER 1, PLANT AND ANIMAL QUARANTINES ADMINISTRATION AND  
ENFORCEMENT OF EMERGENCY MEASURES ..... 392  
CHAPTER 2, QUARANTINE PROCEDURES AND CONTROLS ..... 398

**TITLE 77, TAXATION AND FINANCE**

PUBLIC NOTICE ..... 399  
APPROVALS FOR PROPOSED AMENDMENTS ..... 399  
CHAPTER 11, TAXES ON SALARIES, WAGES AND GROSS REVENUES OF BUSINESSES ..... 400

**PROPOSED REGULATIONS**

**TITLE 45, FISH, SHELLFISH AND GAME**

PUBLIC NOTICE ..... 401  
APPROVALS FOR PROPOSED REGULATIONS ..... 402  
CHAPTER 5, ENDANGERED SPECIES ..... 402

**TITLE 63, PUBLIC HEALTH, SAFETY AND WELFARE**

PUBLIC NOTICE ..... 403  
APPROVALS FOR PROPOSED REGULATIONS ..... 403  
CHAPTER 17, MILK AND MILK PRODUCTS ..... 403

**PROPOSED AMENDMENTS TO REGULATIONS - GOVERNMENT OF THE NORTHERN MARIANAS**

ELECTRICAL ENERGY RATES ..... 414  
TELEPHONE RATES ..... 415



The Territorial Register is published by the Registrar of Corporations, Office of the Attorney General, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950, under Public Law-5-86. Distribution is made by the Chief of Publications, Department of Public Affairs, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

The Territorial Register provides a uniform system for making available to the public regulations, rules, decisions, orders and notices issued by Territorial agencies and required to be published by Public Law 5-86, and other Territorial agency documents of public interest. It also includes proclamations, orders and directives issued by the President of the United States or the Secretary of the Interior pertaining to the Trust Territory of the Pacific Islands.

The Territorial Register will be furnished by mail to subscribers for \$24.00 per year, payable in advance. The charge for individual copies is \$2.00 for each part as actually bound. Remit check or money order, made payable to the Treasurer, Trust Territory of the Pacific Islands, to the Chief of Publications, Department of Public Affairs, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

There are no restrictions on the republication of material appearing in the Territorial Register.

**TRUST TERRITORY OF THE  
PACIFIC ISLANDS  
Office of the District  
Administrator  
Majuro, Marshall Islands  
EMERGENCY DISTRICT  
ORDER 76-1**

WHEREAS, the population of Ebeye Island (approximately 8,000) has increased in density of people per acre so as to exceed the density per acre of some of the more crowded major cities of the world;

WHEREAS, over considerable period of time, it has been necessary to ration fresh water for drinking, cooking and bathing purposes to two gallons per person per day;

WHEREAS, the salt water system of flushing human waste is not operative at all times causing precious fresh water to be used for sewage disposal;

WHEREAS, inadequate sewage disposal causes human feces to be washed ashore on the beaches of Ebeye;

WHEREAS, the Director of Health Services in his report to the High Commissioner of February 2, 1976, states that inadequate bathing water has led to a high rate of skin disease including scabies;

WHEREAS, the bed occupancy rate for the Ebeye hospital is over one hundred percent (100%), preventing people from being properly hospitalized;

WHEREAS, the Director of Health Services concluded in said report that crowded conditions, inadequate housing, and lack of adequate water make it impossible to maintain an acceptable standard of basic environmental sanitation on Ebeye;

WHEREAS, the essential hospital and sanitation services provided by the Government are no longer adequate to meet the basic needs of the residents thereon; and

WHEREAS, continued immigration of people into Ebeye for purposes of residing thereon would cause additional strain to the already inadequate services provided to the residents thereon.

NOW THEREFORE, I, Oscar de Brum, District Administrator, Marshall Islands District, hereby, pursuant to the authority vested in me in Section 108 of Title 1 of the Trust Territory Code, find that there exists an emergency

creating danger to life and health of the residents on Ebeye Island and declare that no one shall enter Ebeye for purposes of residing thereon without obtaining a written permission from the District Administrator or his representative. All visitors on Ebeye shall leave said island immediately, and no later than 48 hours after the issuance of this Emergency District Order. The word "visitors" for the purposes of this Order shall mean those persons who are not bona fide residents of Kwajalein Atoll.

This Order shall take effect immediately and shall remain in effect until repealed by the District Administrator, or until amended or repealed by the High Commissioner, or until superseded by legislation.

This Emergency District Order is promulgated pursuant to the provisions of Section 108 of Title 1 of the Trust Territory Code and is subject to the limitations imposed therein.

Dated 2:00 p.m., this 13th day of April, 1976, in Majuro, Marshall Islands District.

/s/ Oscar de Brum  
Oscar de Brum  
District Administrator  
Marshall Islands District

The following two documents are printed hereunder for the sole purpose of providing background information on the Marshalls Emergency District Order No. 76-1 and shall in nowise be construed as having legal force or effect:

(a) Nitijela Resolution No. 59, N.D.1

**A RESOLUTION**

Requesting that the District Administrator use his executive power for emergency orders to restrict immigration into the Island of Ebeye and to encourage those without work, means to pay for housing, or a place to live in Kwajalein Atoll, and others who should, to leave.

WHEREAS, the Trust Territory Director of Health Services in his report to High Commissioner states that inadequate bathing water has led to a high rate of skin disease including scabies and that crowded conditions, inadequate housing and lack of water make it impossible to maintain acceptable standards of basic environmental sanitation on Ebeye; and

WHEREAS, the Trust Territory Government does not have sufficient utility capability to provide water, power, and sewage disposal for the high density population on Ebeye; and

WHEREAS, the Congress of Micronesia, in its first regular session, 1976, requested that the High Commissioner declare Ebeye a disaster area, by adopting Resolution Number 6-16; and

WHEREAS, the health and safety of the people who

must live on Ebeye is of concern to all people in the Marshall Islands; and

WHEREAS, the District Administrator of the Marshall Islands District may issue emergency district orders to protect the health and safety of the citizens of the Marshall Islands; therefore.

IT IS RESOLVED by the Marshall Islands Nitijela that the District Administrator should, with the consent and encouragement of the Nitijela, issue an emergency district order to restrict migration to Ebeye and to reduce the population to a safe level, by whatever reasonable means are necessary; and

IT IS FURTHER RESOLVED, that a certified copy of this resolution be sent to the District Administrator of the Marshall Islands District and to the High Commissioner of the Trust Territory of the Pacific Islands.

Certified: 4-12-76

/s/ Atlan Anien  
Atlan Anien, Speaker

(b) June 21, 1976 intra-office memorandum from Ass't Attorney General to Attorney General.

Purpose & Effect

The purpose of the above-referenced Order is two-fold:

- (1) Prohibits entry to Ebeye Island by anyone for purpose of residency therein without prior written permission of the District Administrator or his designated representative ;
- (2) Orders mass exodus of all visitors on Ebeye Island within 48 hours from 2:00 p.m., Tuesday, April 13, 1976. ("Visitors" is defined as those persons who are not bona fide residents of Kwajalein Atoll).

Source of Authority: The issuance of the Order is premised upon 1 TTC 108 Subsection (1) which confers upon the District Administrator the power to "promulgate temporary Emergency District Orders without the Approval of the High Commissioner . . ." upon his finding that a state of emergency exists that may create peril to life, health, public welfare or property. In support of such finding, the Order cites the February 2, 1976 report of the Director of Health Services to the High Commissioner and attaches the Marshalls Nitijela Resolution No. 59.

Duration: The Order took effect immediately upon issuance 2 p.m., Tuesday, April 13, 1976, and remains in force "until repealed by the District Administrator, or until amended or repealed by the High Commissioner, or until superceded by legislation."

Legal Requirements:

Promulgation, Transmittal & Publication.

(a) 1 TTC 109 requires that the Order, upon promulgation, be

posted in public places; be translated into local vernacular and filed with the Clerk of Courts of the District wherein issued.

(b) 1 TTC 108(3) requires the issuing District Administrator to report immediately the issuance to the High Commissioner "for transmission to the next session of the Congress of Micronesia."

(c) 17 TTC 2(1) (g) of the Administrative Procedure Act requires the publication of the Order in the Territorial Register by the Registrar of Corporations as soon as possible.

Comments & Recommendations

While at first blush, the Marshall Emergency District Order No. 76-1 may appear as an encroachment of 1 TTC 8 of the Bill of Right, the freedom of migration and movement within the Trust Territory may be curtailed upon showing of compelling state interest to do so. Thus, the section starts, "subject only to requirements of public order and security . . ."

On its face, issuance of said Order was done in strict compliance with 1 TTC 108. No information available as to compliance with 1 TTC 109, likewise no opinion is passed on this requirement, however, District Administrator, Marshalls was fully advised of this requirement by this office.

As far as inclusion of the Order within the Special Session Call of the Congress of Micronesia, this writer feels this is neither legally required nor necessary. What is required, however, is for the High Commissioner to transmit the same "to the next session of the Congress of Micronesia." The term "next session" necessarily implies regular session of the Congress of Micronesia and does not, in my opinion, include special sessions. As a matter of good government, however, it is hereby recommended that the Acting High Commissioner formally transmit the Order to Congress of Micronesia either prior to or during the Special Session.

It is further opined that, inasmuch as the subject Emergency District Order pertains to the issuing district only and applies restrictively to the Island of Ebeye alone in the Marshalls, it would seem ill advised to include the Order as an item in the Special Session Call. To do so may be misinterpreted that the Congress of Micronesia, as the territorial legislative body, might legislate to repeal validly issued order the primary object of which is to prevent worsening of a peril to life, health and social welfare of the people it is designed to protect. And more, importantly, the issuance of said Order has the blessing of the legislative arm of the issuing district.

/s/ Victorio Uherbelau  
Victorio Uherbelau

\*\*\*\*\*

**TRUST TERRITORY OF THE  
PACIFIC ISLANDS  
Office of the  
High Commissioner  
EMERGENCY ORDER  
NUMBER 76-1**

WHEREAS, pursuant to the Interior Departmental Order Number 2902, as amended, and 2918, and other appropriate laws, the High Commissioner has been charged with the responsibility of the United States as administering authority of the Trust Territory of the Pacific Islands, under Articles 6 and 8 of the Trusteeship Agreement, to promote the health, welfare and public safety of the citizens of the Trust Territory, and,

WHEREAS, in the absence of the High Commissioner, the Acting Deputy High Commissioner, is charged with the rights and responsibilities of the High Commissioner, and

WHEREAS, a franchise agreement of January 17, 1968, as amended in 1973, was made by and between the Trust Territory Government and Continental Airlines, Inc., whereby Continental Airlines agreed to operate scheduled passenger, mail and cargo air service, known as Air Micronesia, Inc., to, from and within the Trust Territory of the Pacific Islands, and to build operate and maintain facilities and services related thereto in every district of the Trust Territory of the Pacific Islands; and

WHEREAS, Air Micronesia is the only air service offering scheduled civilian flights to, from and within the Trust Territory, except for a two flight per week air service by Air Nauru to Majuro, Marshall Islands, and

WHEREAS, any interruption or cessation of the Air Micronesia air service to the Trust Territory will greatly impair or halt the shipment of necessary food, medical and other essential supplies to, from and within the Trust Territory. Further, any such interruption or cessation will greatly impair regular and emergency passenger service to, from and within the Trust Territory; and

WHEREAS, according to information known to the Office of the High Commissioner, it appears that on or about October 23, 1976, the Airline Pilots Association (ALPA), the union which represents all pilots for Continental Airlines, Inc., and Air Micronesia, Inc., will strike said airlines thereby interrupting greatly reducing, or halting Air Micronesia, Inc., service to, from and within the Trust Territory, and

WHEREAS, any interruption, serious reduction or halting of Air Micronesia service to the Trust Territory will endanger the health, welfare and safety of the citizens of the Trust Territory;

NOW, THEREFORE, I, JUAN A. SABLAN, Acting Deputy High Commissioner, of the Trust Territory of the Pacific Islands, pursuant to the authority vested in me by law, find that the pending strike by the ALPA against Air Micronesia endangers the health, welfare and safety of the residents of the Trust Territory, and, therefore, I hereby prohibit such strike, and order the ALPA pilots to continue to operate Air Micronesia aircraft servicing the Trust Territory. Further, Air Micronesia, Inc., is ordered to continue all approved air service to, from and within the Trust Territory.

Dated this 22nd day of October, 1976.

/s/ Juan A. Sablan  
JUAN A. SABLAN  
Acting Deputy High Commissioner

\*\*\*\*\*

**TRUST TERRITORY OF THE  
PACIFIC ISLANDS  
Office of the  
District Administrator  
Palau District  
EMERGENCY ORDER  
NUMBER 76-1**

WHEREAS, pursuant to the Interior Departmental Order Number 2902, as amended, and 2918, and other appropriate laws, the High Commissioner has been charged with the responsibility of the United States as administering authority of the Trust Territory of the Pacific Islands, under Articles 6 and 8 of the Trusteeship Agreement, to promote the health welfare and public safety of the citizens of the Trust Territory, and

WHEREAS, as special representatives of the High Commissioner at the district level of the Trust Territory Government, the district administrators, pursuant to Title 3, Section 52 of the Trust Territory Code, and other appropriate laws, are charged with the responsibility to promote the health, welfare and public safety of the Trust Territory citizens residing in the district; and

WHEREAS, a franchise agreement of January 17, 1968, as amended in 1973, was made by and between the Trust Territory Government and Continental Airlines, Inc., whereby Continental Airlines agreed to operate scheduled passenger, mail and cargo air service, known as Air Micronesia, Inc., to, from and within the Trust Territory of the Pacific Islands, and to build, operate and maintain facilities and services related thereto in every district of the Trust Territory of the Pacific Islands; and

WHEREAS, Air Micronesia is the only air service offering scheduled civilian flights to, from and within the Trust Territory, except for a two flight per week air service by Air Nauru to Majuro, Marshall Islands, and

WHEREAS, any interruption of cessation of the Air Micronesia air service to the Trust Territory will greatly impair or halt the shipment of necessary food, medical and other essential supplies to from and within the Trust Territory. Further, any such interruption or cessation will greatly impair regular and emergency passenger service to, from and within the Trust Territory; and

WHEREAS, according to information known to the Office of the District Administrator, it appears that on or about October 23, 1976, the Airline Pilots Association (ALPA), the union which represents all pilots for Continental Airlines, Inc., and Air Micronesia, Inc., will strike said airlines thereby interrupting, greatly reducing, or halting Air Micronesia, Inc., service to from and within the Trust Territory and

WHEREAS, any interruption, serious reduction or halting of Air Micronesia service to the Trust Territory will endanger the health, welfare and safety of the citizens of the Trust Territory;

NOW, THEREFORE, I, Thomas O. Remengesau District Administrator of the Palau District, pursuant to authority vested in me by law, find that the pending strike by the ALPA against Air Micronesia endangers the health, welfare, and safety of the residents of the Palau District, and, therefore, I hereby prohibit such strike and order the ALPA pilots to continue to operate Air Micronesia Aircraft servicing the Trust Territory. Further, Air Micronesia Inc., is ordered to continue all approved air service to, from and within the Trust Territory.

This Emergency District Order shall take effect immediately and shall remain in effect until repealed by the District Administrator, or until amended or repealed by the High Commissioner, or until superseded by legislation.

This Emergency District Order is promulgated pursuant to the provisions of Section 108 of Title I of the Trust Territory Code and is subject to the limitations imposed therein.

Dated at Saipan this 22nd day of October, 1976, in Marianas District. 1:00 P.M.

