

# Air Pollution Control Act

(Act No. 97 of June 10, 1968)

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## Chapter I General Provisions

(Purpose)

Article 1 The purposes of this Act are to protect the health of citizens and to protect the living environment from air pollution by, among other things, controlling emissions, etc. of Soot and Smoke, Volatile Organic Compounds, and Particulates associated with the business activities of factories and workplaces and with the demolition, etc. of buildings, etc., by promoting the implementation of measures against hazardous air pollutants and by setting maximum permissible limits for automobile exhaust; and to protect victims where air pollution has caused harm to human health by providing for the liability of business operators for damages.

(Definitions.)

Article 2 (1) The term "Soot and Smoke" as used in this Act means the substances enumerated below:

- (i) Sulfur oxides generated by the combustion of fuel or other items;
- (ii) Soot and dust generated by the combustion of fuel or other items or by the use of electricity as a source of heat; and,
- (iii) Cadmium, chlorine, hydrogen fluoride, lead, and other substances (excluding those under item (i)) that are generated as a result of combustion,

synthesis, decomposition, or other processes (excluding mechanical processes), that are likely to harm human health or living conditions, and that are specified by a Cabinet Order.

- (2) The term "Facilities That Generate Soot and Smoke" as used in this Act means, among the facilities in place at a factory or workplace that generate and emit Soot and Smoke, facilities specified by a Cabinet Order whose emitted Soot and Smoke are a source of air pollution.
- (3) The term "Soot and Smoke Disposal Facilities" as used in this Act means any facilities that dispose of the Soot and Smoke generated by Facilities That Generate Soot and Smoke, and any auxiliary facilities of such disposal facilities.
- (4) The term "Volatile Organic Compound" as used in this Act means any organic compound (excluding substances specified by a Cabinet Order as not being sources from which suspended particulate matter or oxidants are generated) that is in a gaseous state at the time of its emission or dispersal into the atmosphere.
- (5) The term "Facilities That Emit Volatile Organic Compounds" as used in this Act means, among the facilities that emit Volatile Organic Compounds at a factory or workplace, those whose emitted Volatile Organic Compounds are a source of air pollution, and that are specified by a Cabinet Order as facilities whose Volatile Organic Compound emissions particularly necessitate regulation due to their large volume.
- (6) The Cabinet Order under the preceding paragraph shall be established with sufficient consideration to allow for the promotion of voluntary efforts by business operators to control the emission and dispersal of Volatile Organic Compounds.
- (7) The term "Outlet" as used in this Act means a smokestack or any other opening in the facilities that has been set in place for the Soot and Smoke generated in facilities that generate Soot and Smoke or the Volatile Organic Compounds from facilities that emit Volatile Organic Compounds, to be emitted into the atmosphere.
- (8) The term "Particulates" as used in this Act means any substance generated or dispersed as a result of crushing or sorting materials or any other mechanical process, or as a result of the accumulation of such materials.
- (9) The term "Specified Particulates" as used in this Act means asbestos and any other substance specified by a Cabinet Order that is likely to harm human health, and the term "Ordinary Particulates" means any Particulates other than Specified Particulates.
- (10) The term "Facilities That Generate Ordinary Particulates" as used in this Act means, among facilities that generate and emit or disperse Ordinary Particulates at a factory or workplace, facilities specified by a Cabinet Order

- that emit or disperse Ordinary Particulates that are a source of air pollution.
- (11) The term "Facilities That Generate Specified Particulates" as used in this Act means, among facilities that generate and emit or disperse Specified Particulates at a factory or workplace, facilities specified by a Cabinet Order that emit or disperse Specified Particulates that are a source of air pollution.
- (12) The term "Activities That Emit, etc. Specified Particulates" as used in this Act means, among activities involving the demolition, alteration, or repair of a building or other structure (hereinafter referred to as a "Building, etc.") that uses a building material specified by a Cabinet Order (hereinafter referred to as a "Specified Building Material") that generates or disperses spray-applied asbestos or other Specified Particulates, activities specified by a Cabinet Order in connection with which the Specified Particulates emitted or dispersed from the location of the activities are a source of air pollution.
- (13) The term "Hazardous Air Pollutant" as used in this Act means any substance that is likely to harm human health if ingested continuously and that is a source of air pollution (excluding Soot and Smoke (limited to the items listed under paragraph (1), items (i) and (iii)) and Specified Particulates).
- (14) The term "Automobile Exhaust" as used in this Act means carbon monoxide, hydrocarbons, lead, and other substances likely to harm human health or living conditions, that are generated during the operation of an automobile (among the automobiles under Article 2, paragraph (2) of the Road Transport Vehicle Act (Act No. 185 of 1951), those specified by an Ordinance of the Ministry of the Environment; and among the motorized bicycles under paragraph (3) of the same Article, those specified by an Ordinance of the Ministry of the Environment; the same shall apply hereinafter), and specified by a Cabinet Order.

## **Chapter II Regulation of Soot and Smoke Emissions**

(Emission Standards)

- Article 3 (1) Emission standards for the Soot and Smoke generated at facilities that generate Soot and Smoke shall be prescribed by an Ordinance of the Ministry of the Environment.
- (2) The emission standards provided for in the preceding paragraph shall be the maximum permissible limits referred to in item (i) for sulfur oxides under paragraph (1), item (i) of the preceding Article (hereinafter referred to simply as "Sulfur Oxides"); the maximum permissible limits referred to in item (ii) for soot and dust under item (ii) of the same paragraph (hereinafter referred to simply as "Soot and Dust"); and maximum permissible limits referred to in item (iii) or (iv) for a substance specified under item (iii) of the same paragraph (hereinafter referred to as a "Hazardous Substance"):

- (i) For quantities of Sulfur Oxides generated in facilities that generate Soot and Smoke and emitted into the atmosphere from an Outlet, maximum permissible limits that are prescribed in accordance with the height of the Outlet that is set forth in a Cabinet Order for each area of classification (the term "height" as used in this Act means the height adjusted based on a method prescribed by an Ordinance of the Ministry of the Environment; the same shall apply hereinafter);
  - (ii) For quantities of Soot and Dust contained in emissions generated in facilities that generate Soot and Smoke and emitted into the atmosphere from an Outlet, maximum permissible limits that are prescribed for each type and size of the facilities;
  - (iii) For quantities of Hazardous Substances (excluding specified Hazardous Substances under the following item) contained in the emissions generated in Facilities That Generate Soot and Smoke and emitted into the atmosphere from an Outlet, maximum permissible limits that are prescribed for each type of Hazardous substance and for each type of the facilities; and
  - (iv) With respect to Hazardous Substances specified by the Minister of the Environment that are generated as a result of the combustion of fuel or other materials (hereinafter referred to as "Specified Hazardous Substances"), for quantities of Specified Hazardous Substances generated in Facilities That Generate Soot and Smoke and emitted into the atmosphere from an Outlet, maximum permissible limits that are prescribed in accordance with the height of the Outlet for each type of Specified Hazardous Substance.
- (3) When the Minister of the Environment finds that air pollution has occurred or is likely to occur at levels that exceed the limits prescribed by a Cabinet Order in all or some of the zones in an area in which facilities are concentrated (meaning an area with a concentration of facilities that generate Soot and Smoke in connection with sulfur oxides, Soot and Dust, and Specified Hazardous Substances) due to the generation of a substance and its emission into the atmosphere by said Facilities That Generate Soot and Smoke, the Minister of the Environment may establish, by Ordinance of the Ministry of the Environment, special emissions standards for all or some of said zones, that must be applied in lieu of the emissions standards under paragraph (1) to any of said Facilities That Generate Soot and Smoke that will be built anywhere in said zones (where emissions standards have been established pursuant to the provisions of paragraph (1) of the following Article, those standards shall apply).
- (4) The provisions of paragraph (2) shall apply mutatis mutandis to the emission standards under the previous paragraph (excluding item (iii) of the same paragraph).
- (5) When the Minister of the Environment wishes to prescribe the emission

standards for sulfur oxides provided for in paragraph (1) or the emission standards provided for in paragraph (3), the Minister of the Environment shall hear the opinions of the before doing so. The same shall apply when the Minister of the Environment wishes to change or abolish one of these emissions standards.

Article 4 (1) When a prefecture finds, judging from natural and social conditions, that the emission standards prescribed pursuant to paragraphs (1) and (3) of the preceding Article for Soot and Dust and Hazardous Substances are not sufficient to protect human health or the living conditions within a zone in said prefecture, it may, in accordance with the provisions of a Cabinet Order, establish, by Prefectural Ordinance, emission standards that are stricter than the prescribed maximum permissible limits for emission standards pursuant to paragraph (1) of the same Article, that must be applied to such substances generated in Facilities That Generate Soot and Smoke in that zone in lieu of the emission standards prescribed under the same paragraph.

