

# Enforcement Order of the Act on Preventing Mercury Pollution of the Environment

(Cabinet Order No. 378 of November 11, 2015)

The Cabinet hereby enacts this Cabinet Order under the provisions of Article 2, paragraph (1), Article 19, Article 21, paragraph (1), and Article 30 of the Act on Preventing Mercury Pollution of the Environment (Act No.42 of 2015).

(Specified Mercury-using Products)

Article 1 Products provided by Cabinet Order referred to in Article 2, paragraph (1) of the Act on Preventing Mercury Pollution of the Environment (hereinafter referred to as "the Act") as specified mercury-using products (hereinafter simply referred to as "specified mercury-using products") are the following:

(i) batteries (excluding the following):

(a) silver oxide batteries (limited to those with a mercury content of less than one percent by weight that are button batteries);

(b) zinc air batteries (limited to those with a mercury content of less than two percent by weight that are button batteries);

(ii) switches and relays;

(iii) single-ended compact fluorescent lamps and self-ballasted fluorescent lamps used for general lighting purposes (limited to those with a mercury content per lamp burner exceeding five milligrams that have a rated power consumption not exceeding 30 watts);

(iv) the following linear fluorescent lamps (LFLs) used for general lighting purposes:

(a) those with a mercury content per lamp exceeding five milligrams that have a rated power consumption of less than 60 watts and use triband phosphor;

(b) those with a mercury content per lamp exceeding 10 milligrams, that have a rated power consumption not exceeding 40 watts and use halophosphate phosphor;

(v) high pressure mercury vapor lamps used for general lighting purposes;

(vi) the following cold cathode fluorescent lamps (CCFL) and external electrode fluorescent lamps (EEFL) used for electronic displays:

(a) those with a mercury content per lamp exceeding 3.5 milligrams and a length not exceeding 500 millimeters;

(b) those with a mercury content per lamp exceeding five milligrams and a length exceeding 500 millimeters but not exceeding 1,500 millimeters;

(c) those with a mercury content per lamp exceeding 13 milligrams and a

- length exceeding 1,500 millimeters;
- (vii) cosmetics (referring to products that are intended to be used on the human body by rubbing, sprinkling or other similar means, for cleansing, beautifying or increasing physical attractiveness, altering the appearance, or keeping the skin or hair in good condition, that have mild effects on the human body);
  - (viii) chemical agents used for controlling infestation by animals, plants or viruses (excluding preservatives whose active component is sodium ethylmercurithiosalicylate (also referred to as "thimerosal") (excluding those containing mercury or mercury compounds (meaning those provided for in Article 1 of the Act) other than sodium ethylmercurithiosalicylate) that are added to the pharmaceuticals provided for in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Products Including Pharmaceuticals and Medical Devices (Act No. 145 of 1960) and the regenerative medicine products provided for in paragraph (9) of that Article);
  - (ix) barometers (excluding electric barometers);
  - (x) hygrometers (excluding electric hygrometers and those manufactured using the glass thermometers listed in item (xii)(a) as components);
  - (xi) manometers (excluding electric manometers and the following diaphragm manometers capable of measuring temperatures of at least 230 degrees Celsius with a scale interval (meaning those provided in Article 2, item (ii)(a)1 of the Enforcement Order of the Measurement Act (Cabinet Order No. 329 of 1993); the same applies hereinafter) not exceeding five MPa, and vacuum gauges capable of conducting measurements under significant temperature fluctuations, significant vibration, and other severe conditions):
    - (a) Macleod vacuum gauges with a maximum measurable pressure (meaning absolute pressure; the same applies in (b)) not exceeding 1,300 Pa and a scale interval not exceeding 300 Pa;
    - (b) U-tube vacuum gauges with a maximum measurable pressure not exceeding 66,000 Pa and a scale interval not exceeding 200 Pa;
  - (xii) thermometers (excluding electric thermometers and the following glass thermometers (excluding clinical thermometers)):
    - (a) those with a maximum measurable temperature not exceeding 300 degrees Celsius and a scale interval not exceeding 0.5 degrees Celsius (excluding those falling under (c));
    - (b) those with a maximum measurable temperature exceeding 300 degrees Celsius but not exceeding 500 degrees Celsius, and a scale interval not exceeding two degrees Celsius (excluding those falling under (c));
    - (c) those capable of measuring temperatures of hydrochloric acid, sulfuric acid, and other highly corrosive chemicals, with a maximum measurable temperature exceeding 200 degrees Celsius but not exceeding 500 degrees

Celsius, with a scale interval not exceeding two degrees Celsius; and  
(xiii) sphygmomanometers (excluding electric sphygmomanometers).