/s/ Thomas O. Remengesau  
District Administrator  
Palau District

\*\*\*\*\*

## TITLE 2

### Territorial Government

### Chapter 3

### Adopted Regulations

### Concerning Distribution

### and Collection of

### Outer Island Mail

#### PART 1. GENERAL PROVISIONS

1.1 Authority. These regulations are issued by the High Commissioner in accordance with Public Law No. 6-25, dated April 9, 1975.

1.2 Effective Date. These regulations shall become effective on final publication in the Territorial Register.

1.3 Purpose. The purpose of these regulations is to safeguard the transmittal of outer-island mail and to insure speedy and dependable distribution and collection of mail in the outer-islands.

#### PART 2. COLLECTION AND DISTRIBUTION OF OUTER-ISLAND MAIL

2.1 Central collection point. The District Administrator, by an administrative order, shall designate a central point for collection and distribution of all outer-island mail in the district center. This order shall be posted in suitable public places for the information of the general public.

2.2 Person designated for transporting the mail. The Field Trip Officer on each field trip vessel is designated as the person responsible for transporting the mail, with appropriate care for its safe delivery, to its final destination. In the absence of the Field Trip Officer, the master of the vessel shall be responsible for the safety of the mail.

2.3 Designation of outer-island official responsible for mail distribution and collection. The District Administrator shall designate a person on each outer-island to be responsible for the collection and distribution of the mail.

## TITLE 63

### CHAPTER 13, SUBCHAPTER III

# ADOPTED REGULATIONS CONCERNING THE CONTROL OF EARTHMOVING AND SEDIMENTATION IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

(Release No. 18-74)

## PART 1 GENERAL PROVISIONS

1.1 Authority. Under and by virtue of the provisions of Section 5 of Public Law 4C-78 (63 TTC 501 et seq.) (the Trust Territory Environmental Quality Protection Act, as amended, as it applies to the Trust Territory of the Pacific Islands, and to the control of earthmoving and sedimentation) these regulations are hereby promulgated by the Trust Territory Environmental Protection Board with the approval of the High Commissioner.

1.2 Applicability. These regulations shall apply to all earthmoving activities as defined herein, as follow:

(a) Ongoing activities/operations of a continuous nature such as dredging, quarrying, etc., shall be in compliance with these regulations within one year from the effective date.

(b) Construction operations in progress on the effective date thereof other than those cited in Part 4.2(a) shall comply immediately to the extent possible.

(c) All new projects and new operations that begin on or after the effective date of these regulations.

(d) The Board may grant extensions of the time before the regulations shall apply, on a showing of undue hardship by a person engaged in activities covered by Parts 1.2(a) and (b).

## PART 2. DEFINITIONS

2.1 Applicability. The following words and terms when used in this sub-chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(a) "The Board" - The Trust Territory Environmental Protection Board or its Executive Officer.

(b) "Person" - The term "person" means an individual, corporation, partnership, association, Trust Territory of the Pacific Islands, political subdivision thereof, Trust Territory Agency, municipality, commission, foundation or other institution or entity.

(c) "Earthmoving Activity" - Any construction or other activity which disturbs or alters the surface of the land, a coral reef or bottom of a lagoon, including but not limited to excavations, dredging, embankments, land reclamation in a lagoon, land development, subdivision development, mineral extraction, ocean disposal and the moving, depositing or storing of soil, rock, coral, or earth.

(d) "Erosion" - The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

(e) "Accelerated Erosion" - The removal of the surface of the land through the combined action of man's activities and the natural processes, at a rate greater than would occur by the natural process.

(f) "Sediment" - Soils or other surficial materials transported by water as the result of erosion, earthmoving activity on a reef or in a lagoon, excavation or fill.

(g) "Sedimentation" - The process by which sediment is deposited on the bottom of bodies of water, including, but not limited to, rivers, streams, ponds, lakes, the bottom of lagoons or the tops of underwater reefs.

(h) "Accelerated Sedimentation" - Sedimentation resulting from the combined action of man's activities and the natural processes resulting from storms, heavy rains and the high winds at a rate greater than would result by the natural process.

(i) "Sedimentation Retention Boom" - Such as watertight membrane suspended from floats and weighted to the bottom of water bodies arranged in a linear manner that will confine sediments to the local area of marine earthmoving activity.

(j) "Diversion Terrace" - A channel or dike constructed upslope of a project for the purpose of diverting storm water away from the unprotected slope.

(k) "Conveyance Channel" - A channel other than an interceptor channel used for the conveyance of water through a project area.

(l) "Interceptor Channel" - A channel or dike constructed across a slope for the purpose of intercepting storm water,

reducing the velocity of water flow, and diverting it to outlets where it can be disposed.

(m) "Embankment or Fill" - A deposit of soil, rock, or other material placed by man.

(n) "Excavation" - A cavity formed by, but not limited to, quarrying, dredging, uncovering, displacing, or relocating soil, coral, or rock.

(o) "Land Developer" - Any person who is engaged in land development as the principal, rather than an agent or contractor.

(p) "Land Development" - The construction, installing, placing, planting, or building of surface structures, land reclamation, navigation channels, harbors, utility lines, piers, shopping centers and malls, causeways, golf courses, apartment complexes, hotels, schools, roads, highways, parking areas or any other similar activities.

(q) "Stabilization" - The proper placing, grading and/or covering of soil, rock or earth, including the use of vegetation, to insure their resistance to erosion, sliding or other movement.

(r) "Subdivision" - The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development.

### PART 3. GENERAL REQUIREMENTS

3.1 All earthmoving activities within the Trust Territory of the Pacific Islands shall be conducted in accordance with the regulations and in such a way as to prevent accelerated erosion and acceleration of sedimentation. To accomplish this, all persons engaged in earthmoving activities shall design, implement and maintain erosion and sedimentation control measures which effectively prevent accelerated erosion and accelerated sedimentation. These erosion and sedimentation control measures which effectively prevent accelerated erosion and accelerated sedimentation must be set forth in a plan as described in Part 4 of this subchapter and must be available at all times at the site of the activity, and must if a permit is requested by Part 7.1 be filed with the Board or its designee.

### PART 4 EROSION AND SEDIMENTATION CONTROL PLAN

4.1 The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

4.2 The erosion and sedimentation control plan shall be

designed to prevent acceleration of erosion and acceleration of sedimentation and shall consider all factors which contribute to erosion and sedimentation, including, but not limited to, the following:

(a) The topographic and/or hydrographic features of the project area.

(b) The types, depth, slope and areal extent of the soils, coral and/or reef.

(c) The original state of the area as to plant and animal life.

(d) Whether any coral reef which may be affected by the earthmoving is alive or dead.

(e) The proposed alteration to the area.

(f) The amount of runoff from the project area and the upstream watershed area.

(g) The staging of earthmoving activities.

(h) Temporary control measures and facilities for use during earthmoving activity.

(i) Permanent control measures and facilities for long term protection; and

(j) A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

4.3 If the project involves an earthmoving activity in a lagoon or on a reef or any body of water the plan shall involve showing marine life populations as well as maximum and minimum turbidities. The baseline study shall be made prior to any earthmoving activity by a person trained and experienced in aquatic biology.

### PART 5 EROSION AND SEDIMENTATION CONTROL MEASURES AND ACTIVITIES

5.1 General Requirement. The erosion and sedimentation control facilities set forth in Parts 5.2 and 5.3 of this subchapter (relating to control measures and facilities) shall be approximately incorporated into all earthmoving activities unless the designer of the erosion and sedimentation control plan shows that alteration of these measures and facilities or inclusion of other measures and facilities will prevent accelerated erosion and accelerated sedimentation.

#### 5.2 Control Measures.

(a) Limiting exposed areas. All earthmoving activities shall be planned in such a manner as to minimize the areal extent of disturbed land, reef or lagoon.

(b) Containment of Underwater Sedimentation. All sedimentation resulting from underwater earthmoving activities shall be contained, confined and restricted by the best available technology in such a manner that turbidities resulting will be kept to a minimum.

(c) Velocity Control. All permanent facilities for the conveyance of water around, through or from the project shall be designed or contain appurtenances to limit the velocity of flow in the facilities to less than 1.5 feet per second.

(d) Stabilization. All slopes, channels, ditches or any disturbed area shall be stabilized as soon as possible after the final grade or final earthmoving has been completed within a section or area of the project.

(e) Containment of Fills and Reclaimed Land within Bodies of Water, Tidal Pools/Zones, or within Flood Plains or Zones. Before filling or land development within a body of water or within a tidal zone or within a flood plain or zone, adequate sea walls and/or breakwater facilities shall be constructed to safely contain the fill without failure and to prevent accelerated sedimentation.

(f) Interim Stabilization. Where it is not possible to permanently stabilize a disturbed area immediately after the final earthmoving has been completed or where the activity ceases for more than 20 days, interim stabilization measures shall be promptly implemented.

(g) Collection of Runoff. All runoff from a project area shall be collected and diverted to facilities for removal of sediment.

(h) Solids Separation. Runoff from a project area shall not be discharged to the waters of the Trust Territory of the Pacific Islands without effective means to prevent sedimentation.

### 5.3 Control Facilities.

(a) Sedimentation Retention Booms. These facilities as defined under Part 2.1 i will be used to restrict accelerated sedimentation around earthmoving or earth disturbing activity on reefs or in lagoons in all cases, except when a finding has been made that after actual demonstration that no facilities are needed to prevent accelerated sedimentation. Approval of use of alternate facilities or a finding that no facilities are necessary must be by the Board, its Executive Officer, or other designee.

#### (b) Diversions Terraces.

(1) Diversions terraces shall be constructed up-grade of a project area to convey runoff around the project area. For temporary diversion the channel shall have a capacity to convey 2.0 cubic feet per second per acre of land tributary to it. For permanent diversion, the channel shall have a

capacity to convey 4.0 cubic feet per second per acre of land tributary to it.

(2) Diversions terraces shall be grassed or lined with erosion resistant material to prevent accelerated erosion within the channel.

(3) Outlet structures shall be designed to maintain a discharge velocity of less than 3.0 feet per second and shall be stabilized before use.

(c) Seawall and Breakwater Facilities. Seawalls and/or breakwaters to contain fill or reclaimed land shall be sufficiently watertight to prevent accelerated sedimentation, well constructed on a solid foundation, and to a level at least two feet above the highest tide or flood level of historical knowledge, and those facilities shall be planned, designed and constructed under the direction of a person trained and experienced in building seawalls and breakwater facilities. In cases where the bottom of footings for seawall or breakwater facilities must be placed below the level of mean low tide, the facilities shall be planned, designed and constructed under the direction of an engineer trained and experienced in the building of such structures, and licensed to practice at least in one of the states or territories of the United States.

#### (d) Interceptor Channels.

(1) Interceptor channels may be used within a project area to reduce the velocity of flow and thus prevent accelerated erosion.

(2) Water collected by interceptor channels shall be conveyed to sedimentation basins or to vegetated areas but not directly to streams.

(3) Outlets to vegetated areas shall be designed to maintain an outlet velocity of less than 3.0 feet per second.

(e) Channels of Conveyance. All channels used to convey water through a project area shall be designed to have a velocity of less than 1.5 feet per second. Where this is not possible, the channel shall be grassed or lined with erosion resistant materials.

#### (f) Solids Separation Facilities.

(1) A basin for settling solids out of water shall have a capacity of not less than 8,000 cubic feet for each acre of disturbed project area which drains into the basin.

(2) The basin shall be cleaned when the settling of solids has reduced its capacity to not more than 6,000 cubic feet for each acre of disturbed project area which drains into the settling basin.

(3) Outlet structures shall be designed to pass a minimum of 2.5 cubic feet per second for each acre of project area which drains into the basin.

(4) The outlet structure from a sedimentation basin shall discharge to a natural waterway.

(5) Sedimentation basin shall be structurally sound and protected from unauthorized acts of third parties.

(g) Hydraulic Dredged Fills. The discharge from pumps or hydraulic dredges used to construct fills shall be sufficiently treated and retained long enough with dikes, levees, seawalls or other structures that accelerated sedimentation will not take place in the waters of Trust Territory of the Pacific Islands which receive the effluent. Transmission pipelines transporting fill material will be maintained in a watertight condition at all times of excavation and fill operation.

(h) Ocean-going Barges, Scows or Vessels for Hauling Dredged Soil. Such vessels operating in waters of the Trust Territory of the Pacific Islands will be sufficiently tight and secure that accelerated sedimentation will not occur by reason of leaking or premature dumping due to faulty mechanism.

## PART 6. RESTORATION

6.1 Applicability. The provisions of this Part shall apply to all earthmoving activities which have not been stabilized.

6.2 Stabilization. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion and/or accelerated sedimentation will be prevented.

6.3 Interim Control Measure. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.

6.4 Final Measures. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

## PART 7 PERMITS

### 7.1 Permit Required.

(a) Any person who engages in an earthmoving activity within the Trust Territory of the Pacific Islands shall first obtain from the Board or its designee a permit for the proposed activity except that no permit is required for the following:

(1) Where the earthmoving activity involves plowing or tilling for agricultural purposes.

(2) Where the earthmoving activity is for the purpose of erecting a one or two family residence.

(b) Those persons who qualify under the provisions of (a) (1) and/or (2) above to engage in earth moving activities without a permit must otherwise comply with all of the provisions of this subchapter.

### 7.2 Application for Permit.

(a) Applications for permits shall be on a form approved by the Board and shall be submitted by the person undertaking the earthmoving activity. In the case of land development, the application shall be submitted by the land developer rather than the contractor or agent.

(b) Applications shall be accompanied by an erosion and sedimentation control plan and such other documents as the Board may require.

(c) Applications shall be accompanied by a processing fee of \$100.00, which is not refundable, except that no fee is required by the Government of the Trust Territory. Such processing fee shall be paid to the Treasurer of the Trust Territory for credit to the General Fund of the Congress of Micronesia.

(d) The Board may, prior to the issuance of a permit or to the denial of a permit, hold a public hearing to determine the facts on which to base a decision. Such public hearing shall be on notice as set out below, in 7.3.

7.3 Violations. If the Board finds that a person required to have a permit is engaging in earthmoving activity without a permit, or if the Board finds that a person, with or without a permit, is in violation of any provision of this subchapter, the Board may give notice to the persons of intent to issue an order to cease and desist or to order compliance forthwith with this subchapter or an order that they take remedial and preventive action. In event of such notice to the person or persons, a request may be made by the person or persons affected to the Board, within five days after service thereof, that the Board hold a public hearing on the proposed order or orders. On receipt of this request a public hearing shall be held in accordance with applicable provisions of 63 TTC 506, 507, and 508, as amended, and with applicable provisions of P.L. 5-86. The Board may at the conclusion of the hearing, or, if none requested, at the expiration of the time set in the notice, issue the proposed order or orders. The order or orders shall be final on issuance by the Board.

7.4 Persons adversely affected by an order of the Board made after hearing in accordance with 7.3 above may proceed, pursuant to 63 TTC 508, to request review by the High Court.

7.5 Any person who intentionally or negligently violates a Cease and Desist Order or other order of compliance with this subchapter, shall be liable for fines and penalties as provided in 63 TTC 509, as amended.

## PART 8 RESPONSIBILITIES OF LOCAL GOVERNING BODIES

8.1 Any person who issues loans or permits to build shall notify the Board or its Executive Officer immediately upon receipt of an application for a loan or building permit involving an earthmoving activity, by forwarding to the Board a copy of the application.