(2) The Prefectural Ordinance referred to in the preceding paragraph shall also clearly indicate the scope of said zone.

(3) Where a prefecture will establish emission standards pursuant to the provisions of paragraph (1), the relevant prefectural governor shall notify the Minister of the Environment in advance.

(Recommendations Concerning Emission Standards)

Article 5 When the Minister of the Environment finds it particularly necessary in order to prevent air pollution, the Minister of the Environment may recommend that a prefecture establish an emission standard pursuant to the provisions of paragraph (1) of the preceding Article or change an existing emission standard pursuant to the provisions of the same paragraph.

(Standards for Controlling the Total Emissions)

Article 5-2 (1) In an area with a concentration of factories or workplaces that is specified by a Cabinet Order for each type of sulfur oxide or other type of Soot and Smoke designated by a Cabinet Order (hereinafter referred to as "Designated Soot and Smoke") as an area in which it is difficult to attain the standards for environmental conditions related to air pollution pursuant to the provisions of Article 16, paragraph (1) of the Environment Basic Act (Act No. 91 of 1993) (under paragraph (1), item (iii) of the following Article, referred to hereinafter as "Air Quality Standard") using only the emission standards prescribed under Article 3, paragraphs (1) or (3) or Article 4, paragraph (1) (hereinafter such an area is referred to as a "Designated Area"), the prefectural governor shall formulate a plan for reducing the total quantity of the

Designated Soot and Smoke that is generated at factories and workplaces in the Designated Area that emit said Designated Soot and Smoke and that are of at least the scale that the prefectural governor specifies in accordance with the standards prescribed by an Ordinance of the Ministry of the Environment (hereinafter referred to as "Specified Factories, etc."), and on the basis of said plan, the prefectural governor shall prescribe standards for controlling the total emissions, as prescribed by an Ordinance of the Ministry of the Environment.

- (2) A prefectural governor may, when the prefectural governor finds necessary, subdivide a designated area into two or more zones, and may prescribe standards for controlling the total emissions under the preceding paragraph for each zone.
- (3) For Specified Factories, etc. at which Facilities That Generate Soot and Smoke have been newly put in place (including a factory or workplace that has newly become a specified factory, due to Facilities That Generate Soot and Smoke having been put in place therein or due to a change in the structure, etc. thereof) and for newly established specified factories, etc., the prefectural governor may, on the basis of the plan for reducing the total quantity of Designated Soot and Smoke emissions under paragraph (1) above, establish special standards for controlling the total emissions, in accordance with an Ordinance of the Ministry of the Environment, that must be applied in lieu of each of the standards for controlling the total emissions under the same paragraph.
- (4) The standards for controlling the total emissions under paragraph (1) above and the preceding paragraph shall be maximum permissible limits that are prescribed for specified factories, etc. in connection with the total quantity of Designated Soot and smoke generated at all the facilities that generate soot and smoke in said specified factories, etc. and emitted into the atmosphere from outlets.
- (5) A prefectural governor may, when a certain area is recognized as satisfying the requirements of an area set forth by a Cabinet Order pursuant to paragraph (1), propose to the Minister of the Environment the formulation of a Cabinet Order by which the area is to be so established.
- (6) The Minister of the Environment shall hear the opinions of the relevant prefectural governors when the Minister wishes to propose the formulation, revision, or abolition of a Cabinet Order that has established an area under paragraph (1).
- (7) The prefectural governor shall give public notice when establishing standards for controlling the total emissions under paragraphs (1) or (3). The same shall apply when the prefectural governor changes or abolishes such standards.

(Plans for Reducing the Total Quantity of Designated Soot and Smoke)

- Article 5-3 (1) A plan for reducing the total quantity of Designated Soot and Smoke under paragraph (1) of the preceding Article shall prescribe the matters listed under items (iv) and (v) pursuant to the provisions of a Cabinet Order, with the aim of reducing the total quantity listed under item (i) below to the total quantity listed under item (iii) below for said Designated Area, by taking into consideration such matters as the ratio of the total quantity listed under item (i) below to the total quantity listed under item (ii) below, the size of the factory or workplace, the prospects for raw materials or fuels used at the factory or workplace, and trends in Designated Soot and Smoke emissions at sources of Designated Soot and Smoke emissions other than specified factories, etc. In this case, when it is necessary to subdivide said Designated Area into two or more zones in order to achieve the plan, due to the air pollution conditions and the distribution of factories or workplaces in said Designated Area, the total quantity under items (i) through (iii) below shall be the total quantity of the Designated Soot and Smoke for each of the zones so subdivided:
- (i) The total quantity of the Designated Soot and Smoke generated and emitted into the atmosphere as a result of business activity and other human activity in the Designated Area;
  - (ii) The total quantity of the Designated Soot and Smoke generated and emitted into the atmosphere from Outlets at the Facilities That Generate Soot and Smoke that are in place at all of the specified factories, etc. in the designated area;
  - (iii) The total quantity computed as prescribed by an Ordinance of the Ministry of the Environment in light of the air quality standards for the Designated Soot and Smoke generated and emitted into the atmosphere as a result of business activity and other human activity in the Designated Area;
  - (iv) The target amount of reduction in the total quantity under item (ii) above (where a target amount of reduction is established as an interim target, that target reduction quantity is included); and
  - (v) The term for achieving the plan and the means of doing so.
- (2) The prefectural governor shall, when the prefectural governor wishes to prescribe a plan for reducing the total quantity of Designated Soot and Smoke under paragraph (1) of the preceding Article, hear the opinions of the council established pursuant to the provisions of Article 43 of the Environment Basic Act, as well as other consultative bodies and the mayors of said municipalities.
- (3) The prefectural governor shall, when the prefectural governor wishes to prescribe a plan for reducing the total quantity of Designated Soot and Smoke under paragraph (1) of the preceding Article, consult with the Minister of the Environment in advance and obtain the Minister's consent.
- (4) The prefectural governor shall give public notice of the matters listed under

each of the items of paragraph (1) when the prefectural governor has prescribed a plan for reducing the total quantity of Designated Soot and Smoke under paragraph (1) of the preceding Article.

- (5) The prefectural governor may change the plan for reducing the total quantity of Designated Soot and Smoke under paragraph (1) of the preceding Article when it becomes necessary due to a change in air pollution conditions, etc. in said designated area.
- (6) The provisions of paragraphs (2) through (4) shall apply mutatis mutandis to any change to a plan pursuant to the preceding paragraph.

(Notification of Setting in Place Facilities that Generate Soot and Smoke)

Article 6 (1) When any person wishes to set in place Facilities That Generate Soot and Smoke, the person who will emit Soot and Smoke into the atmosphere shall submit a notification to the prefectural governor notifying of the following matters, pursuant to the provisions of an Ordinance of the Ministry of the Environment:

- (i) The person's name and address or the name of the representative, if the relevant person is a juridical person;
  - (ii) The name and location of the factory or workplace;
  - (iii) The type of the relevant person's Facilities That Generate Soot and Smoke;
  - (iv) The structure of the Facilities That Generate Soot and Smoke;
  - (v) The way in which the Facilities That Generate Soot and Smoke will be used; and
  - (vi) The way of disposing of the Soot and Smoke.
- (2) The notification pursuant to the provisions of the preceding paragraph shall be accompanied by documents stating the quantities of sulfur oxides or specified hazardous substances that will be generated by the Facilities That Generate Soot and Smoke and emitted into the atmosphere from Outlets (hereinafter referred to as "Quantity of Soot and Smoke"), or the quantity of soot and dust or hazardous substances (excluding specified hazardous substances) that will be contained in emissions generated by the Facilities That Generate Soot and Smoke and emitted into the atmosphere from Outlets (hereinafter referred to as "Concentration of Soot and Smoke"), the way in which Soot and Smoke will be emitted, and any other matters prescribed by an Ordinance of the Ministry of the Environment.

(Transitional Measures)

Article 7 (1) Any person who already has said facilities in place at the time of their designation as Facilities That Generate Soot and Smoke (including any person who is constructing such facilities) and who will emit Soot and Smoke into the atmosphere shall, pursuant to the provisions of an Ordinance of the

Ministry of the Environment, submit a notification to the prefectural governor notifying of the matters listed under each item of paragraph (1) of the preceding Article within 30 days from the date that said facilities are designated as Facilities That Generate Soot and Smoke.

(2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Notification of Changes to the Structure of Facilities That Generate Soot and Smoke)

Article 8 (1) When any person who has submitted a notification pursuant to the provisions of Article 6, paragraph (1) or paragraph (1) of the preceding Article wishes to change any of the matters listed under items (iv) through (vi) of Article 6, paragraph (1), the person shall submit a notification to that effect to the prefectural governor, in accordance with the provisions of an Ordinance of the Ministry of the Environment.