(Manufacturing Processes)

Article 2 The manufacturing processes specified by Cabinet Order referred to in Article 19 of the Act are to be the manufacturing processes for the following products:

- (i) sodium hydroxide or potassium hydroxide;
- (ii) acetaldehyde;
- (iii) chloroethylene (also referred to as vinyl chloride);
- (iv) sodium methylate, sodium ethylate, potassium methylate, or potassium ethylate; and
- (v) polyurethane.

(Mercury or Mercury Compounds Specified by Cabinet Order referred to in Article 21, paragraph (1) of the Act)

Article 3 The mercury or mercury compounds provided for by Cabinet Order referred to in Article 21, paragraph (1) of the Act are to be the following:

- (i) mercury (where it is mixed with other substances (including when it is contained in alloys of mercury and other metals), limited to mixtures with a mercury concentration of at least 95 percent by weight);
- (ii) mercury (I) chloride (when it is mixed with other substances, limited to mixtures with a mercury (I) chloride concentration of at least 95 percent by weight);
- (iii) mercury (II) oxide (when it is mixed with other substances, limited to mixtures with a mercury (II) oxide concentration of at least 95 percent by weight);
- (iv) mercury (II) sulfate (when it is mixed with other substances, limited to mixtures with a mercury (II) sulfate concentration of at least 95 percent by weight);
- (v) mercury (II) nitrate and mercury (II) nitrate hydrate (when it is mixed with other substances, limited to mixtures with a mercury (II) nitrate and mercury (II) nitrate hydrate concentration of at least 95 per cent by weight); and
- (vi) mercury sulfide (including mercury sulfide contained in cinnabar, and when it is mixed with other substances (excluding when it is contained in cinnabar), limited to mixtures with a mercury sulfide concentration of at least 95 percent by weight).

**Supplementary Provisions [Extract]**

(Date of Enforcement)

Article 1 This Cabinet Order comes into effect as of the date on which the Minamata Convention on Mercury becomes effective for Japan; provided, however, that the provisions set forth in the following items come into effect as of the date specified respectively in those items:

- (i) provisions of the following Article: July 1, 2017;
- (ii) provisions of Article 1, item (i) (excluding alkaline manganese batteries that are button batteries), item (iii), item (iv), and items (vi) through (viii) (excluding antiseptics for which 2,7-dibromo-4-hydroxymercurifluoroscein disodium salt is the active component (hereinafter referred to as "mercurochrome solution")) : January 1, 2018;
- (iii) provisions of Article 3 of the Supplementary Provisions: July 1, 2020; and
- (iv) provisions of Article 1, item (i) (limited to alkaline manganese batteries that are button batteries), item (ii), item (v), items (viii) (limited to mercurochrome solution) through (xiii), and the provisions of Article 4 of the Supplementary Provisions: December 31, 2020.

(Preparatory Acts for being Licensed or Approved for Manufacturing Specified Mercury-using Products)

Article 2 (1) A person seeking the licensing referred to in Article 6, paragraph (1) of the Act pertaining to specified mercury-using products listed in Article 1, item (i) (excluding alkaline manganese batteries which are also button batteries), item (iii), item (iv), and items (vi) through (viii) (excluding mercurochrome solution) may make the relevant applications in accordance with the provisions of Article 6, paragraph (2) of the Act, even prior to the date of enforcement listed in the provisions of item (ii) of the preceding Article.

(2) A person seeking an approval referred to in Article 3 of the Supplementary Provisions of the Act pertaining to specified mercury-using products provided for in the preceding paragraph may make the relevant applications, even prior to the date of enforcement of the provisions listed in item (ii) of the preceding Article.

Article 3 (1) A person seeking a license referred to in Article 6, paragraph (1) of the Act pertaining to specified mercury-using products listed in Article 1, item (i) (limited to alkaline manganese batteries that are button batteries), item (ii), item (v), or item (viii) (limited to mercurochrome solution) through item (xiii) may apply for the license in accordance with the provisions of Article 6, paragraph (2) of the Act, even prior to the enforcement date of the provisions listed in Article 1, item (iv) of the Supplementary Provisions.

(2) A person seeking an approval referred to in the following Article pertaining to specified mercury-using products as provided for in the preceding paragraph

may apply for the approval, even prior to the enforcement date of the provisions listed in Article 1, item (iv) of the Supplementary Provisions.

(Transitional Measures concerning Restrictions on Use of Specified Mercury-using Products)

Article 4 The provisions of Article 12 of the Act do not apply when specified mercury-using products provided for in paragraph (1) of the preceding Article are manufactured or imported during the period between the enforcement date of the provisions of Article 12 of the Act (January 1, 2018) and the day prior to the date provided for in Article 1, item (iv) of the Supplementary Provisions, and the specified mercury-using products whose use is approved by the minister responsible for business relating to the manufacture or import of the relevant specified mercury-using products as complying with the uses permitted by the Convention, are used as components for manufacturing other products.