8.2 Withholding Loans or Building Permits. No person shall issue a loan or building permit to those engaged in earthmoving activities requiring a Board permit until the Board or its authorized representative has issued the permit pursuant to Parts 7.1 and 7.2 of this subchapter or determined that no permit is required.

issued pursuant to the authority vested in me by Section 2 of Chapter 1, Title 25 of the Trust Territory Code.

Date: 9/2/76 /s/ Eusebio E. Rechucher  
Eusebio E. Rechucher  
Director, Resources and Development

\*\*\*\*\*

The proposed Amendments to the Regulations on Animals and Plants - Quarantine Controls, Chapter I and II, have been reviewed by me and are found to be in proper legal form.

Date: 9/2/76 /s/ Daniel J. High  
for Carlos H. Sali  
Acting Attorney General

The proposed Amendments to the Regulations on Animals and Plants - Quarantine Controls, Chapter I and II, are hereby approved and shall be promulgated in accordance with Sections 1-15 of Title 17 of the Trust Territory Code.

Date: 9/3/76 /s/ Juan A. Sablan  
Juan A. Sablan  
Acting Deputy High Commissioner

\*\*\*\*\*

**TITLE 25**  
**Animals and Plants**  
**Quarantine Controls**  
**Chapter 1**  
**Plant and Animal**  
**Quarantines Administration**  
**and Enforcement of**  
**Emergency Measures**

**PART 1. GENERAL PROVISIONS**

1.1 Authority. The Quarantines in this Chapter have been promulgated and issued by the Chief of Agriculture and approved by the High Commissioner in accordance with Section 2 of Chapter 1, Title 25 of the Code of the Trust Territory, as amended. All previously issued Trust Territory Plant and Animal Quarantines are hereby cancelled and superseded by the quarantines below. (Vol. 1-No. 3 pp 91-97)

1.2 Effective Date. Effective date of these regulations shall be 10 days after final publishing in the Territorial Register.

1.3. Purpose. The quarantines in this Chapter are designed to protect the agricultural and general well-being of the people of the Trust Territory. Quarantines are promulgated as a means of preventing the introduction of, and further spread of injurious insects, pests, and diseases into and within the Trust Territory.

**PUBLIC NOTICE**  
**Proposed Amendments**  
**to Regulations**  
**concerning Animals and**  
**Plants Quarantine Controls**  
**Title 25, Chapters I&II**

The Director of the Department of Resources and Development is proposing amendments to existing regulations issued previously in Volume 1, No. 3 pages 91-99 under Title 25 - Animals and Plants Quarantine Controls. Chapter 1 of Title 25 is entitled "Plant and Animal Quarantines Administration and Enforcement of Emergency Measures" and Chapter II, Title 25 relates to "Quarantine Procedures and Controls".

The substance of the proposed amendments appears in the attached documents bearing the same titles as the same appear above. Copies of the subject proposed amendments may be obtained from the Department of Resources and Development. Views, opinions, facts and data either for or against the proposed amendments are hereby solicited.

Anyone interested in commenting on the proposed amendments may do so by submitting comments in writing to the Department of Resources and Development, Headquarters, Saipan, Mariana Islands within 30 days from the date of this notice. (Date of Publication in the Territorial Register)

Date: 9/2/76 /s/ Eusebio E. Rechucher  
Eusebio E. Rechucher  
Director, Resources and Development

(Parenthetical Material added)

**APPROVALS FOR THE PROPOSED**

**ANIMALS AND PLANTS -- QUARANTINE CONTROLS**

**CHAPTERS I AND II**

The proposed Amendments to the Regulations on Animals and Plants - Quarantine Controls, Chapter 1 and II, have been

1.4. Definitions. When used in this Chapter, unless context otherwise requires, the following definitions shall apply in the interpretation and enforcement of the provisions of this Chapter:

- (a) "Ruminants" - Animals which chew the cud such as cattle, goats, buffaloes, sheep, deer and antelopes.
- (b) "Horses" - Horses, asses and mules.
- (c) "Poultry" - Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, pea fowl and viable eggs of any of the above.
- (d) "Swine" - Domesticated hog.
- (e) "Authorizing Official" - The Trust Territory Chief of Agriculture, the District Agriculturists or other designated official.
- (f) "Authorized Veterinarian" - Any salaried veterinarian officer employed by the national government of any country, state or territory.
- (g) "Quarantine Inspector" - An inspector of the Trust Territory Division of Agriculture authorized by the Chief of Agriculture to enforce the Plant and Animal Quarantine regulations.
- (h) "Trust Territory" - Trust Territory of the Pacific Islands.
- (i) "Atoll" - Typical atoll and any of the low raised coral islands, such as Kili and Fais Island.
- (j) "Agriculture Quarantine Facility" - Government facilities equipped and specifically set aside for holding imported animals and for growing imported plant materials suspected of harboring pests and diseases.
- (k) "Transport within the Trust Territory" - Movement from one island or atoll in one district to another island or atoll in another district. Thus, this definition does not restrict movement between the different islands of one atoll or group of closely located islands such as the islands of the Palau group or the islands within and around the Truk Lagoon.
- (l) "Culture" - Plant and animal tissues or plating on nutritive media of parts thereof.

1.5 Plant and Animal Quarantine Permits. All plants, plant parts for propagative purposes, domestic animals and other animals covered by these regulations and imported into or transported within the Trust Territory must be accompanied by a Trust Territory Plant and Animal Quarantine Permit issued by a Trust Territory authorizing official and must further be accompanied by such certificates as may be required in the permit.

## PART 2. QUARANTINE NO. 1 - BACTERIAL CULTURES, VACCINES, ETC.

2.1 It is prohibited to import into or move from one island to another within the Trust Territory any live cultures of bacteria, virus, fungi or nematode in any form whatsoever unless specific permission has been granted in writing for such importation or movement by the Chief of Agriculture. Bacterial cultures, and living virus or bacterial vaccine imported for Animal Health Service or Public Health purposes are exempted from the provisions of this quarantine. Commercial yeast and yogurt are also exempted.

2.2. It is prohibited to import animal vaccines or animal serums into the Trust Territory without an import permit issued by the Chief of Agriculture. Animal vaccines or animal serums imported for the Trust Territory Animal Health Service are exempted from the provisions of this quarantine. The Chief of Agriculture will maintain an approved list of animal vaccines and serum which may be imported.

## PART 3. QUARANTINE NO. 2 - DOMESTIC ANIMALS

### 3.1 Ruminants and Swine.

(a) Ruminants. It is prohibited to import ruminants from any part of the world into the Trust Territory except from the Continental United States, Hawaii, Canada, Guam, Fiji, and New Zealand.

(b) Swine. It is prohibited to import swine from any part of the world into the Trust Territory except from areas of the United States certified "Hog Cholera Free" by the USDA, Australia, Canada, and New Zealand.

3.2 Horses. Horses may be imported into the Trust Territory only from the U.S. and other countries approved by the Chief of Agriculture and only if accompanied by a certificate issued by an authorized veterinarian in the country or area of origin certifying that no case of dourine, glanders, surra, or equizootic or ulcerative lymphangitis has occurred in the locality or localities in which the horses have been kept during the sixty (60) days immediately preceding the issuance of the certificate. The animals must be accompanied by a certificate stating a negative test for equine piroplasmiasis and glanders was accomplished within 15 days of shipment. Animals may be retested on arrival. Animals must not have received any live virus vaccines within 60 days of shipment. In addition to all of the above listed requirements, the horse(s) must be negative for all other tests listed on the import permit. A certificate signed by an authorized veterinarian should accompany the animals stating which tests were conducted and the results.

3.3. Poultry and Eggs. All live poultry and hatching eggs imported into the Trust Territory must be accompanied by a certificate issued by an authorized veterinarian of the country or area of origin certifying that such poultry and their flock or flocks of origin were inspected within sixty (60) days of exportation and found to be free of evidence of pullorum diseases (bacillary white diarrhea), European fowl pest (fowl

plague), Newcastle diseases (avian pneumoencephalitis) or other communicable diseases. It is prohibited to import poultry, hatching eggs, and table eggs from countries other than the Continental United States, Hawaii, Guam, Australia, and New Zealand. Baby chicks from Okinawa hatcheries approved by the Trust Territory Chief of the Agriculture Division will be accepted. Further, poultry eggs in their embryonic stages (such as "Balot") are prohibited entry into the Trust Territory.

3.4 Meat. It is prohibited to import fresh, chilled, frozen, and/or unprocessed meat or carcass of any kind from any part of the world into the Trust Territory except:

(a) Beef: from the Continental United States, Hawaii, Guam, Fiji, Canada, Australia, New Zealand, and other countries free of exotic diseases provided that each shipment from non-listed countries is accompanied by a permit issued in advance by the Chief of the Trust Territory Agriculture Division.

(b) Pork: from the Continental United States, Hawaii, Guam, Canada, Australia and New Zealand.

(c) Mutton (Sheep): from the Continental United States, Hawaii, Guam, Canada, Australia and New Zealand.

(d) Goat: from the Continental United States, Hawaii, Guam, Canada, Australia and New Zealand.

(e) Poultry Meat: from the Continental United States, Hawaii, Guam, Canada, Australia, and New Zealand.

(f) All other Meat: from the Continental United States, Hawaii, Guam, Canada, Australia, and New Zealand.

3.5 Passage Through Prohibited Areas. It is prohibited to import ruminants and swine and fresh, chilled, frozen and/or unprocessed meat derived from them, from any part of the world into the Trust Territory if the carrier has landed, docked or anchored in any part of the world not listed in paragraph 3.4 after loading the animals and/or meat listed in this paragraph, except if an official seal is placed on the reefer or freezer and maintained to certify that such items have not been exposed between the point of origin and the Trust Territory.

3.6 Semen and Living Serum. It is prohibited to import semen or living animal serum produced in any part of the world into the Trust Territory except from the Continental United States, Hawaii, Guam, Canada, and New Zealand.

3.7 Genital Diseases in Semen. Any animal semen imported into the Trust Territory in accordance with paragraph 3.6 must be accompanied by a certificate issued by an Authorized Veterinarian in the country or area of origin certifying that the semen and the donor animal is free of genital diseases.

3.8. Certificates for Ruminants and Swine. In addition to such certificates as may be required elsewhere in this quarantine, all

live ruminants and swine must be accompanied by the following certificates issued by an Authorized Veterinarian of the country or area of origin.

(a) General certificates of health indicating apparent freedom from infectious diseases, internal and external parasites.

(b) A certificate indicating that the animals concerned have been in the locality from which shipped at least sixty (60) days preceding shipment.

(c) Sheep - A certificate showing that the animals are free of evidence of the disease known as scrapie and that the animals have not been exposed to scrapie during the sixty (60) days preceding the issuance of the certificate.

(d) Goats - Certificate showing that the animals are free of evidence of the disease known as scrapie and that the animals have not been exposed to scrapie during the sixty (60) days preceding the issuance of the certificate. A certificate showing that the animals have been tested for brucellosis and tuberculosis with negative results within thirty (30) days of the issuance of the certificate.

(e) Cattle - A certificate showing that the animals have been tested for brucellosis, tuberculosis, anaphasmosis, and leptospimosis with negative results within thirty (30) days of the issuance of the certificate.

(f) Swine - A certificate stating the following: That the animals originated in a non-quarantined area; the animals had a negative brucellosis test within thirty (30) days of issuance of certificate and that African Swine Fever has not been diagnosed in the country of origin.

All health certificates must be issued, and the inspections resulting in their issuance, must be performed within fifteen (15) days of the time the animals are shipped to the Trust Territory. Animals shall not be moved from said inspection area after issuance of the certificate except for purposes of immediate shipment to the Trust Territory.

3.9 Dogs and Cats. The following certificates issued by an authorized veterinarian or any licensed veterinarian must accompany, along with a Trust Territory Plant and Animal Quarantine Permit, all dogs and cats imported into the Trust Territory or transported from one district into another of the Trust Territory.

(a) Dogs and cats from rabies "Free" countries. The Chief of the Agriculture Division will maintain and publish a current listing as changes occur.

(1) A certificate showing that the animal originated in the exporting country.

(2) A certificate showing that the animal has been vaccinated with a killed (inactivated) rabies virus vaccine or a modified live virus vaccine more than thirty (30) days and less than ninety (90) days prior to entry into the Trust Territory.

(3) A certificate showing that the animal has been dipped or otherwise treated to free that animal of external parasites within five (5) days of the entry.

(4) A certificate showing that the animal is free from any signs of infectious or communicable disease.

(b) Dogs and cats from any other country or area of the world (except the Trust Territory):

(1) A certificate showing that the animal has been held one hundred twenty (120) days in agriculture quarantine facilities in Hawaii, Guam or Saipan.

(2) A certificate showing that the animal has been vaccinated with a killed (inactivated) rabies virus vaccine or a modified live virus vaccine more than thirty (30) days prior to entry into the Trust Territory.

(3) A certificate showing that the animal is free from any signs of infectious or communicable disease.

(4) A certificate showing that the animal has been dipped or otherwise treated to free that animal of external parasites within five (5) days of entry.

(c) Dogs and cats from the Trust Territory or those having been covered under 3.9 (a) and 3.9 (b) being moved from one district to another within the Trust Territory: Certificates for these animals may be issued by a Trust Territory Veterinarian or the District Agriculturist indicating that:

(1) The animal is free from any signs of infectious or communicable disease.

(2) The animal originated in the Trust Territory.

3.10. Quarantine of Imported Animals. Cattle imported into the Trust Territory from any part of the world must be held in quarantine in such Agriculture Quarantine Facilities as may be designated by an authorizing official for a period of thirty (30) days after arrival. All other domestic animals (except dogs and cats) including other ruminants, swine, horses, and poultry over sixty (60) days of age, being imported into the Trust Territory must be held in quarantine as above for fifteen (15) days. Conditions of quarantine will be as specified by a Trust Territory Authorizing Official.

3.11. Garbage Containing Animal Products. All garbage containing animal products from ships or planes whose voyage or flight originated in or passed through any part of the world except the Continental United States, Hawaii, Guam, or Trust Territory Pacific Islands must be held on board the ship or plane while in port, or incinerated under the supervision of an Agricultural Quarantine Inspector, or dumped at sea at least one (1) mile beyond the nearest outer reef. All galley garbage from ships and planes can be considered as containing animal products.

3.12. Bedding and Fodder. All bedding and fodder accompanying domestic animals imported into the Trust

Territory must be dumped at sea at least one (1) mile beyond the reef or burned at the dock or airport of entry.

3.13. Animal By-Product Livestock Feeds. It is prohibited to import animal by-product livestock feeds such as tankage, blood meal, and bone meal from any part of the world into the Trust Territory except from the Continental United States, Hawaii, Guam, Canada, Australia, and New Zealand.

3.14. Disinfection. All blankets, harnesses, crates and other paraphernalia associated with imported animals will be subject to chemical disinfection at destination as determined by a Trust Territory Authorizing Official. If it has been determined that ships or planes have been used for transporting animals to other parts of the world within the preceding year, then chemical disinfection of the ship or plane may be required in accordance with instructions issued by a Trust Territory Authorizing Official. A disinfection fee may be charged.

3.15. Disposition of Contraband. Animals and animal products entered into the Trust Territory in contravention to the provisions of this quarantine may be returned to the country or area of origin, or elsewhere, at the owner's expense, destroyed by fire or other appropriate means, or allowed entry under the provisions of paragraph 3.10, if no pest or disease risk is evident to a Trust Territory Authorizing Official.

#### PART 4. QUARANTINE NO. 3 - OTHER ANIMALS

4.1. The entry into the Trust Territory of wild members of the species of animals covered in Part 3 and all related animals will be allowed only in conformance with the provisions of Part 1, 1.5.