(2) The provisions of Article 6, paragraph (2) shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Order. to Change a Plan)

Article 9 Where a notification has been submitted pursuant to the provisions of Article 6, paragraph (1) or paragraph (1) of the preceding Article, when the prefectural governor finds that the quantity of Soot and Smoke or the Concentration of Soot and Smoke will fail to conform to the emission standards (this means the emission standards under Article 3, paragraph (1) (where emission standards have been established pursuant to the provisions of paragraph (3) of that Article or Article 4, paragraph (1), such standards are included); hereinafter referred to as "Emission Standard(s)" in this Chapter), the prefectural governor may, within 60 days after the date of the governor's acceptance of the notification, order the person who submitted the notification to change the plans for the structure of the facilities that generate Soot and Smoke, the way in which the facilities will be used, or the way in which Soot and Smoke from said facilities will be disposed of (changes may include discontinuance of the plan under the notification provided for in paragraph (1) of the preceding Article), or to discontinue the plan to set up the Facilities That Generate Soot and Smoke under the notification set forth in the provisions of Article 6, paragraph (1).

Article 9-2 Where a notification has been submitted pursuant to the provisions of Article 6, paragraph (1) or Article 8, paragraph (1), when the prefectural governor finds that the total quantity of Designated Soot and Smoke for all the

Facilities That Generate Soot and Smoke that will be put in place at a specified factory, etc. (including a factory or workplace that will newly become a specified factory, etc. due to Facilities That Generate Soot and Smoke being set up or due to a change in the structure, etc.; hereinafter the same shall apply in this paragraph) under the notification will fail to conform to the standards for controlling the total emissions, the prefectural governor may, within 60 days after the date of the governor's acceptance of the notification, order the person whose specified factory, etc. to improve the way in which the Designated Soot and Smoke will be disposed of at said specified factory, etc., to change the fuel that will be used, or to take any other measures that may be necessary.

(Restrictions on Implementation)

Article 10 (1) No person who has submitted a notification pursuant to the provisions of Article 6, paragraph (1) shall set in place the Facilities That Generate Soot and Smoke under said notification, nor shall any person who has submitted a notification pursuant to the provisions of Article 8, paragraph (1) change the structure of the Facilities That Generate Soot and Smoke under said notification, the way in which those facilities are used, or the way in which Soot and Smoke is disposed of, until 60 days have elapsed since the date on which the notification was accepted.

(2) A prefectural governor may, when the prefectural governor finds that the contents of the matters in a notification under the provisions of Article 6, paragraph (1) or Article 8, paragraph (1) are appropriate, shorten the period prescribed in the preceding paragraph.

(Notification of a Change of Name)

Article 11 A person who has submitted a notification pursuant to the provisions of Article 6, paragraph (1) or Article 7, paragraph (1) shall, when there has been a change in a matter listed under Article 6, paragraph (1), item (i) or (ii) with regard to said notification, or when the person has discontinued the use of the Facilities That Generate soot and smoke under said notification, notify the prefectural governor to that effect within 30 days of the change or discontinuance.

(Succession)

Article 12 (1) Any person who has been transferred or leased Facilities That Generate Soot and Smoke by the person who submitted the notification for those facilities pursuant to the provisions of Article 6, paragraph (1) or Article 7, paragraph (1) shall succeed to the status of the person who submitted the notification for said Facilities That Generate Soot and Smoke.

(2) When an inheritance, a merger, or a split (limited to those that cause the

Facilities That Generate Soot and smoke under said notification to be succeeded to) has taken place in connection with the person who submitted a notification pursuant to the provisions of Article 6, paragraph (1) or Article 7, paragraph (1), the heir, the juridical person surviving the merger, juridical person established in the merger, or juridical person who succeeded to the Facilities That Generate Soot and Smoke as a result of the split, shall succeed to the status of the person who submitted said notification.

- (3) Any person who, pursuant to the provisions of the preceding two paragraphs, has succeeded to the status of the person who submitted a notification pursuant to the provisions of Article 6, paragraph (1) or Article 7, paragraph (1) shall notify the prefectural governor to that effect within 30 days of such succession.
- (4) For all Facilities That Generate Soot and Smoke that are in place at a factory or workplace, the person who has succeeded to the status of the person who submitted the notification pursuant to the provisions of paragraph (1) or (2) shall succeed to the status of the person whose factory or workplace it was as pertains to the application of the provisions of Article 9-2, Article 14, paragraph (3) and Article 15-2, paragraphs (1) and (2).

(Restrictions on Soot and Smoke Emissions)

Article 13 (1) Persons who emit the Soot and Smoke generated at Facilities That Generate Soot and Smoke into the atmosphere (hereinafter referred to as a "Soot and smoke Emitters") shall not emit Soot and Smoke in quantities or at concentrations that fail to conform to the emission standards for the Outlets of said Facilities That Generate Soot and Smoke.

- (2) For soot and smoke generated at and emitted into the atmosphere from the facilities of a person who already had those facilities in place at the time of their designation as facilities that generate soot and smoke (including a person who is constructing such facilities), the provisions of the preceding paragraph shall not apply for six months after the date on which said facilities were designated as facilities that generate soot and smoke (or one year, where said facilities are facilities specified by a Cabinet Order). However, this shall not apply when an Ordinance of a local public entity that is applicable to the relevant person contains provisions equivalent to the provisions of the preceding paragraph (except where there are no punitive provisions for the violation thereof).

(Restrictions on Emissions of Designated Soot and Smoke)

Article 13-2 (1) A Soot and Smoke 17-7mitter who emits Designated Soot and Smoke generated by Facilities That Generate Soot and Smoke that are in place at a specified factory, etc. shall not emit Designated Soot and Smoke that fails

to conform to the standards for controlling the total emissions, in terms of the total quantity of Designated Soot and Smoke that is emitted into the atmosphere from the Outlets of all of the Facilities That Generate Soot and Smoke that are in place at said specified factory, etc.

- (2) For a Soot and Smoke Emitter who emits Designated Soot and Smoke generated by Facilities That Generate Soot and Smoke that are in place at a factory or workplace that newly became a specified factory, etc. due to a revision to the Cabinet Order under Article 2, paragraph (2), a revision to the Cabinet Order that established the areas under Article 5-2, paragraph (1), or a change in the size specified by a prefectural governor under the same paragraph, the provisions of the preceding paragraph shall not apply for six months after the date said factory or workplace newly became a specified factory, etc.

(Order for Improvement)

- Article 14 (1) Where a Soot and Smoke Emitter is likely to continuously emit a quantity of Soot and Smoke or a concentration of Soot and smoke that fails to conform to emissions standards for its Outlets, when the prefectural governor finds that these continued emissions are likely to harm human health or living conditions, the prefectural governor may establish a time limit and order the emitter to improve the structure of said Facilities That Generates Soot and Smoke, the way that facilities are used, or the way of disposing of Soot and Smoke at said Facilities That Generates Soot and Smoke, or may order the emitter to temporarily suspend the operation of the Facilities That Generate Soot and Smoke.
- (2) The provisions of Article 13, paragraph (2) shall apply mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.
- (3) Where Designated Soot and Smoke that fails to conform to the standards for controlling the total emissions is likely to be continuously emitted, when the prefectural governor finds that these continued emissions are likely to harm human health or living conditions, the prefectural governor may specify a time limit and order the person who has in place said specified factory, etc. in connection with the Designated Soot and Smoke to improve the way of disposing of the Designated Soot and Smoke at said specified factory, etc., to change the fuel that is being used, or to take any other measures that may be necessary.
- (4) For a factory or workplace that newly became a specified factory, etc. due to a revision to the Cabinet Order under Article 2, paragraph (2), a revision to the Cabinet Order that specified the areas under Article 5-2, paragraph (1), or a change in the size specified by a prefectural governor under the same paragraph, the provisions of the preceding paragraph shall not apply for six

months after the date said factory or workplace newly became a specified factory, etc.

(Measures Concerning the Seasonal Use of Fuel)

Article 15 (1) Where substantial air pollution from sulfur oxides is occurring or is likely to occur in an area specified by a Cabinet Order as an area with a concentration of Facilities That Generate Soot and Smoke in connection with sulfur oxides for which the quantity of fuel use fluctuates substantially with the season, when the prefectural governor finds that any person in said area emitting sulfur oxides generated at Facilities That Generate Soot and Smoke into the atmosphere is using any fuel at said facilities that generate Soot and smoke that fails to conform with fuel standards, the prefectural governor may issue a recommendation that the relevant person comply with the fuel standards within a specified period.

(2) When the prefectural governor finds that a person who has received a recommendation pursuant to the provisions of the preceding paragraph has failed to conform to said recommendation, the prefectural governor may order that person to comply with said fuel standards within a specified period.

(3) The fuel standards referred to in paragraph (1) shall be prescribed by the prefectural governor, for each of the areas prescribed by a Cabinet Order pursuant to the same paragraph, in accordance with the standards prescribed by the Minister of the Environment, for the types of fuels prescribed by an Ordinance of Ministry of the Environment.

