



Commonwealth of the Northern Mariana Islands  
Office of the Governor  
Saipan, Mariana Islands 96950

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REPLY TO:

DEPT. or ACTIVITY

January 7, 1983

The Honorable Benigno R. Fitial  
Speaker, House of Representatives  
Third Northern Marianas Commonwealth  
Legislature  
Saipan, CM 96950

and

The Honorable Olympio T. Borja  
President of the Senate  
Third Northern Marianas Commonwealth  
Legislature  
Saipan, CM 96950

Dear Mr. Speaker and Mr. President:

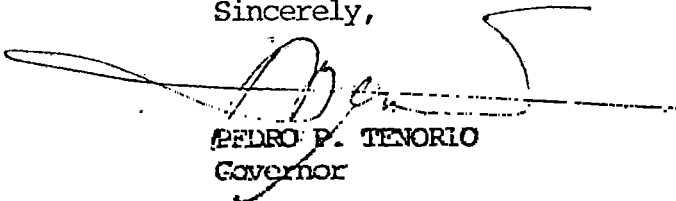
This is to inform you that I have signed into law House Bill No. 5, H.D.1, S.D.1, which was passed by the Third Northern Marianas Legislature.

This bill, entitled, "To establish a Nuclear and Chemical Free Zone, to provide penalties for the violation of this Act, and for other purposes," becomes Public Law No. 3-42, of which copies are forwarded herewith for your ready reference.

The Department of Natural Resources, one of the two departments entrusted with the enforcement of this law, strongly recommended that it be approved by the Governor.

There is no question that a consensus exists among most Pacific Basin governments, including the Commonwealth, strongly opposing nuclear dumping in the Pacific. However, I hope the Legislature did take into consideration, during the concurrent passage of this bill, the considerable amount of money and time it would take to enforce such a law.

Sincerely,



PEDRO P. TENORIO  
Governor

CC: Special Assistant for Programs and Legislative Review

THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
SECOND REGULAR SESSION, 1982

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AN ACT

To establish a Nuclear and Chemical Free Zone, to provide penalties for the violation of this Act, and for other purposes.

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Offered by Representatives Misael H. Ogo, Jose M. Taitano, Francisco T. Cabrera, Vicente C. Guerrero, Miguel M. Sablan, Juan B. Tudela and Vicente M. Sablan.

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Date: January 26, 1982

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House Action

Referred to: Committee on Resources and Development

Standing Committee Report No. 3-71

First Reading: August 31, 1982

Second Reading: September 2, 1982

Final Reading: November 30, 1982

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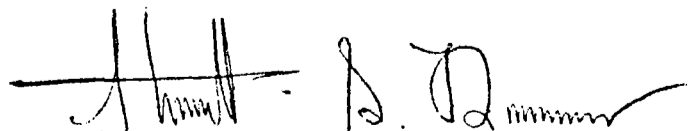
Senate Action

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No. 3-158

First Reading: November 10, 1982

Second Reading: November 24, 1982



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Herbert S. Del Rosario  
Chief Clerk  
House of Representatives

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AN ACT

To establish a Nuclear and Chemical Free Zone, to provide penalties for the violation of this Act, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1       Section 1. Short Title. This Act shall be known as the  
2 "Commonwealth of the Northern Mariana Islands Nuclear and  
3 Chemical Free Zone Act."

4       Section 2. Statement of purpose and policy.

5           (a) The people of the Commonwealth of the Northern  
6 Mariana Islands are dependent upon the resources of the sea for  
7 their economic, social, and political survival and growth.

8           (b) Foreign interests pose a threat to the people of  
9 the Commonwealth by their insistence in dumping nuclear and chemical  
10 wastes in the sea which will not only diminish the availability of  
11 resources for the people of the Commonwealth, but also endanger  
12 their very lives.

13           (c) The purpose of this Act is to implement the intent  
14 of Sections 5(b)(3) and 12 of the Marine Sovereignty Act of 1980  
15 (P.L. No. 2-7) and to ban the dumping of nuclear and chemical wastes  
16 in the ocean and seabed surrounding the Commonwealth.