4.2 The entry into or transport within the Trust Territory of all other animals including insects, snails, mammals, birds, reptiles, amphibians, fish and other lower animal organisms will be permitted only upon the issuance of a Plant and Animal Quarantine Permit by the Chief of Agriculture.

4.3. Psittacine Birds (Parrots, Parakeets, Macaws, etc.) and greater and lesser Indian hill mynahs are prohibited entry into the Trust Territory.

4.4. Monkeys are prohibited entry into the Trust Territory and movement from one island to another is prohibited.

#### PART 5. QUARANTINE NO. 4 - FRUITS AND VEGETABLES

5.1. General. It is prohibited to import into the Trust Territory or transport from one district of the Trust Territory into another, any fruits and vegetables except as further provided in this quarantine. Fruits and vegetables which have been cooked, canned, frozen, preserved or otherwise processed in such a manner as to preclude a pest or disease risk are not subject to the provisions of this quarantine. Fruits and vegetables which are imported into the Trust Territory or transported from one district of the Trust Territory to another for purposes of propagation rather than for purposes of consumption are subject to the provisions of Part 6.

5.2. Enterable Fruits and Vegetables. Fruits and vegetables are enterable into the Trust Territory from Australia, Japan, New Zealand, Ryukyu Islands and Taiwan provided they are imported in commercially packaged shipments, accompanied by a phytosanitary certificate issued by an appropriate government agency, indicating that the shipment is free of pests and diseases.

(a) Australia - celery, chives, garlic, leeks, bulb onions, carrots, broccoli, cauliflower, asparagus, apples, pears, turnips, Irish potatoes, green beans, dried beans, strawberries.

(b) Continental United States - All fruits and vegetables providing that such fruits and vegetables are maintained in their original commercial packages and are allowed movement under USDA quarantine regulations.

(c) Guam - Pineapple, radish, taro, betel-nut.

(d) Hawaiian Islands - Pineapple.

(e) Japan - (not including Volcano and Bonin Islands and the Ryukyu Islands) - celery, chives, leeks, onions, asparagus, burdock without tops, horseradish without tops, apples, pears, turnips without tops, green beans, dried beans, grapes, strawberries, plums, apricots, cherries, peaches, persimmons, pomegranates, chayote, garlic, ginger.

(f) Nauru - Breadfruit.

(g) New Zealand - all fruits and vegetables.

(h) Ryukyu Islands (Okinawa) - celery, chives, garlic, leeks, onions, arrowroot, asparagus, burdock without tops, ginger root, horseradish without tops, Irish potatoes, carrots.

(i) South America and Central - bananas, providing such bananas are imported from the United States and providing such bananas have been legally imported into the United States in accordance with U.S. Department of Agriculture Plant Quarantines and Regulations.

(j) Taiwan (Formosa) - celery, chives, garlic, leeks, bulb onions, arrowroot, asparagus, burdock without tops, ginger root, horseradish without tops, Irish potatoes, radish.

5.3 Additions to Enterable List. Fruits and vegetables from other parts of the world and additional fruits and vegetables from the countries listed above will be allowed entry into the Trust Territory providing written permission is given for each importation by the Chief of Agriculture. Written permission will be given by the Chief of Agriculture, when he and his field staff have determined that such fruits and vegetables offer no pest or disease risk to the Trust Territory. Such fruits and vegetables and their localities of origin will then be added to this Quarantine and will henceforth be enterable without restriction except that they will be subject to inspection and may be rejected entry if known to be, or suspected of, harboring pests or diseases.

5.4 Passage of Fruits and Vegetables Through Prohibited Areas. It is prohibited to import into the Trust Territory any fruits or vegetables after they have passed through areas known to be infested with the melon fly, Oriental fruit fly, coconut rhinoceros beetle or other pests not established in the Trust Territory, unless such fruits and vegetables are maintained in the original package and are accompanied by a certificate or any official document showing that such items have not been exposed between the point of origin and the Trust Territory.

(a) Citrus fruits produced in Palau and Yap District are allowed free movement between and among the islands in the Trust Territory except that such fruit is prohibited entry into Kusaie Island and any of the atolls.

(b) Coconuts may be moved within the Trust Territory without restriction providing the perianths (caps) have been removed and providing the coconuts have not sprouted.

(c) Marianas fruit and vegetables are prohibited entry into the rest of the Trust Territory.

#### PART 6. QUARANTINE NO. 5 - PROPAGATIVE MATERIAL

6.1 General. Living plants including cuttings, scions, clones, tubers, bulbs, roots or any other portion of a plant (except seeds) intended for propagation shall be permitted entry into the Trust Territory or movement from one district into another providing a Plant and Animal Quarantine Permit has been issued in accordance with Part 1, paragraph 1.5. Seeds, as such, are not subject to the provisions of this paragraph but are subject to the provisions of paragraph 6.2.

6.2 Seeds. Seeds of flower, grain (except paddy rice), vegetables, forage and green manure plants are enterable into the Trust Territory without restriction providing they are free of insects and disease symptoms and unadulterated with weed seeds. Tree and grass seeds and paddy rice are enterable into the Trust Territory and may be transported from one district to another in the Trust Territory only if accompanied by a Plant and Animal Quarantine Permit. Known weed seeds are prohibited entry into the Trust Territory.

6.3. Prohibited Items from Abroad. It is prohibited to import into the Trust Territory from any other part of the world any plant or any propagative and unprocessed part, including seeds, thereof of the following: coconut, Brazilian rubber (Hevea), Colocasia, taro, banana, citrus, cocoa, sweet potato, cassava, sugarcane, coffee, black pepper and breadfruit except that small quantities of propagative material of these plants may be brought into the Trust Territory by the government of the Trust Territory under a Plant and Animal Quarantine Permit and under conditions of post-entry quarantine for research purposes at Agriculture Quarantine Facilities.

#### 6.4 Prohibited and Restricted Movement of Propagative Materials Within Trust Territory.

(a) Yam tubers and propagative parts, if sprouted, are

prohibited movement from the Northern Mariana Islands and the Yap Islands proper into any other part of the Trust Territory except that these items can be moved without restriction between the Northern Mariana Islands and the Yap Islands proper.

(b) Coconuts may be moved within the Trust Territory without restriction providing the perianths (caps) have been removed and providing the coconuts have not sprouted.

(c) Banana and abaca propagative stock are prohibited movement from Saipan and Tinian into any other part of the Trust Territory

(d) It is prohibited to move Colocasia taro propagative stock from any part of the Trust Territory into Kusaie, Rota, Tinian and the Marshall Islands except that there will be no restriction on the movement of said materials between the islands listed.

(e) Citrus plants, cuttings and other propagative parts are allowed free movement within the Trust Territory except that it is prohibited to move such plants or propagative materials (except seeds) into Kusaie Island and any of the atolls.

#### PART 7. QUARANTINE NO. 6 - FLOWERS.

7.1 Cut flowers, flower leis, corsages, Christmas trees and floral wreaths are enterable into the Trust Territory or movement from one district of the Trust Territory into another district only if such items are surrendered to an agricultural Quarantine Inspector and found upon examination to be free of evidence of pests or plant disease symptoms.

#### PART 8. QUARANTINE NO. 7 - CONSTRUCTION MATERIALS.

8.1. Unpeeled saw logs are prohibited entry into the Trust Territory. Peeled saw logs, lumber and wallboard are enterable into the Trust Territory only if examination by an Agricultural Quarantine Inspector reveals that no termites or boring insects are present in the logs or lumber. Wall and roof thatching materials including grass, cane and palm leaf fronds are prohibited entry into the Trust Territory. Such thatching materials may be moved from one district of the Trust Territory into another district only upon written permission by the Chief of Agriculture. Green and dry bamboo poles are prohibited entry into the Trust Territory except that dry bamboo poles and other bamboo products may be entered into the Trust Territory if the bamboo has been chemically treated, shellacked, varnished, lacquered or painted.

#### PART 9. QUARANTINE NO. 8 - STORED DRIED PRODUCTS

9.1 Stored dried products including rice, apices, other dried human food products, dried animal feeds and copra are enterable into the Trust Territory except that they may be refused entry if they are found infested with storage pest organisms.

#### PART 10. QUARANTINE NO. 9 - SOIL, SAND AND GRAVEL

10.1. It is prohibited to import into or transport from one district of the Trust Territory into another district any soil including compost, forest litter or soil around the roots of plants. It is further prohibited to move any of the above items from any of the high islands of the Trust Territory into any of the atolls or isolated coralline islands in the Caroline and Marshall Islands. Ocean, river, lake or quarry sand and gravel may be imported into and within the Trust Territory only if it is clean and unadulterated with soil or organic matter.

#### PART 11. QUARANTINE NO. 10 - PACKING MATERIAL

11.1. It is prohibited to import into the Trust Territory or transport from one district into another all packing materials except wood, wood shavings, sawdust, paper, processed fibers and materials not originating from plants and animals, except that clean sphagnum moss may be used as living plant packing material for imports into and within the Trust Territory. Among many conceivable packing materials covered by the above prohibition are sugar cane bagasse, rice straw, coconut fronds and baskets and dried grass. It is further prohibited to move banana or abaca leaves or stalks used as packing or wrapping material from Saipan and Tinian to any other island in the Trust Territory.

#### PART 12. QUARANTINE NO. 11 - FRESH ANIMAL FEEDS AND BEDDING

12.1. Unless otherwise enterable under the provisions of Part 3, Quarantine No. 2, Part 4, Quarantine No. 3 and Part 5, Quarantine No. 4, it is prohibited to import into the Trust Territory all fresh animal feeds including grasses, plant leaves, legumes, sugarcane, corn stalks, hay fruits, vegetables and freshmeat. It is further prohibited to import into the Trust Territory or to transport from one district to another in the Trust Territory any plant material and/or animal bedding accompanying animals being moved by ship or aircraft.

#### PART 13. QUARANTINE NO. 12 - GARBAGE

13.1 It is prohibited to import garbage into the Trust Territory. All garbage on board ships and aircraft entering the Trust Territory must be incinerated at the port of entry, kept on the carrier, or dumped at sea one (1) mile beyond the outer reef by the importing carrier.

\*\*\*\*\*

**TITLE 25**  
**Animal and Plants**  
**Quarantine Controls**  
**Chapter II**  
**Quarantine Procedures**  
**and Controls**

**PART 1. GENERAL PROVISIONS**

1.1. Authority. The regulations in this Chapter have been promulgated and issued by the Chief of Agriculture and approved by the High Commissioner in accordance with Section 2 of Chapter I, Title 25 of the Code of the Trust Territory, as amended. All previously issued Trust Territory Plant and Animal Quarantine Regulations are hereby cancelled and superseded by the regulations below. (Vol. 1 No. 3 pp 97-99)

1.2. Effective Date. Effective date of Public Regulation No. 72-8 shall be October 1, 1972.

1.3. Purpose. The procedures and controls in this Chapter are designed to spell out the procedures and controls in the promulgation and enforcement of Plant and Animal Quarantines and to protect the agricultural industry and general well-being of the people of the Trust Territory.

**PART 2. AGRICULTURAL QUARANTINE INSPECTORS**

2.1. The Chief of Agriculture shall nominate and the High Commissioner shall appoint one or more Agricultural Quarantine Inspectors from each district who shall have the authority and responsibility for enforcing the provisions of the Trust Territory Plant and Animal Quarantines and Regulations.

**PART 3. PERMITS**

3.1. Plant and Animal Quarantine Permits are required as a condition of entry into the Trust Territory, or movement from one district to another of the Trust Territory, for those animals and plants covered in Part 3 and Part 6 of regulations under Title 25, Chapter 1, Plant and Animal Quarantine Administration and Enforcement of Emergency Measures. Application forms for Plant and Animal Quarantine Permits can be secured from any District Agriculturists or from the Chief of Agriculture, Trust Territory Headquarters, Saipan, Mariana Islands 96950. In the application form, the importer of plants and/or animals must write the names (common English name if any and preferable scientific name) and quantities of each item to be imported or moved within the Trust Territory. The place of origin and destination of the plants and/or animals must also be specified in the application form.

3.2. Plant and Animal Quarantine Permits shall be issued only for those plants and animals which offer no pest or disease risk to the Trust Territory in the judgment of the person who issues the permit. Conditions under which the plants or animals will be allowed entry under permit will be specified on the permit and must be complied with, otherwise the permit becomes invalid.

3.3. In general, permits will be issued only for each separate importation; however, in special cases approved by the Chief of Agriculture, continuing permits for a stated period may be issued.

**PART 4. INSPECTIONS**

4.1. All animals and plants or parts thereof, entering the Trust Territory or transported within the Trust Territory are subject to inspection by Agricultural Quarantine Inspectors and may be refused entry into or movement within the Trust Territory if they are known to be or are suspected of being infected or infested with diseases or pests. In addition, all aircraft and vessels entering the Trust Territory or moving within the Trust Territory, and their cargoes including baggage, ship's tores and ballast, are subject to inspection by Agricultural Quarantine Inspectors for the purpose of enforcing the quarantines and procedures and controls. It shall be unlawful for anyone to interfere with or to refuse to submit to the above-mentioned inspections.

**PART 5. MANIFESTS AND MOVEMENTS INFORMATION**

5.1. Cargo manifests and other similar documents concerning aircraft and vessels traveling into or within the Trust Territory will be made available to the Agricultural Quarantine Inspectors upon request. Those authorities having information as to the movement of aircraft and vessels will furnish such information to Agricultural Quarantine Inspectors upon request.

5.2. In Transit Material. Any animal, plant, or other quarantinable material in transit through the Trust Territory on aircraft or vessels, will be kept aboard such aircraft or vessel under secured conditions while in port or on any island of the Trust Territory, unless such material is otherwise enterable. If it is necessary to transfer such quarantinable material from one vessel or aircraft to another, such transfer will be made under the direction of an Agricultural Quarantine Inspector, and with such safeguards as he deems necessary.

5.3. Contraband Material. Anything attempted to be entered into or transported within the Trust Territory in contravention to the quarantines and procedures and control will be seized by an Agricultural Quarantine Inspector and destroyed by fire or other appropriate means, or returned to its place of origin or out of the Trust Territory at the importer's expense.

5.4. Disinsectization. Vessels and aircraft traveling into or within the Trust Territory and known to be, or which there are reasonable grounds to suspect of harboring insects or other agricultural pests will be subject to spraying with insecticides or such other treatment as may be deemed necessary by an

Agricultural Quarantine Inspector before passengers, baggage, and cargoes are released.

5.5. Predeparture Inspections.

(a) For the purpose of preventing the spread of the Giant African Snail (Acatina fulica) and the Coconut Rhinoceros Beetle (Oryctes Rhinoceros) within the Trust Territory, it is prohibited for any aircraft or surface vessel to depart from any island within the Trust Territory where one or both of these pests are present enroute to any other island within the Trust Territory where one or both of these pests are not present unless a Predeparture Quarantine Certificate has been issued for the aircraft or surface vessel concerned.

(b) Predeparture Quarantine Inspection Certificates can be issued only by Agricultural Quarantine Inspectors employed by the Trust Territory of the Pacific Islands.

(c) For the purpose of determining when a Predeparture Quarantine Inspection Certificate is required, the following distribution of the Giant African Snail and the Coconut Rhinoceros Beetle will be considered as official: Giant African Snail - Northern Mariana Islands, Palau Islands, islands of Truk Lagoon and the island of Ponape and the small islands immediately surrounding Ponape; Coconut Rhinoceros Beetle - Palau Islands only.