(4) When the Minister of the Environment wishes to propose the formulation, revision, or abolition of a Cabinet Order under paragraph (1), the Minister of the Environment shall hear the opinions of the prefectural governors concerned.

(5) The prefectural governor shall give public notice when establishing the fuel standards under paragraph (1). The same shall apply when prefectural governor changes or abolishes it.

(Measures Concerning the Use of Fuel in a Designated Area)

Article 15-2 (1) When the prefectural governor finds that in a designated area for sulfur oxides, the use of fuel at a factory or workplace other than a specified factory, etc. fails to conform with the fuel standards, the prefectural governor may recommend that the person who established said factory or workplace comply with the fuel standards before a specified time limit.

(2) When a person who has received a recommendation pursuant to the provisions of the preceding paragraph has failed to comply with said recommendation, the prefectural governor may order that person to comply with said fuel standards before a specified time limit.

(3) The fuel standards under paragraph (1) shall be prescribed by the prefectural

governor for each designated area for sulfur oxides, in accordance with the standards prescribed by the Minister of the Environment in relation to the reduction of the total quantity of designated soot and smoke, for the types of fuel prescribed by an Ordinance of Ministry of the Environment, as the standards prescribed for factories or workplaces other than specified factories, etc., in which Facilities That Generate Soot and Smoke in connection with sulfur oxides are in place.

- (4) A prefectural governor may, when the prefectural governor finds necessary, subdivide said designated area into two or more zones, and prescribe the fuel standards under paragraph (1) for each of such zones.
- (5) The provisions under paragraph (5) of the preceding Article shall apply mutatis mutandis to the fuel standards under paragraph (1).

(Measurement of the Quantity of Soot and Smoke)

Article 16 A Soot and Smoke Emitter shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, measure the quantity of Soot and Smoke or concentration of Soot and Smoke at said facilities that generate Soot and Smoke, and keep a record of the results thereof.

(Measures in the Event of an Accident)

- Article 17 (1) Any person who has in place Facilities That Generate Soot and Smoke or any person who has in place facilities at a factory or workplace that, in the process of synthesis, decomposition, or other chemical processes of substances, generate substances that include any substance specified by a Cabinet Order as likely to harm human health or the living environment (excluding Facilities That Generate Soot and Smoke; hereinafter referred to as "Specified Facilities") (such a substance is hereinafter referred to as a "Specified Substance(s)") shall, when a breakdown, damage, or other accident occurs at the Facilities That Generate Soot and Smoke or at the Specified Facilities and a large quantity of Soot and Smoke or a Specified Substance has been emitted into the atmosphere, immediately take emergency measures in response to said accident, and shall endeavor to carry out restoration promptly.
- (2) In the case referred to in the preceding paragraph, the person specified in the same paragraph shall immediately notify the prefectural governor of the status of the accident. However, this shall not apply where a notification has been submitted pursuant to the provisions of Article 23, paragraph (1) of the Act on the Prevention of Disasters in Petroleum Industrial Complexes and Other Petroleum Facilities (Act No. 84 of 1975).
  - (3) Where an accident under paragraph (1) has occurred, when the prefectural governor finds that there has been or is likely to be damage to human health in the zone near said factory or workplace, the prefectural governor may order the

person referred to in the same paragraph in connection with said accident to take the necessary measures to prevent the worsening of said accident or its recurrence.

## **Chapter II-2 Regulation of Volatile Organic Compound Emissions**

(Guidelines for the Implementation of Policies)

Article 17-2 Policies and other measures related to controlling the emission and dispersal of Volatile Organic Compounds shall be implemented with the aim to effectively control the emission and dispersal of Volatile Organic Compounds, through an appropriate combination of regulations on emissions of Volatile Organic Compounds as prescribed in this Chapter, together with voluntary efforts by business operators to control the emission and dispersal of Volatile Organic Compounds.

(Emissions Standards)

Article 17-3 Emissions standards for Volatile Organic Compounds shall be prescribed by an Ordinance of the Ministry of the Environment as the maximum permissible limits for each type and size of the facilities, stated in terms of the quantity of Volatile Organic Compounds contained in the emissions emitted into the atmosphere from an outlet of facilities that emit Volatile Organic Compounds (hereinafter referred to as "Concentration of Volatile Organic Compounds").

(Notification of Setting in Place Facilities that Emit Volatile Organic Compounds)

Article 17-4 (1) Any person who emits Volatile Organic Compounds into the atmosphere shall, when the person wishes to set in place facilities that emit Volatile Organic Compounds, submit a notification to the prefectural governor notifying him/her of the following matters, pursuant to the provisions of an Ordinance of the Ministry of the Environment:

- (i) The name and address, as well as the name of the representative, if the relevant person is a juridical person;
- (ii) The name and location of the factory or workplace;
- (iii) The type of the relevant person's facilities that emit Volatile Organic Compounds;
- (iv) The structure of the facilities that emit Volatile Organic Compounds;
- (v) The way in which the facilities that emit Volatile Organic Compounds will be used; and
- (vi) The way of disposing of the Volatile Organic Compounds.

(2) The notification pursuant to the provisions of the preceding paragraph shall

be accompanied by documents stating the Concentration of Volatile Organic Compounds, the way in which the Volatile Organic Compounds will be emitted, and any other matters prescribed by an Ordinance of the Ministry of the Environment.

(Transitional Measures)

Article 17-5 (1) Any person who already has said facilities in place at the time of their designation as facilities that emit Volatile Organic Compounds (including a person who is constructing such facilities) and who will emit Volatile Organic Compounds into the atmosphere shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, submit a notification to the prefectural governor notifying the prefectural governor of the matters listed under each item of paragraph (1) of the preceding Article, within 30 days from the date that said facilities are designated as facilities that emit Volatile Organic Compounds.

(2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Notification of a Change in the Structure of Facilities that Emit Volatile Organic Compounds)

Article 17-6 (1) When any person who has submitted a notification pursuant to the provisions of Article 17-4, paragraph (1) or paragraph (1) of the preceding Article wishes to change any of the matters listed under items (iv) through (vi) of Article 17-4, paragraph (1), the person shall notify the prefectural governor to that effect, in accordance with the provisions of an Ordinance of the Ministry of the Environment.

(2) The provisions of Article 17-4, paragraph (2) shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Order to Change a Plan)

Article 17-7 Where a notification has been submitted pursuant to the provisions of Article 17-4, paragraph (1) or paragraph (1) of the preceding Article, when the prefectural governor finds that the quantity of Volatile Organic Compounds or the Concentration of Volatile Organic Compounds will fail to conform with the emissions standards (meaning the emissions standards under Article 17-3; hereinafter referred to as "emissions standards" in this Chapter), the prefectural governor may, within 60 days after the date of the acceptance of the notification, order the person who submitted the notification to change the plan in terms of the structure of the facilities that emit Volatile Organic Compounds, the way in which the facilities will be used, or the way in which

the Volatile Organic Compounds from said facilities will be disposed of (changes may include the discontinuance of the plan under a notification pursuant to the provisions of paragraph (1) of the preceding Article), or to discontinue the plan to set in place facilities that emit Volatile Organic Compounds under a notification pursuant to the provisions of Article 17-4, paragraph (1).

(Restrictions on Implementation)

Article 17-8 No person who has submitted a notification pursuant to the provisions of Article 17-4, paragraph (1) shall set in place the facilities that emit Volatile Organic Compounds under said notification, nor shall any person who has submitted a notification pursuant to the provisions of Article 17-6, paragraph (1) change the structure of the facilities that emit Volatile Organic Compounds under said notification, the way in which those facilities are used, or the way in which the Volatile Organic Compounds are disposed of, until 60 days have elapsed since the date on which the notification was accepted.

(Obligation to Comply with Emissions Standards)

Article 17-9 Any person who emits Volatile Organic Compounds into the atmosphere from facilities that emit Volatile Organic Compounds (hereinafter referred to as a "Volatile Organic Compound Emitter") shall comply with emission standards for said facilities that emit Volatile Organic Compounds.

(Order for Improvement)

Article 17-10 When the prefectural governor finds that the concentration of Volatile Organic Compounds emitted from an outlet by a Volatile Organic Compound emitter fails to conform with emissions standards, prefectural governor may specify a time limit and order the Volatile Organic Compound Emitter to make improvements in the structure of the facilities that emit Volatile Organic Compounds, the way in which those facilities are used, or the way in which the Volatile Organic Compounds are disposed of, or to temporarily suspend the use of the facilities that emit Volatile Organic Compounds.

(Measurement of Concentrations of Volatile Organic Compounds)

Article 17-11 A Volatile Organic Compound Emitter shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, measure the Concentration of Volatile Organic Compounds for said facilities that emit Volatile Organic compounds, and shall keep a record of the results thereof.