17       Section 3. Definitions. As used in this Act, unless the  
18 context otherwise requires, the term:

19           (a) "chemical wastes" means the following chemicals  
20 and their compounds:

21               (1) organic halogens;

- 1 (2) metal organic compounds;
- 2 (3) chlorinated hydrocarbon;
- 3 (4) polychlorinated biphenyls;
- 4 (5) polynuclear aromatic hydrocarbon;
- 5 (6) nitrophenols;
- 6 (7) nitrosamines;
- 7 (8) organic and inorganic mercury;
- 8 (9) arsenic;
- 9 (10) lead;
- 10 (11) cadmium;
- 11 (12) antimony;
- 12 (13) chromium (trivalent and hexavalent);
- 13 (14) copper;
- 14 (15) cyanides;
- 15 (16) acrolein;
- 16 (17) acrylonitrile;
- 17 (18) vinyl chloride;
- 18 (19) zinc;
- 19 (20) nickel;
- 20 (21) boron;
- 21 (22) vanadium;
- 22 (23) silver;
- 23 (24) selenium;
- 24 (25) toluene; and
- 25 (26) any other chemical which is toxic to the animal

1 or plant life of the ocean as identified by  
2 any federal law or regulation which is  
3 applicable on its face to the Commonwealth  
4 or by agreement between the Commonwealth and  
5 the United States Environmental Protection  
6 Agency.

7 (b) "deliberate" means an act or failure to act which  
8 is done willfully, intentionally or purposefully, or caused by  
9 gross negligence.

10 (c) "dump" or "dumping" means any deliberate disposal,  
11 depositing, managing, unloading or other placing in the sea, the  
12 seabed or in the sub-seabed of nuclear or chemical wastes.

13 (d) "nuclear wastes" means any material which is  
14 capable of emitting alpha rays, beta rays, gamma rays, electrons,  
15 neutrons or other sub-atomic particulate emissions which may pose  
16 a substantial threat of death, destruction, injury, genetic or  
17 cellular alteration, or other damage to human, animal or marine  
18 life or to the environment.

19 (e) "person" means any person, partnership, corporation,  
20 government, governmental entity, government agency or its  
21 representatives.

22 (f) "sea" means all marine waters other than the internal  
23 waters of the Commonwealth.

24 (g) "vessel or aircraft" means any waterborne or airborne  
25 craft of any type whatsoever.

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1           **Section 4. Nuclear and Chemical Free Zone, Establishment.**

2   There is hereby established a Nuclear and Chemical Free Zone  
3   which shall be the same as the Exclusive Economic Zone provided  
4   by Section 12 of the Marine Sovereignty Act of 1980, (P.L. 2-7).

5           **Section 5. Prohibited Acts.** (a) It is unlawful for any  
6   person to dump any nuclear or chemical wastes in the Nuclear  
7   and Chemical Free Zone established pursuant to Section 4 of this  
8   Act.

9           (b) It is unlawful for any person to dump crude oil,  
10   fuel oil, heavy diesel oil, lubrication oil, hydraulic fluid, or  
11   any mixture or any petroleum based product containing any of  
12   these in the Nuclear and Chemical Free Zone established by  
13   Section 4 of this Act.

14           (c) It is unlawful for any person to dump material  
15   produced for biological and chemical warfare in the Nuclear  
16   and Chemical Free Zone established by Section 4 of this Act.

17           **Section 6. Enforcement.** (a) Primary responsibility for  
18   enforcement of this Act shall be assumed by the Department of  
19   Natural Resources and the Coastal Resources Management Office.

20           (b) Any officer who is authorized by the Department of  
21   Natural Resources and the Coastal Resources Management Office to  
22   enforce the provisions of this Act may:

23                   (1) arrest any person, if there exists  
24                               probable cause to believe that such  
25                               person has committed an act prohibited

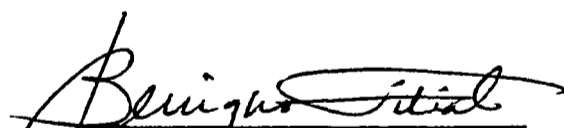
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- 1 by Section 5 of this Act;
- 2 (2) board, search or inspect any vessel or  
3 aircraft which may be found within the  
4 Exclusive Economic Zone upon probable  
5 cause that such vessel or aircraft may  
6 have on board any substance proscribed  
7 for dumping by this Act;
- 8 (3) seize any vessel or aircraft used or  
9 employed in, or when there exists  
10 probable cause to believe that such  
11 vessel or aircraft was used or employed  
12 in violation of any provision of this Act;
- 13 (4) seize any other evidence related to any  
14 violation of any provision of this Act;
- 15 (5) execute any warrant or other process  
16 issued by any court of competent  
17 jurisdiction.