(d) Predeparture Quarantine Inspection Certificates will be issued only after an inspection of the vessel and aircraft concerned and its cargo baggage and stores by a Trust Territory Agricultural Quarantine Inspector or a Trust Territory employee designated to make such an inspection by an Agricultural Quarantine Inspector.

(e) Predeparture quarantine inspections will be made prior to and/or after the loading of the vessel or aircraft at the discretion of the inspector. A cargo manifest must be presented to the inspector by the agents for the vessel or aircraft at least six hours before it is planned to load such cargo, and, at the request of the inspector, such cargo must be made available for inspection by the above-mentioned agents before being loaded on the vessel or aircraft.

(f) Any cargo, baggage, stores, vessel or aircraft determined to be contaminated with living stages of the Giant African Snail or the Coconut Rhinoceros Beetle must be cleaned by the owners or their agents to the satisfaction of the inspector before a Predeparture Quarantine Inspection Certificate will be issued. In cases where the cleaning of cargoes, stores, or baggage is impossible or impracticable, such cargoes, stores, or baggage will be offloaded if already on the vessel or aircraft, or will not be allowed on the ship or aircraft if inspection was made prior to loading; except that in cases where such infested cargoes, stores, or baggage are in transit through the Trust Territory to an area outside the Trust Territory or in transit through the Trust Territory to another part of the Trust Territory where the Coconut Rhinoceros Beetle and/or the Giant African Snail are present, a Predeparture Quarantine Inspection Certificate may be issued subject to special conditions incorporated in the certificate to ensure a minimum quarantine risk at the

in-transit islands.

(g) All persons involved in the transport of materials within the Trust Territory must submit to and facilitate as far as possible the provisions of the preceding paragraphs of this Part (5.5). Such persons will normally involve vessel and aircraft crews, passengers, shippers, agents and Trust Territory employees charged with responsibilities regarding the loading, manifesting and clearance of vessels and aircraft within the Trust Territory.

(h) The foregoing provisions of this regulation in no way modify or reduce the responsibility of Agricultural Quarantine Inspectors and other Trust Territory officials for enforcing the Plant and Animal Quarantines and Plant and Animal Quarantine Procedures and Controls upon the arrival of a certified vessel or aircraft at a Trust Territory port.

PART 6. PENALTIES

6.1. Pursuant to Section 10, Chapter I of Title 25 of the Code of the Trust Territory any person violating any of the provisions of the foregoing Plant and Animal Quarantine Procedures and Controls shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned for a period of not more than six (6) months, or fined not more than fifty dollars (\$50) or both.

\*\*\*\*\*

**PUBLIC NOTICE**  
**Proposed Amendments**  
**to Regulations**  
**Taxation and Finance**  
**Title 77, Chapter II**

The Director of Finance is proposing to establish Amendments to Regulations for Title 77, Trust Territory Code in accordance with Title 17 of the Trust Territory Code.

The major provisions of the proposed amendment deal with:

- 1. Apportionment of wages within and without the Trust Territory.
- 2. Required Records for Tax purposes.
- 3. Collection and Distribution of surtax.

Copies of the proposed Amendments may be obtained from the Department of Finance.

The Department of Finance is soliciting views, opinions, facts and data, for or against the proposed Amendments to the Regulations from the general public.

If you are interested in submitting your comments on the proposed Amendments, please submit them in writing to the Director of Finance, Headquarters, Saipan, Mariana Islands 96950, within 30 days of this notice. (Date of Publication in Territorial Register)

Date: 7/19/76 /s/ T.L. Garrett  
T.L. Garrett  
Acting Director of Finance

(Parenthetical material added)

#### APPROVALS FOR THE PROPOSED

#### AMENDMENTS TO REGULATIONS ON TAXATION AND FINANCE

The proposed Amendments to the Regulations on Taxation and Finance have been issued pursuant to the authority vested in me by Section 154 of Title 77 of the Trust Territory Code.

Date: 7/19/76 /s/ T.L. Garrett  
T.L. Garrett  
Director of Finance

The proposed Amendments to the Regulations on Taxation and Finance have been reviewed by me and are found to be in proper legal form.

Date: 7/16/76 /s/ Daniel J. High  
Daniel J. High  
Acting Attorney General

The proposed Amendments to the Regulations on Taxation and Finance are hereby approved and shall be promulgated in accordance with Sections 1-15 of Title 17 of the Trust Territory Code.

Date: 7/22/76 /s/ Peter T. Coleman  
Peter T. Coleman  
Acting High Commissioner

#### TITLE 77

#### TAXATION AND FINANCE

#### Chapter II

#### Taxes on Salaries, Wages and Gross

#### Revenues of Businesses

#### PART 12. Wages and Salaries of Employees Subject to

Taxation.

This part is amended by adding the following Paragraph 12.3 to the existing regulations.

12.3 Apportionment of Wages within and without the Trust Territory.

a. Trust Territory Government Employees. Wages and salaries paid employees of the Trust Territory Government, its agencies, commissions, boards, authorities or any other governmental units are attributable to personal services performed or rendered within the Trust Territory and no apportionment is appropriate.

b. Employees of Private Employers. Wages and salaries paid to employees of private employers are attributable to personal services rendered within the Trust Territory including paid absences from permanent job location (vacations, sick leaves, educational leaves, and holidays) which are immediately preceded and followed by full time paid employment within the Trust Territory, unless such paid absence exceeds one hundred eighty (180) consecutive days. Taxes collected on wages for paid absences exceeding one hundred eighty days and paid absences not followed by a return to full time paid employment within the Trust Territory will be apportioned for the period commencing with first day the employee departed the Trust Territory after the application for apportionment has been approved.

#### PART 20. Records

20.1 Records Necessary to Substantiate Tax on Gross Revenues of Businesses. For the purpose of ascertaining the correctness of any return, making a return where none has been made, or determining the liability of any person or business for gross revenue tax the following records constitute the minimum documentation and supporting data:

(a) Every business shall keep;

(1) A daily record of all cash receipts showing: date, total cash receipts, cash sales, payments on accounts receivable and miscellaneous receipts. Supporting documents comprised of cash register tapes, sales slips, receipts, and other documents relating to cash received shall be retained in chronological sequence for examination.

(2) A daily record of credit sales showing: date, name of purchaser, invoice/receipt number, amount, and discount (if applicable). Supporting documents consisting of sales invoices or receipts shall be retained in chronological sequence for examination.

(3) A daily record of cash disbursements showing: date, payee, invoice number, amount, discount (if applicable), and purpose of payment. Supporting documents consisting of cancelled checks, receipts, invoices, or other evidence of cash disbursed shall be maintained in chronological sequence for examination.

(4) The business may substitute a check register for the cash disbursement record if all purchases are made by check and all cash receipts are deposited intact to the checking account. The supporting documentation will still be required.

(b) Partnership. Every business shall maintain the records and documents required of a sole proprietor and in addition every business shall keep;

A General Journal with daily entries showing: date, debit account titles, credit account titles, amount, a concise written description of all transactions, and a posting reference showing entries by page number to the Cash Receipts Journal, Sales Journal, and Cash Disbursements Journal. Supporting documents will be the same documents used for cash receipts, cash disbursements, and credit sales and other appropriate documents.

(c) Corporation. Every corporation shall keep the records and documentation required for both sole proprietors and partnerships. In addition every corporation shall keep;

(1) A General Ledger with a separate page for each account showing: month, debit and credit monthly totals, and a posting reference showing the source of the entry.

(2) An accounts receivable subsidiary ledger with separate pages (or cards) for each account showing: date, posting reference, description, debit and credit amounts, and a cumulative balance.

(3) An accounts payable ledger showing: date, vendor's name, invoice number, amount, payments made on account, and a cumulative balance. Supporting documents shall consist of purchase orders, bills of lading, shipping invoices, and other documentation evidencing payments on account.

(4) A balance sheet and a profit and loss statement covering the preceding twelve months prepared annually at the close of its fiscal year.

20.2 Records Necessary to Substantiate Taxes Withheld. For the purpose of ascertaining the correctness of any return, making a return where none has been made, or determining the liability of any employer for withholding tax on wages and salaries the following records constitute the minimum documentation and supporting data required:

(a) Every employer shall keep a payroll ledger for each employee showing: date salary paid, employee's name, hours worked, rate of pay, gross salary, withholding tax, social security tax, salary advances, credits to sales for employee credit purchases, other deductions, and the net salary paid. Supporting documents shall consist of daily time sheets, cash receipts vouchers, credit sales invoices, and other supporting documents.

(b) Every employer shall keep a record of all money expended for personal services showing: date, nature of expense, gross amount, deductions, net amount paid. Supporting documents shall consist of the same data as required for the payroll ledger.

20.3 Appearance and Content of Required Records. Every business or employer required to keep specified records for the purpose of substantiating tax returns shall make record entries in chronological sequence, all entries will be made in ink, no entry shall be erased or obliterated. Corrections to required journals and ledgers will be made by lining through the original entry and making a new correct entry. All entries to required journals and ledgers will be totalled at the end of each page or each complete month's transactions, whichever occurs first.

20.4 Failure to Keep and Maintain Accurate Records. All businesses and employers failing to keep and maintain accurate records required to substantiate tax returns will be notified in writing by the Director of the precise areas in which they are deficient. When a subsequent examination reveals that the deficiency has not been corrected, the Director will proceed to protect the interests of the Trust Territory as provided under Sections 155 and 264, Title 77 of the Trust Territory Code.

#### PART 21. Surtax on Wages and Salaries

21.1 Collection and Distribution of Surtax. The Director of Finance shall assess, levy, collect and distribute any surtax on wages and salaries to the appropriate district treasury based on the designated permanent job location to which an employee is assigned. Temporary assignment to another location for periods of less than one hundred eighty (180) consecutive days will not be considered as changes to the designated permanent job location.

#### PART 22. Surtax on Gross Revenues of Businesses

22.1 Collection and Distribution of Surtax. The Director of Finance shall assess, levy, collect and distribute surtax on gross revenues of businesses to the appropriate district treasury based on the district in which the gross revenue is earned.

\*\*\*\*\*

## **PUBLIC NOTICE**

### **Proposed Regulations**

### **Endangered Species**

### **Title 45, Chapter 5**

The Director of the Department of Resources and Development is proposing to issue regulations for Title 45, Trust Territory Code, Chapter 5, Endangered Species, in accordance with the provisions of Title 17 of the Trust Territory Code.

The substance of the proposed regulations appears in the attached document entitled "Proposed Regulations".

Copies of the proposed regulations may be obtained from the Department of Resources and Development.

The Department of Resources and Development is soliciting views, opinions, facts and data for or against the proposed regulations from the general public.

If you are interested in submitting your comments on these proposed regulations, please submit them in writing to the Department of Resources and Development, Headquarters, Saipan, Mariana Islands within 30 days of the notice. (as published in the Territorial Register)

Date: 9/1/76 /s/Eusebio E. Rechucher  
 Eusebio E. Rechucher  
 Director, Resources & Development

(Parenthetical material added)

APPROVALS FOR THE PROPOSED

Endangered Species Regulations

The proposed Endangered Species Regulations have been issued pursuant to the authority vested in me by Section 108 of Title 45 of the Trust Territory Code.

Date: 9/2/76 /s/Eusebio E. Rechucher  
 Eusebio E. Rechucher  
 Director, Resources & Development

The proposed Endangered Species Regulations have been reviewed by me and are found to be in proper legal form.

Date: 9/2/76 /s/Daniel J. High  
 Daniel J. High  
 Acting Attorney General

The proposed Endangered Species Regulations are hereby approved and shall be promulgated in accordance with Title 17 of the Trust Territory Code.

Date: 9/3/76 /s/Juan A. Sablan  
 Juan A. Sablan  
 Acting Deputy High Commissioner

PROPOSED REGULATIONS  
 TITLE 45  
 FISH, SHELLFISH AND GAME  
 CHAPTER 5  
 ENDANGERED SPECIES ACT

Part 1

1.1 The endangered species of the Trust Territory and their ranges in the Trust Territory are as listed below:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Range in Trust Territory*</u>
<u>Mammals</u>		
Dugong (Sea Cow)	<u>Dugong dugon</u>	Palau

Blue Whale	<u>Balaenoptera musculus</u>	Micronesia
Sperm Whale	<u>Physeter catodon</u>	Micronesia
<u>Birds</u>		
Marianas Duck	<u>Anas ousteleti</u>	Marianas
Palau Grey Duck	<u>Anas superciliosa pelewensis</u>	Palau
Micronesian Megapode	<u>Megapodius laperouse</u>	Palau and Marianas
Palau Nicobar Pigeon	<u>Caloenas nicobarica pelewensis</u>	Palau
Palau Ground-Dove	<u>Gallicolumba canifrons</u>	Palau
Truk Micronesian Pigeon	<u>Ducula oceanica teraokai</u>	Truk
Ratak Micronesian Pigeon	<u>Ducula oceanica ratakensis</u>	Wotje and Arno (Marshall Is.)
Palau Owl	<u>Pyroglaux podargina</u>	Palau
Nightingale Reed-Warbler	<u>Acrocephalus luscina</u>	Marianas, Truk, Ponape, Kusaie
Tinian Monarch	<u>Monarch takatsukasae</u>	Tinian (Marianas)

\*Ranges listed are geographic - not political subdivisions

Palau Fantail	<u>Rhipidura lepida</u>	Palau
Truk Greater White-eye	<u>Rukia ruki</u>	Truk
Ponape Greater White-eye	<u>Rukia longirostra (= R. sanfordi)</u>	Ponape
Palau Blue-Faced Parrot finch	<u>Erythrura trichroa pelewensis</u>	Palau
Ponape Mountain Starling	<u>Aplonis pelzelni</u>	Ponape
Palau White-breasted Wood swallow	<u>Artamus leucorhynchus pelewensis</u>	Palau
Marianas Crow	<u>Corvus kubaryi</u>	Rota (Marianas)

Reptiles

Hawksbill Turtle	<u>Eretmochelys imbricata</u>	Micronesia
Leatherback Turtle	<u>Dermochelys coriacea</u>	Micronesia

Plants

Rock Island Palm	<u>Gulubia palauensis</u>	Palau
Truk Palm	<u>Clinostigma carolinensis</u>	Truk
Palau Palm	<u>Ptychosperm palauensis</u>	Palau
Truk Poison Tree	<u>Semeacarpus kraemeri</u>	Truk
Marianas Serianthes	<u>Serianthese nelsonii</u>	Rota (Marianas)

\*\*\*\*\*

# PUBLIC NOTICE

## Proposed Regulations

### Milk and Milk Products

#### Title 63, Chapter 17

The Director of the Department of Health Services is proposing to establish regulations for Title 63, Trust Territory Code, Chapter 17, Milk and Milk Products in accordance with the provisions of Title 17 of the Trust Territory Code.

The major provisions of the proposed regulations deal with:

1. Permits for the sale and handling of milk and milk products.
2. Suspension or revocation of permits.
3. Labeling of milk or milk products.
4. Inspection of dairy farms and milk processing plants.
5. Examination of Milk and Milk Products.
6. Standards for Milk and Milk Products.

Copies of the proposed regulations may be obtained from the Department of Health Services.

The Department of Health Services is soliciting views, opinions, facts and data, for or against the proposed regulations from the general public.

If you are interested in submitting your comments on these proposed regulations, please submit them in writing to the Department of Health Services, Headquarters, Saipan, Mariana Islands within 30 days of the notice. (as published in the Territorial Register)

Date: 7/8/76

/s/ Ngas Kansou

Ngas Kansou, M.O., M.P.H.  
Acting Director Health Services

(Parenthetical Material added)

#### APPROVALS FOR THE PROPOSED

#### MILK AND MILK PRODUCTS REGULATIONS (Title 63, Chapter 17)

The proposed Milk and Milk Products Regulations have been issued pursuant to the authority vested in me by Section 304 of Title 63 of the Trust Territory Code.