(Application of Provisions)

Article 17-12 (1) The provisions of Article 10, paragraph (2) shall apply mutatis mutandis to the restrictions on implementation pursuant to the provisions of Article 17-8.

(2) The provisions of Articles 11 and 12 shall apply mutatis mutandis to a person who has submitted a notification pursuant to the provisions of Article 17-4, paragraph (1) or Article 17-5, paragraph (1).

(3) The provisions of Article 13, paragraph (2) shall apply mutatis mutandis to an order pursuant to the provisions of Article 17-10.

(Responsibilities of Business Operators)

Article 17-13 Business operators shall take the necessary measures for determining the status of the emission or dispersal of Volatile Organic Compounds associated with said business activities into the atmosphere, and to control that emission and dispersal.

(Efforts by the People)

Article 17-14 Every person shall endeavor to control the emission and dispersal of Volatile Organic Compounds into the atmosphere that occurs in connection with the person's daily activities, and shall endeavor to further controls on the emission and dispersal of Volatile Organic Compounds by selecting products that use a smaller quantity of Volatile Organic Compounds, etc.

### **Chapter II-3 Regulations on Particulates**

(Notification of Setting in Place Facilities that Generate Ordinary Particulates)

Article 18 (1) Any person who wishes to set in place Facilities That Generate Ordinary Particulates shall submit a notification to the prefectural governor notifying the prefectural governor of the following matters, pursuant to the provisions of an Ordinance of the Ministry of the Environment:

(i) The name and address, as well as the name of the representative, if the relevant person is a juridical person;

(ii) The name and location of the factory or workplace;

(iii) The type of the relevant person's Facilities That Generate Ordinary Particulates;

(iv) The structure of the Facilities That Generate Ordinary Particulates; and

(v) The way in which the Facilities That Generate Ordinary Particulates will be used and managed.

(2) The notification pursuant to the provisions of the preceding paragraph shall be accompanied by a layout diagram of the Facilities That Generate Ordinary Particulates, and any other documents prescribed by an Ordinance of the Ministry of the Environment.

(3) When a person who has submitted a notification pursuant to the provisions of paragraph (1) above or paragraph (1) of the following Article wishes to change any of the matters listed under paragraph (1), items (iv) and (v), the person shall notify the prefectural governor to that effect, in accordance with the provisions of an Ordinance of the Ministry of the Environment.

(Transitional Measures)

Article 18-2 (1) Any person who already has said facilities in place at the time of their designation as Facilities That Generate Ordinary Particulates (including a person who is constructing such facilities) shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, submit a notification to the prefectural governor notifying the prefectural governor of the matters listed under each item of paragraph (1) of the preceding Article within 30 days from the date that said facilities were designated as facilities that generate ordinary Particulates.

(2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to notifications under the provisions of the preceding paragraph.

(Obligation to Comply with Standards)

Article 18-3 A person who has in place Facilities That Generate Ordinary Particulates shall comply with the standards prescribed by an Ordinance of the Ministry of the Environment in terms of the structure, use, and management of said Facilities That Generate Ordinary Particulates.

(Order to Conform to the Standards)

Article 18-4 When a prefectural governor finds that a person who has in place Facilities That Generate Ordinary Particulate is not complying with the standards under the preceding Article, the prefectural governor may specify a time limit and order that person to comply with the standards under the same Article for the Facilities That Generate Ordinary Particulates or to temporarily suspend the use of the Facilities That Generate Ordinary Particulates.

(Site Boundary Standards)

Article 18-5 Regulatory standards for site boundaries concerning the land adjacent to Facilities That Generate Specified Particulates (hereinafter referred to as "Site Boundary Standards") shall be prescribed by an Ordinance of the Ministry of the Environment, in terms of the maximum permissible limits for atmospheric concentrations at the boundary line of the site of a factory or workplace, for each type of specified particulate emitted or dispersed into the atmosphere from a factory or workplace that is generated or dispersed in connection with the business activities of a factory or workplace that has in

place Facilities That Generate Specified Particulates.

(Notification of Setting in Place Facilities That Generate Specified Particulates)

Article 18-6 (1) Any person who will emit or cause the dispersal of a specified particulate into the atmosphere shall, when the person wishes to set in place Facilities That Generate Specified Particulates, submit a notification to the prefectural governor notifying the prefectural governor of the following matters, pursuant to the provisions of an Ordinance of the Ministry of the Environment:

- (i) The name and address, as well as the name of the representative, if the relevant person is a juridical person;
- (ii) The name and location of the factory or workplace;
- (iii) The type of the relevant person's Facilities That Generate Specified Particulates;
- (iv) The structure of the Facilities That Generate Specified Particulates; and
- (v) The way in which the Facilities That Generate Specified Particulates will be used; and
- (vi) The way of disposing of and preventing dispersal of Specified Particulates.

(2) The notification pursuant to the provisions of the preceding paragraph shall be accompanied by a layout diagram of the Facilities That Generate Specified Particulates, and by documents stating the way in which the Specified Particulates will be emitted and listing any other matters prescribed by an Ordinance of the Ministry of the Environment.

(3) When a person who has submitted a notification pursuant to the provisions of paragraph (1) above or paragraph (1) of the following Article wishes to change any of the matters listed in paragraph (1), items (iv) and (vi) in relation to said notification, the person shall notify the prefectural governor to that effect, in accordance with the provisions of an Ordinance of the Ministry of the Environment.

(4) The provisions of paragraph (2) shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Transitional Measures)

Article 18-7 (1) Any person who already has said facilities in place at the time of their designation as facilities that generate Specified Particulates (including any person who is constructing such facilities) and who will emit or cause the dispersal of Specified Particulates into the atmosphere, shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, submit a notification to the prefectural governor notifying the prefectural governor of the matters listed under each item of paragraph (1) of the preceding Article within 30 days from the date that said facilities are designated as Facilities

That Generate Specified Particulates.

(2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to a notification pursuant to the provisions of the preceding paragraph.

(Order to Change Plans)

Article 18-8 Where a notification has been submitted pursuant to the provisions of Article 18-6, paragraphs (1) or (3), when the prefectural governor finds that the atmospheric concentration of Specified Particulates at the boundary line of the land adjacent to a factory or workplace that has in place Facilities That Generate Specified Particulates fails to conform with the boundary standards, the prefectural governor may, within 60 days after the date of the acceptance of the notification, order the person who submitted the notification to change the plan for the structure of the Facilities That Generate Specified Particulates, the way in which those facilities are used, or the way in which the Specified Particulates are disposed of or prevented from dispersing (such a change may include the discontinuance of a plan under notification pursuant to the provisions of paragraph (3) of the same Article), or to discontinue the plan for the establishment of the Facilities That Generate Specified Particulates under a notification pursuant to the provisions of paragraph (1) of the same Article.

(Restrictions on Implementation)

Article 18-9 No person who has submitted a notification pursuant to the provisions of Article 18-6, paragraph (1) shall set in place the Facilities That Generate Specified Particulates under that notification, nor shall any person who has submitted a notification pursuant to the provisions of paragraph (3) of the same Article change the structure of the Facilities That Generate Specified Particulates under that notification, the way in which those facilities are used, or the way in which the Specified Particulates are disposed of or their dispersal prevented, until 60 days have elapsed since the date on which the notification was accepted.

(Obligation to Comply with Site Boundary Standards)

Article 18-10 Any person who emits or causes to be dispersed into the atmosphere from a factory or workplace the Specified Particulates generated or dispersed in connection with the business activities of a factory or workplace that has in place Facilities That Generate Specified Particulates (hereinafter referred to as a "Specified Particulate Emitter") shall comply with boundary standards.

(Orders for Improvement)

Article 18-11 When the prefectural governor finds that the atmospheric concentration of Specified Particulates emitted or caused to be dispersed by a Specified Particulate Emitter at the boundary line of land adjacent to the factory or workplace of Facilities That Generate Specified Particulates, fails to conform with the boundary standards, the prefectural governor may order the Specified Particulate Emitter to make improvements to the structure of the Facilities That Generate Specified Particulates, the way in which those facilities are used, or the way in which the Specified Particulates are disposed of or their dispersal prevented, or may order said emitter to temporarily suspend the use of the Facilities That Generate Specified Particulates.

(Measurement of Specified Particulate Concentrations)

Article 18-12 A Specified Particulate Emitter shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, measure the Concentration of Specified Particulates in the atmosphere at the site boundary line of said factory or workplace, and shall keep a record of the results thereof.

(Application of Provisions)

Article 18-13 (1) The provisions of Article 10, paragraph (2) shall apply mutatis mutandis to the restrictions on implementation pursuant to the provisions of Article 18-9.