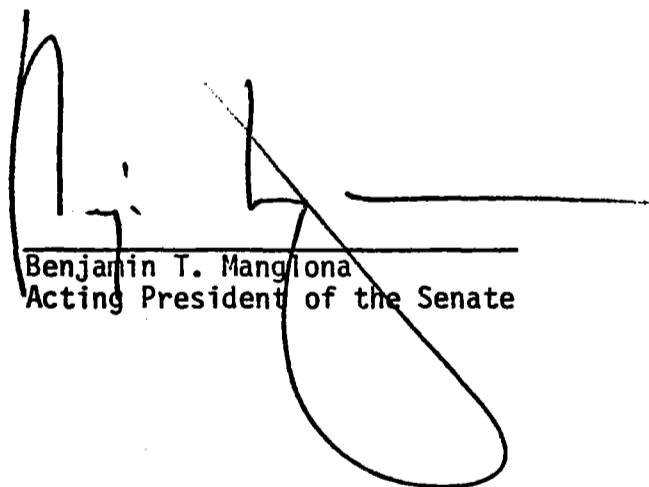
18 Section 7. Criminal Penalties. In addition to the civil  
19 and criminal penalties provided in the Marine Sovereignty Act  
20 of 1980 (P.L. 2-7), a person is guilty of a felony offense if  
21 he knowingly and willfully commits any act prohibited by this Act  
22 or knowingly or willfully aids, abets or assists another in such  
23 commission. Conviction of any violation of this Act shall be  
24 punished by a fine of not more than one million dollars,  
25 imprisonment of not more than ten years, or both.

1 Section 8. Civil Penalties. In addition to the civil and  
2 criminal penalties provided in the Marine Sovereignty Act of  
3 1980 (P.L. 2-7), any person who violates any provision of this  
4 Act may be fined in an amount of not more than one million  
5 dollars. Any vessel or aircraft used in any connection with a  
6 violation of this Act is subject to forfeiture to the government  
7 of the Commonwealth. The crew and personnel of such vessel or  
8 aircraft may be detained and summarily deported if criminal charges  
9 are not anticipated.


10 Section 9. Severability. If any provision of this Act, or  
11 the application of any such provision to any person or circumstances,  
12 shall be held invalid by a court of competent jurisdiction, the  
13 remainder of this Act, or the application of such provision to  
14 persons or circumstances other than those to which it held invalid,  
15 shall not be affected thereby.

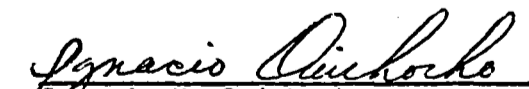
16 Section 10. Effective Date. This Act shall take effect  
17 upon its approval by the Governor, or upon its becoming law  
18 without such approval.

  
Benigno R. Fitial  
Speaker of the House

  
Benjamin T. Mangiona  
Acting President of the Senate

ATTEST:

  
Herbert S. Del Rosario  
Chief Clerk

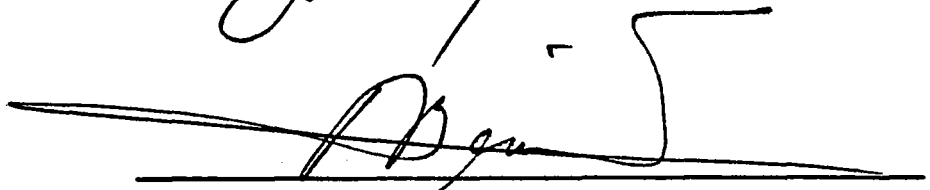
  
Ignacio K. Quichocho  
Senate Legislative Secretary



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January 7, 1983



Pedro P. Tenorio  
Governor  
Commonwealth of the Northern Mariana Islands