Date: 7/8/76

/s/ Ngas Kansou

Ngas Kansou, M.O., M.P.H.  
Acting Director Health Services

The proposed Milk and Milk Products Regulations have been reviewed by me and are found to be in proper legal form.

Date: 7/6/76

/s/ Daniel J. High

Daniel J. High

Acting Attorney General

The proposed Milk and Milk Products Regulations are hereby approved and shall be promulgated in accordance with Title 17 of the Trust Territory Code.

/s/ Juan A. Sablan

Juan A. Sablan

Acting Deputy High Commissioner

#### TITLE 63 PUBLIC HEALTH, SAFETY AND WELFARE CHAPTER 17 MILK AND MILK PRODUCTS

#### PART 1. GENERAL PROVISIONS

**1.1 Authority and Scope.** The rules and regulations in this Chapter have been prepared by the Director of Health Services and promulgated by the High Commissioner of the Trust Territory of the Pacific Islands in accordance with Title 63 of the Trust Territory Code. These regulations shall have the force and the effect of Law and shall be binding on all natural persons and other legal entities subject to the jurisdiction of the Trust Territory of the Pacific Islands.

**1.2 Definitions.** The following definitions shall apply in the interpretation and the enforcement of this chapter.

**A. Milk** — Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than 8.25 percent milk solids-not-fat and not less than 3.25 percent milkfat. Milkfat or butterfat is the fat of the milk.

**A.1 Goat Milk** — Goat Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk.

**B. Cream** — Cream is the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than 18 percent milkfat.

**B.1 Light Cream.** Coffee Cream or Table Cream — Light Cream, Coffee Cream or Table Cream is cream which contains not less than 18 percent but less than 30 percent milkfat.

**B.2. Whipping Cream.** Whipping Cream is cream which contains not less than 30 percent milkfat.

**B.3. Light Whipping Cream.** Light Whipping Cream is cream that contains not less than 30 percent but less than 36 percent milkfat.

**B.4. Heavy Cream or Heavy Whipping Cream** Heavy Cream or Heavy Whipping Cream is cream which contains not less than 36 percent milkfat.

**B.5. Whipped Cream.** Whipping Cream is whipping cream into which air or gas has been incorporated. Optional ingredients as defined in this section may be added.

**B.6. Whipped Light Cream** — Whipped Coffee Cream or Whipped Table Cream — Whipped Light Cream, Coffee Cream, or Table Cream is cream into which air or gas has been incorporated. Optional ingredients as defined in this section may be added.

**B.7. Sour Cream or Cultured Sour Cream.** Sour Cream or Cultured Sour Cream is a fluid or semifluid cream resulting from the souring, by lactic acid producing bacteria or similar culture, or pasteurized cream, which contains not less than 0.2 percent acidity expressed as lactic acid.

**B.8. Reconstituted or Recombined Half and Half.** Reconstituted or Recombined Half and Half is a product resulting from the combination of reconstituted milk or reconstituted milk or reconstituted skim milk with cream or reconstituted cream, which contains not less than 10.5 percent milkfat.

**C. Half and Half** - Half and Half is a product consisting of a mixture of milk and cream which contains not less than 10.5 percent milkfat.

**C.1 Sour Half and Half or Cultured Half and Half** - Sour Half and Half or Cultured Half and Half is fluid or semifluid half and half derived from the souring, by lactic acid producing bacteria or similar culture, of pasteurized half and half, which contains not less than 0.2 percent acidity expressed as lactic acid.

**D. Reconstituted or Recombined Milk.** Reconstituted or Recombined Milk is a product which results from the combination of nonfat dry milk, dry cream, milkfat with potable water and which complies with the standards for milkfat and solids not fat of milk as defined in this section.

**D.1 Reconstituted or Recombined Milk Products** Reconstituted or Recombined Milk Products shall mean milk products defined in this section which result from the recombining of milk constituents with potable water.

**D.2 Reconstituted or Recombined Cream** - Reconstituted or Recombined Cream is a product which results from the combination of dry cream, milkfat, with cream, skim milk, or potable water and which complies with the milkfat standards of cream as defined in this section.

**D.3 Reconstituted or Recombined Skim Milk** - Reconstituted or Recombined Skim Milk is a product which results from the recombining of skim milk constituents with potable water, and which contains not less than 8.25 percent milk solids not fat.

**D.4. Partially Reconstituted or Recombined Skim Milk** — Partially Reconstituted or Recombined Skim Milk is a fluid product, unsterilized and unsweetened, resulting from the recombining of nonfat dry milk, butter and/or anhydrous

milkfat with potable water to make a partially reconstituted or recombined milk. When further recombined with potable water, in accordance with instructions printed on the container, the resulting product conforms with the standards for milkfat and solids not fat for milk as defined in this section.

**E. Concentrated Milk** — Concentrated Milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which when combined with potable water, results in a product conforming with the standards for milkfat and solids not fat of milk as defined in this section.

**E.1 Concentrated Milk Products** — Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated products (flavored milk), and similar concentrated products made from concentrated milk or concentrated skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products in this section.

**E.2 Frozen Milk Concentrate.** - Frozen Milk Concentrate is a frozen milk product whose composition of milkfat and milk solids not fat is such that when a given volume of concentrate is mixed with a given volume of potable water the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, potable water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged and immediately frozen. This product is stored, transported and sold in the frozen state.

**F. Skim Milk or Skimmed Milk** - Skim Milk or Skimmed Milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.5 percent.

**F.1 Defatted Milk** - Defatted Milk is milk which contains not more than 0.1 percent milk.

**G. Lowfat Milk** - Lowfat Milk is milk from which a sufficient portion of milkfat has been removed to reduce its milk-content to not less than 0.5 percent and not more than 2.0 percent.

**H. Vitamin D Milk and Milk Products** - Vitamin D Milk and Milk Products are milk and milk products, the vitamin D content of which has been increased to at least 400 U.S.P. units per quart by a method approved by the Director.

**I. Fortified Milk and Milk Products** - Fortified Milk and Milk Products are milk and milk products other than vitamin D milk and milk products, the vitamin and/or mineral content of which have been increased by a method and in an amount approved by the Director.

**J. Homogenized Milk** - Homogenized Milk is milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours quiescent storage at 45 degrees F., no visible cream separation occurs on the milk and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

**K. Flavored Milk or Milk Products** - Flavored Milk or Milk Products shall mean milk products as defined in this chapter to which has been added a flavor and/or sweetener.

**K.1. Eggnog Flavored Milk** - Eggnog Flavored Milk is a milk product consisting of a mixture of at least 3.25 percent milkfat, at least 0.5 percent egg yolk solids, sweetener, and flavoring. Emulsifier and a maximum of 0.5 percent stabilizer may be added.

**K.2 Eggnog** - Eggnog is a milk product consisting of a mixture of milk or milk products of at least 6.0 percent milkfat, at least 1.0 percent egg yolk solids, sweetener and flavoring. Emulsified and not over 0.5 percent stabilizer may be added.

**K.3 Eggnog Flavored Lowfat Milk** - Eggnog Flavored Lowfat Milk is a milk product consisting of a mixture of not less than 0.5 percent nor more than 2.0 percent milkfat, at least 0.5 percent egg yolk solids, sweetener, and flavoring. Emulsifier and a maximum of 0.5 percent stabilizer may be added.

**L. Buttermilk** - Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8.25 percent of milk solids not fat.

**L.1 Cultured Buttermilk** - Cultured Buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria or similar culture, or pasteurized skim milk, pasteurized lowfat milk or pasteurized defatted milk.

**M. Cultured Milk, Cultured Milk Products or Cultured Whole Milk Buttermilk** - Cultured Milk, Cultured Milk Products or Cultured Whole Milk Buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria or similar culture, or pasteurized milk or milk products.

**M.1 Yogurt** - Yogurt is a product resulting from the souring of pasteurized milk or pasteurized lowfat milk or pasteurized skim, and nonfat dry milk by lactic acid producing bacteria or similar culture.

**N. Acidified Milk and Milk Products** - Acidified milk and milk products are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half and half, milk, lowfat milk, or skim milk, resulting in a product acidity of not less than 0.2 percent expressed as lactic acid.

**N.1 Imitation Milk** - Imitation Milk is a fluid product in which there is combined one or more edible fats or oils with not less than 8.25 percent of milk solids not fat derived from Grade

AA defatted milk or a combination of potable water and Grade A or ungraded nonfat dry milk. Imitation milk shall contain not less than 3.25 percent by weight of edible fats or oils other than milkfat. Imitation milk may contain one or more of the optional ingredients specified in paragraph N-3 in amounts necessary to accomplish the intended purpose of their use; except that if Vitamin A is used, it is used in such quantity that 8 fluid ounces of the finished product contain not less than 500 U.S.P. units and, when Vitamin D is used, it is used in such quantity that the finished product contains not less than 100 U.S.P. units.

**N.2 Imitation Milk Products** - Imitation Milk Products mean and include any combination of edible fats or oils other than milkfat with milk solids not fat derived from Grade AA defatted milk or a combination of potable water and Grade A or ungraded nonfat dry milk so that the resulting product is in semblance or imitation of one or another of the dairy products listed in paragraph O of Part 1.2 and such others as may be designated by the Director.

With respect to each particular imitation milk product, edible fats or oils other than milkfat shall be present in the same minimum proportion as the minimum milk requirement for the milk product in semblance or imitation of which it is made. Each particular product shall contain not less than the minimum proportion of milk solids not fat as is present in the milk product in semblance of which the imitation milk product is made.

Imitation milk products may contain one or more of the optional ingredients in paragraph N-3 in amounts not in excess of the amount necessary to accomplish the intended purpose of their use.

**N.3 Optional Ingredients for Use in Imitation Milk or Imitation Milk Products** - These Optional Ingredients shall mean and include stabilizers, emulsifiers, color additives, diacetyl and other like flavors, vitamins, minerals, and other similar ingredients.

**O. Milk Products** include cream, light cream, coffee cream, table cream, whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour creams, half and half, sour half and half, cultured half and half, reconstituted or recombined half and half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, frozen milk concentrate, skim milk, skimmed milk, defatted milk, lowfat milk, Vitamin D milk and milk products, fortified milk and milk products, flavored milk or milk products, eggnog flavored milk, eggnog flavored lowfat milk and buttermilk, cultured buttermilk, cultured milk products, cultured whole milk buttermilk, acidified milk and milk products, imitation milk and imitation milk products, flavored skimmed, flavored reconstituted milk, flavored reconstituted or recombined skimmed milk, reconstituted or recombined cream, reconstituted or recombined skim milk, partially reconstituted or recombined milk, partially reconstituted or recombined skim milk, yogurt, and any other product made by the addition of any substance to milk, or to any of these milk

products, and used for similar purposes, and designed as a milk product by the Director after an analysis of the ingredients of the product.

This definition is not intended to include such products as sterilized milk and milk products hermetically sealed in a container and so processed, either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter, dry milk products (except as defined in this section), or cheese except when they are combined with other substance to produce any pasteurized milk or milk product defined in this section.

**P. Grade A Dry Milk Products** - Grade A Dry Milk Products are milk products which have been produced for use in Grade A pasteurized milk products and which have been manufactured under the provisions of Grade A Dry Milk Products Recommended Sanitation Ordinance and Code for Dry Milk Products used in Grade A Pasteurized Milk Products, Supplement 1 to the Milk Ordinance and Code - 1953 Recommendations of the Public Health Services, U.S. Department of Health, Education and Welfare.

**Q. Optional Ingredients** - Optional Ingredients include Grade A or ungraded dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizer, emulsifiers, acidifiers, vitamins, minerals, and similar ingredients.

**R. Adulterated Milk and Milk Products** - Any milk or milk product shall be deemed to be adulterated (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains any added poisons or deleterious substance or which no safe tolerance has been established by State or Federal regulation, or in excess of such tolerance if one has been established; (3) if it consists, in whole or in part, of any substance unfit for human consumption; (4) if it has been produced, processed, prepared, packed or held under insanitary conditions; (5) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; Or (6) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

**R.1 Misbranded Milk and Milk Products** - Milk and Milk Products are misbranded (1) when their containers bear or accompany any false or misleading written printed or graphic matter; (2) when such milk and milk products do not conform to their definitions as contained in this chapter; and (3) when such products are not labeled in accordance with Part 1.5 of this chapter.

**S. Pasteurization** - The term "pasteurization", "pasteurized," and similar terms shall mean the process of heating every particle of milk or milk product to at least 145 degrees F. and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161 degrees F. and holding it continuously at or above this temperature for at least 15

seconds, in equipment which is properly operated and approved by the Director; provided that milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to at least 150 degrees F. and held continuously at or above this temperature for at least 30 minutes, or to at least 166 degrees F. and held continuously at or above this temperature for at least 15 seconds; provided further that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the Director.

**T. Sanitization** is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organism as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of consumer, and shall be acceptable to the Director.

**U. Milk Producer** - A milk producer is any person who operates a dairy farm and provides, sells or offers any milk for sale to a milk plant, receiving station, or transfer station.

**V. Milk Hauler** - A milk hauler is any person who transports raw milk and/or raw milk products to or from a milk plant, a receiving or transfer station.

**W. Milk Distributor** - A milk distributor is any person who offers for sale or sells to another any milk or milk products.

**X. Director** - Director means the Director of Health Services of the Trust Territory of the Pacific Islands or his duly authorized agent or representative.

**X.1 Department** - Department means the Department of Health Services of the Trust Territory of the Pacific Islands.

**Y. Dairy Farm** - A dairy farm is any place or premises where one or more cows or goats are kept, and from which a part of all of the milk or milk product is provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

**Z. Milk Plant and/or Receiving Station** - A milk plant and/or receiving station is any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

**Z.1 Transfer Station** - A transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

**A.A. Official Laboratory** - An official laboratory is a biological, chemical or physical laboratory of any departments or agency of the Trust Territory of the Pacific Islands.

**B.B Person** - The word "person" shall mean any individual, plant operator, partnership, corporation, company, firm, trustee, cooperative or association.

**C.C And/or** - Where the term "and/or" is used, "and" shall apply where appropriate, otherwise "or" shall apply.

1.3 Adulterated or Misbranded Milk or Milk Products: No person shall, within the Trust Territory, produce, provide, sell, offer, or expose for sale, or have in possession with intent to sell any milk or milk which is adulterated, or misbranded. No person shall sell, offer, or have in his possession with intent to sell, any ungraded milk or milk products or imitation milk or imitation milk products.

Any adulterated or misbranded milk or milk product may be impounded, by the Director and disposed of in accordance with applicable laws or regulations.

#### 1.4 Permits:

A. Permit - It shall be unlawful for any person who does not possess a permit from the Director to bring into, send into, or receive into the Trust Territory for sale, or to sell, or offer for sale therein, or to have in storage any milk or milk products, provided that grocery stores, restaurants, soda fountains, and similar establishments where milk or milk products are served or sold at retail, but not processed and/or imported, are exempted from the requirements of this section.

Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to person and/or locations.

B. Issuance of Permit - Every milk producer, milk hauler, milk distributor, and each milk plant, receiving station and transfer station operator shall secure a permit by making a written application on forms provided by the Director.

Upon receipt of such an application, the Director shall make an inspection of the establishment and analyze milk and milk products to determine compliance with the requirements of this chapter. When inspection and analysis of the milk and milk products reveal that the applicable requirements of this chapter have been met, a permit shall be issued to the applicant by the Director.