(2) The provisions of Articles 11 and 12 shall apply mutatis mutandis to a person who submitted a notification pursuant to the provisions of Article 18, paragraph (1), Article 18-2, paragraph (1), Article 18-6, paragraph (1), or Article 18-7 paragraph (1).

(3) The provisions of Article 13, paragraph (2) shall apply mutatis mutandis to an order pursuant to the provisions of Articles 18-4 and 18-11.

(Activity Standards)

Article 18-14 Regulatory standards for Activities That Emit, etc. Specified Particulates (hereinafter referred to as "Activity Standards") shall be prescribed by an Ordinance of the Ministry of the Environment as standards for the methods for Activities That Emit, etc. Specified Particulates are done, for each type of specified particulate, and for each type of Activity That Emits, etc. Specified Particulates.

(Notification of the Implementation of Activities that Emit, . Specified Particulates)

Article 18-15 (1) A person who wishes to undertake construction work associated with Activities That Emit, etc. Specified Particulates (hereinafter referred to as "Specified Work") shall submit a notification to the prefectural governor,

pursuant to the provisions of an Ordinance of the Ministry of the Environment, notifying the prefectural governor of the following matters by no later than 14 days prior to the date of commencement of the Activities That Emit, etc. Specified Particulates. However, this shall not apply when it is necessary to urgently carry out Activities That Emit, etc. Specified Particulates due to the occurrence of a disaster or other emergency.

- (i) The name and address of the person, as well as the name of the representative, if the relevant person is a juridical person;
  - (ii) The location of the specified work;
  - (iii) The type of the relevant person's Activities That Emit, etc. Specified Particulates;
  - (iv) The implementation period for the Activities That Emit, etc. Specified Particulates;
  - (v) The type of specified building material used in the section of the building, etc. where the Activities That Emit, etc. Specified Particulates will be undertaken, as well as the locations and amount of area used;
  - (vi) The way of carrying out Activities That Emit, etc. Specified Particulates;
- (2) In the case under the proviso to the preceding paragraph, a person undertaking Specified Work in connection with Activities That Emit, etc. Specified Particulates shall promptly submit a notification to the prefectural governor notifying the prefectural governor of the matters listed in each item of the preceding paragraph.
- (3) A notification pursuant to the provisions of the preceding two paragraphs shall be accompanied by a layout diagram of the building, etc. where the Activities That Emit, etc. Specified Particulates will be undertaken, and any other matters prescribed by an Ordinance of the Ministry of the Environment.

(Order to Change Plans)

Article 18-16 Where a notification has been made pursuant to the provisions of paragraph (1) of the preceding Article, when the prefectural governor finds that the way of carrying out Activities That Emit, etc. Specified Particulates under that notification, fail to conform with Activity Standards, the prefectural governor may, within 14 days of his/her acceptance of the notification, order the person who submitted the notification to change the plan for the way of carrying out Activities That Emit, etc. Specified Particulates under that notification.

(Obligation to Comply with Activity Standards)

Article 18-17 A person undertaking Specified Works shall comply with the Activity Standards for the Activities That Emit, etc. Specified Particulates in said Specified Works.

(Order to Conform to Activity Standards)

Article 18-18 When a prefectural governor finds that a person undertaking Specified Works is not conforming to Activity Standards for the Activities That Emit, etc. Specified Particulates in the Specified Works, the prefectural governor may specify a time limit and order the person to comply with the Activity Standards for the Activities That Emit, etc. Specified Particulates or to temporarily suspend the activities that emit, etc. Specified Particulates.

(Consideration by the Orderer)

Article 18-19 A person who orders Specified Works shall give due consideration to ensure that the person is not attaching conditions that may prevent the person undertaking said Specified Works from complying with Activity Standards with respect to the way in which the work is carried out, the work schedule, etc.

#### **Chapter II-4 Promotion of Countermeasures for Hazardous Air Pollutants**

(Guidelines for the Implementation of Policies)

Article 18-20 Policies and other measures in connection with the prevention of air pollution by hazardous air pollutants shall be implemented with the aim of preventing future damage to human health while advancing scientific knowledge.

(Responsibility of Business Operators)

Article 18-21 Business operators shall take the necessary measures to determine the status of the emission and dispersal into the atmosphere of hazardous air pollutants associated with their business activities, and to control such emission and dispersal.

(State Policies)

Article 18-22 (1) The State shall endeavor to implement studies in collaboration with local public entities in order to determine the status of air pollution by hazardous air pollutants, and shall endeavor to advance scientific knowledge concerning the effects of hazardous air pollutants on human health.

(2) The State shall, in accordance with the implementation status of studies and the degree of advancement in scientific knowledge under the preceding paragraph, evaluate the degree of risk with regard to damage to human health from air pollution for each hazardous air pollutant, and shall periodically make public the results of such evaluation.

(3) The State shall, in order to encourage business operators to undertake the

measures under the preceding Article and contribute to the promotion of measures by local public entities under the following Article, collect and organize information on techniques and technologies for controlling the emission or dispersal of hazardous air pollutants, and endeavor to disseminate the results thereof.

(Local Public Entity Policies)

Article 18-23 (1) Local public entities shall endeavor to implement studies in order to determine the status of air pollution by hazardous air pollutants in each of their areas.

(2) Local public entities shall endeavor to provide the necessary information to business operators to encourage the undertaking of measures under Article 18-21, and shall strive to disseminate knowledge about the prevention of air pollution from hazardous air pollutants.

(Efforts by the People)

Article 18-24 Every person shall endeavor to control the emission and dispersal into the atmosphere of hazardous air pollutants associated with the activities of the person's daily life.

### **Chapter III Maximum Permissible Limits for Automobile Exhaust**

(Maximum Permissible Limits)

Article 19 (1) The Minister of the Environment shall prescribe maximum permissible limits for the quantity of automobile exhaust contained in the emissions generated by automobiles when operated under specified conditions and emitted into the atmosphere.

(2) To prevent air pollution from automobile exhaust, where the Minister of Land, Infrastructure, Transport and Tourism prescribes the necessary matters in connection with regulations on the emission of automobile exhaust in orders based on the Road Transport Vehicle Act, the Minister shall give due consideration to contributing to compliance with the maximum permissible limits under the preceding paragraph and to compliance with the maximum permissible limits under paragraph (1) of the following Article.

(3) The Minister of the Environment shall prescribe maximum permissible limits for the quantity of emissions from non-road special motor vehicles (meaning emissions from non-road special motor vehicles as specified in Article 2, paragraph (3) of the Act on Regulation, Etc. of Emissions From Non-road Special Motor Vehicles (Act No. 51 of May 25, 2005); the same shall apply in the following paragraph) contained in emissions generated and released into the atmosphere when a non-road special motor vehicle (meaning a non-road

special motor vehicle pursuant to the provisions of paragraph (1) of the same Article) is used under specified conditions.

- (4) To prevent air pollution from emissions from non-road special motor vehicles, where the competent minister specified in Article 5 of the Act on Regulation, Etc. of Emissions From Non-road Special Motor Vehicles prescribes the technical standards under the same Article, the competent minister shall give due consideration to compliance with the maximum permissible limits under the preceding paragraph.

Article 19-2 (1) When the Minister of the Environment finds it necessary for the prevention of air pollution from automobile exhaust, in prescribing the maximum permissible limits under paragraph (1) of the preceding Article, the Minister shall prescribe maximum permissible limits for the properties of automobile fuel, or maximum permissible limits for the quantity of substances contained in automobile fuel.

- (2) To prevent air pollution from automobile exhaust, where the Minister of Economy, Trade and Industry prescribes the necessary matters in connection with regulations on automobile fuels in an order based on the Act on Quality Control for Gasoline and Other Fuels (Act No. 88 of 1976), the Minister shall give due consideration to compliance with the maximum permissible limits under the preceding paragraph.

(Measurement of Concentrations of Automobile Exhaust)

Article 20 Prefectural governors shall measure the concentrations of automobile exhaust in the atmosphere, on sections of roads or areas near roads where substantial air pollution from automobile exhaust occurs or is likely to occur due to traffic congestion caused by intersections, etc.

(Request for Actions Based on Measurements)

Article 21 (1) Where measurements under the preceding Article have been taken, when the prefectural governor finds that air pollution from automobile exhaust on sections of the roads or areas near roads are in excess of the limits prescribed by an Ordinance of Ministry of the Environment, the prefectural governor shall request said prefectural public safety commission to take measures pursuant to the provisions of the Road Traffic Act (Act No. 105 of 1960).

- (2) The Minister of the Environment shall, when the Minister wishes to establish the Ordinance of the Ministry of the Environment under the preceding paragraph, consult with the National Public Safety Commission.
- (3) ,In addition to requests prescribed in paragraph (1), where the measurements under the preceding Article have been taken, when the prefectural governor

finds it particularly necessary, the prefectural governor may state the prefectural governor's opinion to the road administrator or heads of said administrative organs with regard to improvements in the structure of said sections of road and other matters that contribute to reduction in concentrations of automobile exhaust.