C. Suspension of Permit - The Director may suspend such permit whenever he has reason to believe that a health hazard exists or whenever the permit holder has violated any of the requirements of this Chapter, or whenever the permit holder has interfered with the Director in the performance of his duties. When the alleged violation creates or appears to create an imminent hazard to the public health, or in any case of willful refusal to permit authorized inspection, the Director may immediately suspend such permit prior to a hearing on the issues. The notice of immediate suspension must be in writing and must inform the permit holder of the reason for the suspension and must notify of the time and place of a hearing wherein he may present evidence in opposition to the suspension. The hearing must be held within 48 hours of the service on the permit holder of the notice of suspension. In all other cases of alleged violation, the Director shall serve upon the permit holder a written notice of intent to suspend such permit, which notice shall specify with particularity the violation in question and

afford the holder such reasonable opportunity to correct the violation as may be agreed to by the parties or, in the absence of agreement, as may be fixed by the Director. If the violation is not corrected to the satisfaction of the Director within a reasonable time, the Director shall set the matter for hearing on notice of intent to suspend the permit. The permittee shall be informed of the time and place of the hearing and afforded an opportunity to present evidence in opposition to the proposed suspension prior to the issuance of an order of suspension.

D. Reinstatement of Suspended Permit - Upon written application of any person whose permit has been suspended, the Director shall within 72 hours thereof, conduct a hearing on such application and shall provide an opportunity for applicant to present evidence on the issues. Following the hearing the Director may affirm, modify or rescind the order of suspension.

E. Revocation of Permit - The Director may give notice of intent to revoke a permit for the violations stated in the notice together with a notice of the time and place where a hearing will be held on the alleged violations. The permittee must have an opportunity to present evidence in opposition to the revocation. After the hearing the Director may affirm, modify or revoke the permit.

F. Sale of Grade B Raw Milk for Manufacturing Purposes - Any milk producer whose permit has been suspended may sell his milk as Grade B raw milk for manufacturing purposes for such products as cheese, ice cream, and other frozen desserts and frozen dairy products, at the approval of the Director.

#### 1.5 Labeling:

A. Labeling of Milk and Milk Products - All bottles, containers, and packages enclosing milk or milk products defined in Section 1 of this chapter shall be conspicuously labeled or marked with.

1. The name of the contents as given in the definition in this chapter.
2. The word "reconstituted" or recombined" if the product is made by reconstitution or recombination.
3. The grade of the contents which shall immediately precede or follow the name of the contents whenever the latter appears on the container.
4. The word "pasteurized" if the contents are pasteurized and the identity of the plant where pasteurized.
5. The word "raw" if the contents are raw and the name or other identity of the producer.
6. The designation "Vitamin D" and the number of U.S.P. units per quart in the case of vitamin D milk or milk products.
7. The volume or proportion of potable water to be added for recombining in the case of concentrated milk or milk products.
8. The words "nonfat dry milk added" and the percentage added if such "nonfat dry milk" has been added, except that the requirement shall not apply to reconstituted or recombined milk or milk products.

9. If artificial sweeteners are used, the words "artificially sweetened" in the name and the statement "Contains . . . saccharin (or saccharin salt, as the case may be), a non-nutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets."

10. The common names of vegetable oils or fats stabilizers, distillates and other ingredients

Other Identity Labeling Requirements Are:

1. The identity of the milk producer shall be required on cans delivered to a milk plant which receives only Grade AA raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the milk producer.

2. The identity of both milk producer and the grade shall be required on cans delivered to a milk plant which receives both Grade AA raw milk for pasteurization and Grade B raw milk for manufacturing purposes, and which immediately dumps, washes, and returns the cans to the milk producer.

3. In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term "Concentrated milk products," e.g. "homogenized concentrated milk," "concentrated skim milk," "concentrated chocolate milk," "concentrated chocolate flavored lowfat milk."

4. In the case of flavored milk or flavored reconstituted milk, the name of the principal flavor shall be substituted for the word "flavored."

5. In the case of cultured milk and milk products, the special type culture used may be substituted for the word "cultured," e.g. "acidophilus buttermilk," "Bulgarian buttermilk," and "yogurt".

6. In the case of Imitation Milk or Imitation Milk Products, (a) the specific name of each product, e.g. "IMITATION-----," the blank to be filled by the name of the dairy product in semblance or imitation of which the imitation milk product is made and (b) a list of the common names of each of the ingredients. However, when Grade AA defatted milk, Grade A nonfat dry milk or Ungraded non-fat dry milk is used as an ingredient, the words "Grade AA defatted milk", "Grade A nonfat dry milk," or "Ungraded nonfat dry milk", as the case may be, shall be indicated in the ingredient statement in letters of uniform size and importance relative to each of the ingredients and in no case may the words "Grade A" or "Grade AA" be printed so as to be misleading.

B. Identity of Vehicles and Tanks - All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the content.

Tanks transporting raw milk and milk products to a milk plant from sources of supply not under the routine supervision of the Director are required to be marked with the name and address of the milk plant or hauler and shall be sealed; in

addition, for each such shipment, a shipping statement shall be prepared containing at least the following information.

1. Shipper's name, address and permit number.
2. Permit number of hauler, if not employee of shipper.
3. Point of origin of shipment.
4. Tanker identity number.
5. Name of product.
6. Weight of product.
7. Grade of product.
8. Temperature of product.
9. Date of shipment.
10. Name of the supervising health authority at the point of origin.
11. Whether the contents are raw, pasteurized, or otherwise heat treated.

Such statement shall be prepared in triplicate and shall be kept on file by the shipper, the consignee, and the carrier for a period of 6 months for the information of the Director.

C. Misleading Labels - The labeling information which is required on all bottles, containers or packages of milk or milk products shall be in letters of an acceptable size, kind, and color satisfactory to the Director and shall contain no marks or words which are misleading.

D. Prevention of Partial Homogenization - Homogenization of milk or homogenized cream shall not be mixed with milk, skim milk, or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in Part 1.2 (J) of this chapter.

1.6 Inspection of Dairy Farms and Milk Plants:

A. Inspection Frequency - Each dairy farm, milk plant, receiving, station, and transfer station whose milk or milk products are intended for consumption within the Trust Territory of the Pacific Islands shall be inspected by the Director prior to the issuance of a permit. Following the issuance of a permit, each dairy farm and transfer station shall be inspected at least once every six (6) months and each milk plant and receiving station shall be inspected at least once every three (3) months. Should the violation of any requirements set forth in Part 1.8 of this chapter be found to exist on an inspection, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before three (3) days; this second inspection shall be used to determine compliance with the requirements of Part 1.8 of this chapter. Any violation of the same requirement of Part 1.8 on such second inspection shall be subject to permit suspension in accordance with Part 1.4C of this chapter and/or court action.

B. Inspection Reports - One copy of the inspection report shall be handed to the operator, or other responsible person, or be posted in a conspicuous place on an inside wall of the establishment. Said inspection report shall not be defaced and shall be made available to the Director upon request. An

identical copy of the inspection report shall be filed with the records of the Director.

C. Access to Establishments and Industry Records - Every milk producer, hauler, distributor, or plant operator shall, upon request of the Director, permit access to all parts of his establishment of facilities to determine compliance with the provisions of this chapter. A distributor or plant operator shall furnish the Director, upon request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, and a list of sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

#### 1.7 The Examination of Milk and Milk Products:

A. Sampling Frequency - During any consecutive 6 months, at least four samples of raw milk for pasteurization shall be taken by the Director from each producer and four samples of raw milk for pasteurization shall be taken by the Director from each milk plant after receipt of the milk by the milk plant and prior to pasteurization. In addition, during any consecutive 6 months, at least four samples of pasteurized milk and at least four samples of each milk product defined in this chapter shall be taken by the Director from every milk plant. Samples of milk and milk products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores, and other places where milk and milk products are sold shall be examined periodically as determined by the Director; and the results of such examination shall be used to determine compliance with Parts 1.3, 1.5, and 1.10, of this chapter. Proprietors of such establishments shall furnish the Director, upon his request, with the names of all distributors from whom milk or milk products are obtained.

B. Examination of Milk and Milk Products - Required bacterial counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer's milk or on comingled raw milk shall be conducted at least four times during any consecutive 6 months. When comingled milk is tested, all producers shall be represented in the sample. All individual sources of milk shall be tested when test results on the comingled milk are positive. Required bacterial counts, coliform determinations, phosphatase and cooling temperature checks shall be performed on pasteurized milk and milk products. All of the above tests and checks are to be performed by the Director.

C. Enforcement Procedures - Whenever two of the last four consecutive bacterial counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the limit of the standard for the milk and/or milk product, the Director shall send a written notice thereof to the person concerned. This notice shall be in effect so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such notice, but not before the lapse of three days. Immediate suspension of permit in accordance with Part 1.4C and/or court action may be instituted whenever the standard is

violated by three of the last five bacteria counts, coliform determinations, or cooling temperatures.

D. Phosphatase Test-Whenever a phosphatase test is positive, the cause shall be determined by the Director. Where the cause is improper pasteurization, it shall be corrected; and any milk or milk product involved shall not be offered for sale.

E. Sampling Procedures - Samples shall be analyzed at an official laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the latest edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the latest edition of Official Methods of Analyses of the Association of Official Agricultural Chemists. Such procedures and examinations shall be evaluated in accordance with the methods of evaluation of milk laboratories recommended by the United States Public Health Service. Examinations and tests shall be conducted to detect adulterants; including pesticides, as the Director shall require. Assays of vitamin D milk or milk products and/or fortified milk and milk products shall be made at least annually in a laboratory acceptable to the Director for such examination and at no cost to the Director.

1.8 Standards for Milk and Milk Products: All Grade AA raw milk for pasteurization, all Grade AA pasteurized milk and milk products, all Grade B raw milk for manufacturing purposes, all reconstituted or recombined milk and milk products, and all imitation milk and imitation milk products shall conform with the following chemical, bacteriological, and temperature standards, and the sanitation requirements of this section.

No process of manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

#### Chemical, Bacteriological and Temperature Standards

##### Grade A raw milk for pasteurization:

temperature - cooled to 50 degrees F., or less and maintained thereat until processed.

bacterial limits - individual producer milk not to exceed 100,000 per ml. prior to comingling; with other producer milk. Not exceeding 300,000 per mil as comingled milk prior to pasteurization.

Antibiotics - no detectable antibiotic residues.

Grade A pasteurized milk and milk products (except cultured products):

temperature - cooled to 45 degrees F., or less and maintained thereat.

bacterial limits - milk and milk products 20,000 per ml.

coliform limit - not exceeding 10 per ml.

phosphatase - less than 1 ug per ml. by Scharer Rapid Method (or equivalent by other means)

Reconstituted or recombined milk and milk products or imitation milk or imitation milk products:

temperature - cooled to 45 degrees or less and maintained thereat.

bacterial limits - ungraded reconstituted or recombined milk and milk products; imitation milk and milk products 30,000 per ml.

Coliform limit - not exceeding 10 per ml.

phosphatase - less than 1 ug. per ml. by Scharer Rapid Method (or other equivalent means).

A. Sanitation Requirements for Grade A Raw Milk for Pasteurization

Item 1. Cowyard - The cowyard shall be graded and drained and shall have no standing pools of water or accumulations of organic wastes; provided that in loafing or cattle-housing areas, cow droppings and soiled bedding shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the soiling of the cow's udder and flanks. Waste feed shall not be allowed to accumulate. Manure packs shall be properly drained and shall not be allowed to accumulate. Manure packs shall be properly drained and shall provide a reasonably firm footing. Swine shall be kept out of the cowyard.

Item 2. Milkhouse or Room - Construction and Facilities - A milkhouse or room of sufficient size shall be provided, in which the cooling, handling and storing of milk and the washing, sanitizing and storing of milk containers and utensils shall be conducted.

The milkhouse shall be provided with a smooth floor constructed of concrete or equally impervious material graded to drain and maintain in good repair. Liquid waste shall be disposed of in a sanitary manner; all floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system.

The walls and ceilings shall be constructed of smooth material, in good repair, well painted, or finished in an equally suitable manner.

The milkhouse shall have adequate natural and/or artificial light and be well ventilated.

The milkhouse shall be used for no other purpose than milkhouse operations; there shall be no direct opening into any barn, stable, or into a room used for domestic purpose; provided that a direct opening between the milkhouse and the milking barn, stable or parlor is permitted when a tightfitting selfclosing solid doorhinged to be single or double acting is provided.

Potable water under pressure shall be piped into the milkhouse. The milkhouse shall be equipped with a two-compartment wash vat and adequate hot water heating facilities.

When a transportation tank is used for the cooling and storage of milk on the dairy farm, such tank shall be provided with a suitable shelter for the receipt of milk. Such shelter shall be adjacent to, but not a part of, the milkroom and shall comply with the requirements of the milkroom with respect to construction, light, drainage, insect and rodent control, and general maintenance.

Item 3. Milkhouse or Room - Cleanliness - The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, non-product contact surfaces of milk containers, and equipment shall be clean. Only articles directly related to milkroom activities shall be permitted in the milkroom. The milkroom shall be free of trash, animals and fowl.

Item 4. Toilet - Every dairy farm shall be provided with one or more toilets, conveniently located and properly constructed, operated, and maintained in a sanitary manner. The waste shall be inaccessible to flies and shall not pollute the soil surface or contaminate any water supply.

Item 5. Water Supply - Potable water for milkhouse and milking operations shall be from an approved supply properly located, protected, and operated and shall be easily accessible, adequate and of a safe, sanitary quality.

Item 6. Utensils and Equipment - Construction - All multiuse containers, equipment and utensils used in the handling, storage, or transportation of milk shall be made of smooth, non-absorbent, corrosion-resistant, non-toxic materials and shall be so constructed as to be easily cleaned. All containers, utensils, and equipment shall be in good repair. All milk pails used for hand milking and stripping shall be seamless and of the hooded type. Multiple-use woven material shall not be used for straining milk. All single-service articles shall have been manufactured, packaged, transported, stored and handled in a sanitary manner and shall comply with the applicable requirements of item 11p of this section. Articles intended for single-service use shall not be reused.

Farm-holding/cooling tanks, welded sanitary piping, and transportation tanks shall comply with the applicable requirements of items 10p and 11p of this section

Item 7. Utensils and Equipment - Cleaning - The product-contact surfaces of all multiuse containers, equipment, and utensils used in the handling, storage, or transportation of milk shall be cleaned after each usage.

Item 8. Utensils and Equipment - Sanitization - The product-contact surfaces of all multiuse containers, equipment, and utensils, used in the handling, storage, or transportation of milk shall be sanitized before each use.

Item 9. Utensils and Equipment - Storage - All containers, utensils, and equipment used in handling, storage, or transportation of milk, unless stored in sanitizing solutions, shall be stored to assure complete drainage, and shall be protected from contamination prior to use.

Item 10. Utensils and Equipment - Handling - After sanitization, all containers, utensils, and equipment shall be handled in such manner as to prevent contamination of any product-contact surface.

Item 11. Milking - Flanks, Udders and Teats - Milking shall be done in the milking barn stable or parlor. The flanks, udders, bellies and tails of all milking cows shall be free from visible dirt. All brushing shall be completed prior to milking. The udders and teats of all milking cows shall be cleaned and treated with a sanitizing solution just prior to the time of milking and shall be relatively dry before milking. Wet hand milking is prohibited.

Item 12. Milking Surcingles, Milk Stools and Antikickers - Surcingles, milk stools and antikickers shall be kept clean and stored above the floor.

Item 13. Milking - Transfer and Protection of Milk - Each pail or container of milk shall be transferred immediately from the milking barn, stable or parlor to the milkhouse. No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.

Item 14. Personnel - Handwashing Facilities - There shall be provided adequate handwashing facilities, including running potable water, soap or detergent, and individual sanitary towels, in the milkhouse and in or convenient to the milking barn, stable, or parlor.

Item 15. Personnel - Cleanliness - Hands shall be washed clean and dried with an individual sanitary towel immediately before milking, before performing any milkhouse function and immediately after the interruption of any of these activities. Milkers and milk haulers shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

Item 16. Cooling - Raw milk for pasteurization shall be cooled to 50 F., or less within 2 hours after milking and shall be maintained at that temperature until delivered.

Item 17. Vehicles - Vehicles used to transport milk in cans from the dairy to the milk plant or receiving station shall be constructed and operated to protect their contents from sun and contamination. Such vehicles shall be kept clean, inside and out; and no substance capable of contaminating milk shall be transported with milk.

Item 18. Insect and Rodent Control - Effective measures shall be taken to prevent the contamination of milk, containers, equipment and utensils by insects and rodents, and by chemicals used to control such vermin. Milkrooms shall be free of insects and rodents. Surroundings shall be kept neat, clean and free of conditions which might harbor or be conducive to the breeding of insects and rodents.

B. Sanitation Requirements for Grade A Pasteurized Milk and Milk Products - A receiving station shall comply with items 1p to 15p, inclusive, and 17p, 20p and 22p, except that the partitioning requirement of item 5p shall not apply.

A transfer station shall comply with items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, and 22p, and as climatic and operating conditions require, the applicable provisions of items 2p and 3p; provided that in every case, overhead protection shall be provided. Facilities for the cleaning and sanitizing of bulk transport tanks shall comply with items 1p, 4p, 6p, 7p, 8p, 9p, 10p, 11p, 12p, 14p, 15p, 20p, and 22p; and as climatic and operating conditions require, the applicable provisions of item 2p and 3p; provided that in every case, overhead protection shall be provided.

Item 1p. Floors - Construction - The floors of all rooms in which milk or milk products are processed, handled, or stored, or in which milk containers, equipment and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material; and shall be smooth, properly sloped, provided with trapped drains, and kept in good repair; provided that cold-storage rooms used for storing milk and milk products need not be provided with floor drains when the floors are sloped to drain to one or more exits; provided further that storage rooms for storing dry ingredients and/or packaging materials need not be provided with drains; and the floors may be constructed of tightly-joined wood.

Item 2p. Walls and Ceilings - Construction - Walls and ceilings of rooms in which milk or milk products are handled, processed, or stored, or in which milk containers, utensils, and equipment are washed, shall have a smooth, washable, light-colored surface, in good repair.

Item 3p. Doors and Windows - Effective means shall be provided to prevent the access of flies and rodents. All openings to the outside shall have solid doors or glazed windows which shall be closed during dusty weather.

Item 4p. Lighting and Ventilation - All rooms in which milk and milk products are handled, processed or stored and/or in which milk containers, equipment, and utensils are washed shall be well lighted and well ventilated.

Item 5p. Separate Rooms - There shall be separate rooms for (1) pasteurizing processing, cooling, and packaging; and (2) cleaning of milk cans and bottles. In addition, plants receiving milk in bulk transport tanks shall provide for cleaning and sanitizing facilities.

Unless all milk and milk products are received in bulk transport tanks, a receiving room, separate from rooms (1) and (2) above, shall be required. Rooms in which milk or

milk products are handled, processed or stored or in which milk containers, utensils and equipment are washed or stored, shall not open directly into any stable or any room used for domestic purposes.

Item 6p. Toilet-Sewage Disposal Facilities - Every milk plant shall be provided with toilet facilities conforming with the regulations of the Department. Toilet rooms shall not open directly into any room in which milk and/or milk products are processed. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing doors. Dressing rooms, toilet rooms, and fixtures shall be kept in a clean condition, in good repair, and shall be well ventilated and well lighted. Sewage and other liquid wastes shall be disposed of in a sanitary manner.

Item 7p. Water Supply - Potable water for milk plant purposes shall be from an approved supply properly located, protected, and operated and shall be easily accessible, adequate, and of a safe, sanitary quality.

Item 8p. Hand-Washing Facilities - Convenient hand-washing facilities shall be provided, including hot and cold and/or warm running potable water, dispenser through mixing valve and faucet, soap and individually sanitary towels or other approved hand-drying devices. Handwashing facilities shall be kept in a clean condition and in good repair.

Item 9p. Milk Plant Cleanliness - All rooms in which milk and milk products are handled, processed, or stored, and/or in which containers, utensils or equipment are washed or stored, shall be kept clean, neat, and free of evidence of insects and rodents. Pesticides shall be safely used. Only equipment direct related to processing operations or to handling of containers, utensils, and equipment shall be permitted in the pasteurizing, processing, cooling, packaging, and bulk milk storage rooms.

Item 10p. Sanitary Piping - All sanitary piping, fittings, and connections which are exposed to milk and/or milk products, or from which liquids may drip, drain or be drawn into milk or milk products, shall consist of smooth, impervious, corrosion-resistant, non-toxic, easily cleanable material. All piping shall be in good repair. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary piping.

Item 11p. Construction and Repair of Containers and Equipment - All multiuse containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, corrosion-resistant, nontoxic material; shall be constructed for ease of cleaning; and shall be kept in good repair. All single-service containers, closures, gaskets and other articles with which milk or milk products come in contact shall be non-toxic, and shall have been manufactured, packaged, transported, and handled in a sanitary manner. Articles intended for single-service use shall not be reused.

Item 12p. Cleaning and Sanitizing of Containers and Equipment - The product-contact surfaces of all multiuse containers, utensils, and equipment used in the transportation,

processing, handling, and storage of milk or milk products shall be effectively cleaned and shall be sanitized before each use.

Item 13p. Storage of Cleaned Containers and Equipment - After cleaning, all multiuse milk or milk product containers, utensils, and equipment shall be transported and stored to assure complete drainage, and shall be protected from contamination before use.

Item 14p. Storage of Single-Service Containers, Utensils and Materials - Single-service caps, cap stock, parchment paper, containers, gaskets, and other single-service articles for use in contact with milk and milk products shall be purchased and stored in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

Item 15p. Protection from Contamination - Milk plant operations, equipment and facilities shall be located and conducted to prevent any contamination of milk or milk products, ingredients, equipment, containers, and utensils. All milk or milk products or ingredients which have been spilled, overflowed, or leaked shall be discarded. The processing or handling of products other than milk and milk products in the pasteurization plant shall be performed to preclude the contamination of such milk and milk products.

Item 16p. Pasteurization - Pasteurization shall be performed as provided in Part 1.2S of this chapter.

Item 17p. Cooling of Milk - All raw milk and milk products shall be maintained at 50 degrees F. or less until processed. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately prior to filling or packaging in approved equipment to a temperature of 45 degrees F. or less. All pasteurized milk and milk products shall be stored at a temperature of 45 degrees F. or less. On delivery vehicles the temperature of milk and milk products shall not exceed 50 degrees F. Every room or tank in which milk or milk products are stored shall be equipped with an accurate thermometer.

Where silo-storage tank is used, a 7-day recorder shall be installed.

Item 18p. Bottling and Packaging - Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

Item 19p. Capping - Capping or closing of milk and milk product containers shall be done in a sanitary manner by approved mechanical capping and/or closing equipment. The cap or closure shall protect the pouring lip to at least its largest diameter.

Item 20p. Personnel - Cleanliness - Hands shall be thoroughly washed before commencing plant functions and as often as may be required to remove soil and contamination. No employee shall resume work after visiting the toilet room without thoroughly washing his hands. All persons engaged in

the processing, pasteurization, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils shall wear clean outer garments. The use of tobacco by any person while he is engaged in the processing of milk or milk products is prohibited.

Item 21p. Vehicles - All vehicles used for transportation of pasteurized milk and milk products shall be constructed and operated so that the milk and milk products are maintained at 50 degrees F. or less, and are protected from sun, from freezing and from contamination.

Item 22p. Surroundings - Milk plant surroundings shall be kept neat, clean and free from conditions which might attract or harbor flies, other insects and rodents, or which otherwise constitute a nuisance.

### 1.9 Animal Health:

A. Tuberculosis Control - All milk for pasteurization shall be from herds which are located in a Modified Accredited Tuberculosis Area as determined by U.S. Department of Agriculture; provided that herds located in an area that fails to maintain such accredited status shall have been accredited by said Department as tuberculosis free, or shall have passed an annual tuberculosis test.

B. Brucellosis Control - All milk for pasteurization shall be from herds under a brucellosis eradication program which meets one of the following conditions:

1. Located in a Certified Brucellosis Free Area as defined by the U.S. Department of Agriculture and enrolled in the testing program for such areas; or

2. Located in a Modified Certified Brucellosis Area as defined by the U.S. Department of Agriculture and enrolled in the testing program for such areas; or

3. Meets U.S. Department of Agriculture requirements for an individually certified herd; or

4. Participating in a milk ring testing program which is conducted on a continuing basis at intervals of not less than every 3 months or more than every 6 months with individual blood tests on all animals in herds showing suspicious reactions to the milk ring test; or

5. Has an individual blood agglutination test annually with an allowable maximum grace period not exceeding 2 months.

C. Other Disease - For disease other than brucellosis and tuberculosis the Director shall require such physical, chemical, or bacteriological tests as he deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency of the Trust Territory of the Pacific Islands. Any diseased animal disclosed by such test shall be disposed of as required by applicable laws.

1.10 Milk and Milk Products Which May Be Sold: Only Grade

AA pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. Ungraded reconstituted or recombined milk or milk products or imitation milk or imitation milk products, may likewise be sold, provided such products are prepared and pasteurized in a milk plant conforming with the sanitary requirements contained in Part 1.8 of this chapter, and provided further that such products do not have an average bacterial plate count after pasteurization greater than 30,000 bacterial per milliliter.

### 1.11. Transferring: Delivery Container:

A. Transferring Milk - Except as permitted in this section no milk producer or distributor shall transfer milk or fluid milk products from one container or tank truck to another on the street, in any vehicle, store, or in any place except in a milk plant, receiving station, transfer station or milkhouse especially used for that purpose. The dipping or lading of milk or fluid milk products is prohibited.

B. Selling and Serving of Milk and Milk Products - It shall be unlawful to sell or serve any milk or fluid milk product except in the individual original container received from the distributor, or from an approved bulk dispenser; provided that this requirement shall not apply to milk for mixed drinks requiring less than one-half pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one gallon capacity, or from a bulk dispenser approved for such service by the Director.

C. Storage of Milk and Milk Products - It shall be unlawful to sell or serve any pasteurized milk or fluid milk product which has not been maintained at a temperature of 45 degrees F., or less. If containers of pasteurized milk or fluid milk products are stored in ice, the storage container shall be properly drained.

D. Return of Container - It shall be the duty of all persons to whom milk products are delivered to clean thoroughly the containers in which such milk or fluid milk products are delivered before returning such containers. Apparatus, containers, equipment and utensils used in the handling, storage, processing or transportation of milk or fluid milk products shall not be used for any other purpose without the permission of the Director.

The delivery of milk or fluid milk products to, and the collection of milk or fluid milk product containers from, residences in which cases of communicable disease transmissible through milk supplies exist shall be subject to the special requirements of the Director.

1.12 Milk and Milk Products from Points Beyond the Limits of Routine Inspection: Milk and milk products not produced in the Trust Territory of the Pacific Islands may be sold in the Trust Territory of the Pacific Islands, provided they are produced and pasteurized under regulations which are substantially equivalent to this chapter and have been awarded an acceptable milk sanitation compliance and enforcement

rating made by a state milk sanitation rating officer certified by the U.S. Public Health Service, U.S. Department of Health, Education and Welfare.

1.13. Future Dairy Farms and Milk Plants: Properly-prepared plans for all milk-houses, milking barns, stables, parlors, transfer stations, receiving stations, and milk plants regulated under this chapter which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the Director for written approval before work is begun.

1.14 Personnel Health: No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk plant operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products, upon whose dairy farm, or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, shall notify the Director immediately.

1.15 Procedure When Infection Suspected: When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the Director may require any or all of the following measures: (1) the immediate exclusion of that person from milk handling; (2) the immediate exclusion of the milk supply concerned from distribution and use; and (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

1.16 Administration and Enforcement: This chapter, insofar as it follows the Grade A: Pasteurized Milk Ordinance with Administrative Procedures -1965 Recommendations of the United States Public Health Service, U.S. Department of Health, Education, and Welfare (a certified copy of which shall be on file in the Offices of the Director, Health Services and the Trust Territory Attorney General) shall be administered and enforced in accordance with the administrative procedures contained therein.

1.17 Severability: If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

\*\*\*\*\*

# PUBLIC NOTICE

## Proposed Amendments to Regulations Government of the Northern Marianas

These regulations are issued by the Resident Commissioner

It is requested that the Saipan Utility Agency Regulation No. 1 effective since 27th January 1966 be amended on the Rules and Regulations for the Utilization of Electricity and shall become effective on final publication in the Territorial Register.

The regulation under Title 11 Section 11.1 Electrical Energy Rate now states:

"The following electrical energy rate is applicable to all electrical energy provided by Saipan Utility Agency to Governmental, Commercial, and Residential consumers."

- (1) Rate per KWH consumer \$0.03
- (2) Minimum charge per month \$1.00

As amended, this section should read: "The following electrical energy rate is applicable to the energy supplied by Saipan Utility Agency to all Government and Civic Residential consumers."

- (1) Rate per KWH consumed \$0.35
- (2) Minimum charge per month \$2.00

Electrical Power Generation and Distribution: Rules and Regulation dated 17th August 1970 Section II. Large Power Service: Subsection C. Rate now states as follows:

\$1.50 per month per KW of billing demand, plus energy charges of:

3.5c per KWH for the First 100 KWH used per month per KW of billing demand

2.5c per KWH for the next 100 KWH used per month per KW of billing demand

2.0c per KWH for all remaining KWH used per month.

As amended the Electrical Energy Rate schedule for all Industrial and Commercial users including government should be as follows:

Where power demand is less than 25 KW, energy billing will be at the rate of .035 per KWH.

If the power demand at any one time exceeds 25 KW, the

consumer will be billed in accordance with the following block schedule:

\$1.65 per month per KW of billing demand, plus energy charges of:

.035 per KWH for the first 100 KWH used per KW of billing demand per month

.325 per KWH for the next 200 KWH used per KW of billing demand per month

.03 per KWH for all the remaining KWH used per month

\*\*\*\*\*

## PUBLIC NOTICE

### Proposed Amendments to Telephone Rates for the Northern Mariana Islands Government of the Northern Marianas

These regulations are issued by the Resident Commissioner.

It is proposed to amend the telephone rates for the Northern Mariana Islands as indicated below. These rates will become effective on final publication in the Territorial Register.

	<u>Proposed Rates</u>
<u>Business and Professional:</u>	
Private line	\$20.00
Two-party line	15.00
Extension	3.00
Rotary line	30.00
Trunk lines/PBX	50.00
 <u>Residential:</u>	
	10.00
	5.00
Private line	3.00
Two party line	1.50
Four-party line	
Extension	
 <u>Installation charges:</u>	
Business and Professional	25.00
Residential	20.00
Extensions	10.00
 <u>Moves or changes</u>	
	20.00

\*\*\*\*\*