(Efforts by the People)

Article 21-2 Every person shall endeavor to reduce automobile exhaust from their operation or use of automobiles, and their use of the transportation system.

#### **Chapter IV Monitoring of Air Pollution Levels**

(Continuous Monitoring)

Article 22 (1) Prefectural governors shall continuously monitor the status of air pollution.

(2) Prefectural governors shall report the results of the continuous monitoring under the preceding paragraph to the Minister of the Environment.

(Emergency Measures)

Article 23 (1) When a situation arises as specified by a Cabinet Order wherein serious air pollution is likely to harm human health or living conditions, make the situation broadly known to the public and, where a prefectural governor finds that persons emitting Soot and Smoke, persons emitting or causing to be dispersed Volatile Organic Compounds, or users or operators of automobiles are likely to further increase the seriousness of the air pollution, the prefectural governor shall seek their cooperation to reduce the emissions of Soot and Smoke, or emissions or dispersal of Volatile Organic Compounds, or to exercise voluntary restraint in the operation of automobiles.

(2) When, due to meteorological conditions, a situation specified by Cabinet Order suddenly arises wherein serious air pollution is likely to seriously harm human health or living conditions, the prefectural governor shall, pursuant to the provisions of an Ordinance of the Ministry of the Environment, order Soot and Smoke emitters or Volatile Organic Compound Emitters to reduce the Soot and Smoke quantity, Soot and Smoke concentration, or Concentration of Volatile Organic Compounds, to restrict the use of facilities that generate Soot and Smoke or Volatile Organic Compound emitting facilities, and to take other necessary measures, where the situation is caused by Soot and Smoke or Volatile Organic Compounds; and shall request said prefectural public safety commission to take measures pursuant to the provisions of the Road Traffic Act, where the situation is caused by automobile emissions.

(Public Announcements)

Article 24 Prefectural governors shall make public the status of air pollution within the prefecture.

## **Chapter IV-2 Damages**

(Strict Liability)

Article 25 (1) Where any person suffers fatal or bodily harm from the emission into the atmosphere (including dispersal; hereinafter the same shall apply in this Chapter) of any substance that is harmful to human health (meaning Soot and Smoke, specified substances, or Particulates, and excluding any substance specified by Cabinet Order as posing a risk of damage only to the living environment; hereinafter the same shall apply in this Chapter) associated with business activities at a factory or workplace, the business operator connected with said emissions shall be liable to compensate for any resulting damages.

(2) Where a substance has been designated as a substance that is harmful to human health, the provisions under the preceding paragraph shall apply to the damages caused by emissions of said substance on or after the date on which said substance was designated as a substance that is harmful to human health.

Article 25-2 Where the damages specified under paragraph (1) of the preceding Article are caused by the emission into the atmosphere, by two or more business operators, of a substance that is harmful to human health, and where the provisions of Article 719, paragraph (1) of the Civil Code (Act No. 89 of 1896) apply to the responsibility to compensate for damages, when the amount of a business operator's emissions that caused the damages is found to be extremely small, the court may take the circumstances into consideration to determine the amount of such a person's compensation for damages.

(Considerations Regarding Compensation)

Article 25-3 When a natural disaster or other force majeure is also involved in the occurrence of the damages specified in Article 25, paragraph (1), the court may take those factors into consideration to determine responsibility and the amount of compensation for damages.

(Extinctive Prescription)

Article 25-4 The right to seek damages specified in Article 25, paragraph (1) shall lapse by prescription if not exercised within three years from the time when the injured party or the party's legal representative became aware of the damages and the person obligated to compensate therefor. The same shall

apply when twenty years have elapsed from the time when the damages occurred.

(Application of the Mining Act)

Article 25-5 When the Mining Act (Act No. 289 of 1950) is applied to the responsibility to compensate for damages specified in Article 25, paragraph (1), that Act shall apply.

(Exemptions)

Article 25-6 The provisions of this Chapter shall not apply to injury, illness, or death in the course of duty by any person engaged in the business undertaken by a business operator.

## **Chapter V Miscellaneous Provisions**

(Reporting and Inspection)

Article 26 (1) The Minister of the Environment or a prefectural governor may, to the extent necessary for the enforcement of this Act and in accordance with provisions of a Cabinet Order, require a person who has in place Facilities That Generate Soot and Smoke, a person who has in place Specified Facilities in a factory or workplace, any person who has in place facilities that emit Volatile Organic Compounds, a person who has in place facilities that generate ordinary Particulates, any Specified Particulate Emitter, and a person undertaking specified work, to report on the status of the Facilities That Generate Soot and Smoke, the status of accidents at the specified facilities, the status of the facilities that emit Volatile Organic Compounds, the status of the facilities that generate ordinary Particulates, the status of the facilities that generate Specified Particulates, or the status of the activities that emit, etc. Specified Particulates, and to report on any other necessary matters; and may have their officials enter the factory or workplace or specified work location of a person who has in place Facilities That Generate Soot and Smoke, a person who has in place Specified Facilities in a factory or workplace, a person who has in place facilities that emit Volatile Organic Compounds, a person who has in place facilities that generate ordinary Particulates, or a Specified Particulate Emitter, to inspect the Facilities That Generate Soot and Smoke, Soot and Smoke disposal facilities, Specified Facilities, facilities that emit Volatile Organic Compounds, facilities that generate ordinary Particulates, facilities that generate specified Particulates, building, etc. connected with specified work, or any other building.

(2) The collection of a report by the Minister of the Environment or an on-site inspection by officials pursuant to the provisions of the preceding paragraph

shall be executed where there is an urgent necessity to do so in order prevent harm to human health or living conditions due to air pollution.

- (3) Any official who conducts an on-site inspection pursuant to the provisions of paragraph (1) shall carry an identification card and present it to the persons concerned.
- (4) The authority to conduct an on-site inspection pursuant to the provisions of paragraph (1) shall not be construed as authority granted for the purpose of criminal investigation.

(Exemptions)

Article 27 (1) The provisions of this Act shall not apply to air pollution from radioactive materials or the prevention thereof.

- (2) The provisions of Articles 6 through Article 10 (for paragraph (2) of that Article, including where Article 17-12, paragraph (1) or Article 18-13, paragraph (1) are applied mutatis mutandis), Articles 11 and 12 (including where these apply mutatis mutandis to Article 17-12, paragraph (2), or Article 18-13, paragraph (2)), Article 17, paragraphs (2) and (3), Articles 17-4 through 17-8, Article 18, Article 18-2, and Articles 18-6 to 18-9 inclusive, shall not apply to any person who emits or causes the dispersal of Soot and Smoke, a specified substance, a Volatile Organic Compound, ordinary Particulates, or Specified Particulates (hereinafter referred to as "Soot and Smoke, etc.") generated at or dispersed by electrical facilities pursuant to the provisions of Article 2, paragraph (1), item (xvi) of the Electricity Business Act (Act No. 170 of 1964), gas facilities pursuant to the provisions of Article 2, paragraph (13) of the Gas Business Act (Act No. 51 of 1954), Facilities That Generate Soot and Smoke, specified facilities, facilities that emit Volatile Organic Compounds, activities that emit ordinary Particulates, and facilities that generate Specified Particulates (hereinafter referred to as a "Facilities That Generate Smoke, etc.") that are facilities specified by the Ordinance of the Ministry Economy, Trade and Industry under Article 13, paragraph (1) of the Mine Safety Act (Act No. 70 of 1949); instead, said provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act shall apply.

- (3) Where an application for permission or approval has been filed for Facilities That Generate Smoke, etc., specified in the preceding paragraph, the head of the administrative organ of the State that has authority based on an Act specified in the preceding paragraph (hereinafter referred to as "Head of an Administrative Organ") shall, pursuant to the provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act and equivalent to Article 6, Article 8, Article 11, or Article 12, paragraph (3) (including cases where their provisions apply mutatis mutandis to Article 17-12, paragraph (2), or Article 18-13, paragraph (2)), and Articles 17-4, 17-6, 18, or 18-6, notify the

prefectural governor with jurisdiction over the location of said Facilities That Generate Smoke, etc., of the matters that are to be included in a notification pursuant to these provisions from among matters under an application for permission or approval or under a notification.

- (4) Where a prefectural governor finds that air pollution caused by soot and smoke, etc., generated or dispersed at Facilities That Generate Smoke, etc. specified in paragraph (2) is likely to harm human health or living conditions, the prefectural governor may, request the Head of an Administrative Organ to take measures under provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act that are equivalent to the provisions of Article 9, Article 9-2, Article 17-7, or Article 18-8.
- (5) The Head of an Administrative Organ shall, where a request has been made pursuant to the provisions of the preceding paragraph, notify the relevant prefectural governor about the measures taken.
- (6) When a prefectural governor wishes to issue an order pursuant to the provisions of Article 14, paragraph (1) or (3), Article 17-10, Article 18-4 or Article 18-11, for Facilities That Generate Smoke, etc. specified in paragraph (2), the prefectural governor shall consult in advance with the Heads of Administrative Organs.

(Requests for the Submission of Materials)

- Article 28 (1) The Minister of the Environment may, when the Minister finds it necessary for achieving the purposes of this Act, request the head of said local public entity to provide the necessary materials and explanations.
- (2) A prefectural governor may, when the prefectural governor finds it necessary for achieving the purposes of this Act, request the Head of said Administrative Organ or the head of said local public entity to send materials concerning the status, etc. of Facilities That Generate Soot and Smoke, facilities that emit Volatile Organic Compounds, facilities that generate ordinary Particulates, facilities that generate Specified Particulates, or activities that emit, etc. Specified Particulates, and to cooperate in other ways, and may state the prefectural governor's opinion to them concerning the prevention of air pollution from Soot and Smoke, Volatile Organic Compounds, or Particulates.

(Instructions from the Minister of the Environment)

Article 28-2 The Minister of the Environment may, when the Minister finds it urgently necessary in order to prevent the occurrence of damage to human health from air pollution, issue the necessary instructions to the prefectural governor or to the mayor of a city (including special wards) specified by a Cabinet Order under Article 31, paragraph (1), concerning administrative affairs listed below:

- (i) Administrative affairs related to an order pursuant to the provisions of Article 9, Article 9-2, Article 14, paragraphs (1) and (3), Article 15, paragraph (2), Article 15-2, paragraph (2), Article 17, paragraph (3), Article 17-7, Article 17-10, Article 18-4, Article 18-8, Article 18-11, Article 18-16, Article 18-18, and Article 23, paragraph (2)
- (ii) Administrative affairs related to a recommendation under the provisions of Article 15, paragraph (1) and Article 15-2, paragraph (1)
- (iii) Administrative affairs related to a request under the provisions of Article 21, paragraph (1), Article 23, paragraph (2), and Article 27, paragraph (4)
- (iv) Administrative affairs related to a statement of opinions under the provisions of Article 21, paragraph (3)
- (v) Administrative affairs related to a request to make information public and for cooperation under the provisions of Article 23, paragraph (1)
- (vi) Administrative affairs related to a request for cooperation or a statement of opinions under the provisions of Article 28, paragraph (2)

(State Assistance)

Article 29 The State shall endeavor to provide the financial assistance, technical advice, other assistance necessary for the setting in place or improvement of facilities to prevent air pollution from emissions, etc. of Soot and Smoke, Volatile Organic Compounds, and Specified Particulates associated with business activities at a factory or workplace, or with the demolition, etc. of a building, etc.

(Promotion of Research)

Article 30 The State shall endeavor to promote research into technologies related to the disposal of Soot and Smoke, Specified Substances, Volatile Organic Compounds, and automobile emissions, research on the impact of air pollution on human health and living conditions, and other research related to the prevention of air pollution, and shall endeavor to make the results of such research widely known.

(Transitional Measures)

Article 30-2 Where an order is established, revised, or abolished based on the provisions of this Act, the required transitional measures (including transitional measures concerning penal provisions) may be specified by said order to the extent found reasonably necessary in line with the establishment, revision, or abolition thereof.

(Delegation of Authority)

Article 30-3 The authority of the Minister of the Environment prescribed in this

Act may, in accordance with an Ordinance of the Ministry of the Environment, be delegated to the Director General of a Regional Environmental Affairs Office.

(Affairs Handled by Mayors of Cities Specified by Cabinet Order)

Article 31 (1) A part of the affairs that are under the authority of a prefectural governor pursuant to the provisions of this Act may be undertaken by the mayor of a city (including special wards; the same shall apply hereinafter) specified by a Cabinet Order pursuant to the provisions of a Cabinet Order.

(2) The mayor of a city specified by a Cabinet Order under the preceding paragraph shall notify the prefectural governor about the matters necessary for the enforcement of this Act and specified by an Ordinance of the Ministry of the Environment.

(Classification of Administrative Affairs)

Article 31-2 Of the administrative affairs to be handled by a prefecture pursuant to the provisions of this Act, the administrative affairs to be handled pursuant to the provisions of Article 5-2, paragraph (1) (excluding administrative affairs related to the formulation of a plan for reducing the total quantity of Designated Soot and Smoke) and the administrative affairs to be handled pursuant to the provisions of paragraphs (2) and (3) of the same Article, Article 15, paragraph (3), Article 15-2, paragraphs (3) and (4), and Article 22 shall be the statutory entrusted administrative affairs prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Relationship with Ordinances)

Article 32 The provisions of this Act shall not prevent local public entities from establishing the necessary regulations by using, for Facilities That Generate Soot and Smoke, ordinances on the emission into the atmosphere of substances, other than Soot and Smoke, that are generated at those Facilities That Generate Soot and Smoke; for facilities that are generating and emitting Soot and Smoke but that are other than Facilities That Generate Soot and Smoke, ordinances on the emission into the atmosphere of Soot and Smoke generated from those facilities; for facilities that emit Volatile Organic Compounds, ordinances on the emission into the atmosphere of substances other than Volatile Organic Compounds in connection with those facilities that emit volatile organic compounds; for facilities that are emitting Volatile Organic Compounds but that are not facilities that emit Volatile Organic Compounds, ordinances on the emission into the atmosphere of Volatile Organic Compounds from those facilities; for facilities that are generating, emitting or causing the dispersal of ordinary Particulates but that are not facilities that emit ordinary

Particulates, ordinances on the emission or the dispersal into the atmosphere of ordinary Particulates generated or dispersed at those facilities; for facilities that emit Specified Particulates, ordinances on the emission or dispersal into the atmosphere of substances other than Specified Particulates generated or dispersed at those specified particulate emitting facilities; for facilities that are generating, emitting, or causing the dispersal of Specified Particulates but that are not facilities that emit Specified Particulates, ordinances on the emission or dispersal into the atmosphere of Specified Particulates generated or dispersed at those facilities; for activities that emit, etc. Specified Particulates, ordinances on the emission and dispersal into the atmosphere of substances other than Specified Particulates generated or dispersed in connection with those activities; for activities other than activities that emit, etc. Specified Particulates, in which a building is demolished, altered, or repaired, ordinances on the emission or dispersal into the atmosphere of Specified Particulates generated or dispersed in connection with those activities.

## **Chapter VI Penal Provisions**

Article 33 Any person who has violated an order issued under Article 9, Article 9-2, Article 14, paragraphs (1) or (3), Article 17-7, Article 17-10, Article 18-8, or Article 18-11 shall be punished by imprisonment with work for up to one year or a fine of up to one million yen.

Article 33-2 (1) Any person who falls under any of the following items shall be punished by imprisonment with work for up to six months or a fine of up to five hundred thousand yen:

(i) Any person who has violated the provisions of Article 13, paragraph (1) or Article 13-2, paragraph (1)

(ii) Any person who has violated an order issued under the provisions of Article 17, paragraph (3), Article 18-4, Article 18-16, Article 18-18, or Article 23, paragraph (2)

(2) Any person who, through negligence, has committed an offense under item (i) of the preceding paragraph, shall be punished by imprisonment without work for up to three months or a fine of up to three hundred thousand yen.

Article 34 Any person who falls under any the following items shall be punished by imprisonment with work for up to three months or a fine of up to three hundred thousand yen:

(i) Any person who has failed to submit a notification under Article 6, paragraph (1), Article 8, paragraph (1), Article 17-4, paragraph (1), Article 17-6, paragraph (1), Article 18-6, paragraphs (1) or (3), or Article 18-15,

- paragraph (1), or who has submitted a false notification
- (ii) Any person who has violated an order issued under Article 15, paragraph (2) or Article 15-2, paragraph (2)

Article 35 Any person who falls under any the following items shall be punished by a fine of up to two hundred thousand yen:

- (i) Any person who has failed to submit a notification under Article 7, paragraph (1), Article 17-5, paragraph (1), Article 18, paragraphs (1) or (3), Article 18-2, paragraph (1), or Article 18-7, paragraph (1), or who has submitted a false notification
- (ii) Any person who has violated the provisions of Article 10, paragraph (1), Article 17-8, or Article 18-9
- (iii) Any person who has failed to report under Article 26, paragraph (1), has made a false report, or has refused, obstructed, or evaded an inspection under the same paragraph

Article 36 Where the representative person of a juridical person, or an agent, employee or other worker of a juridical person or individual has committed a violation under the preceding four Articles with regard to the business of the juridical person or individual, not only shall the offender be punished, but the juridical person or individual shall also be punished, by the fines prescribed in said Articles.

Article 37 Any person who has failed to submit the notification specified under Article 11 or Article 12, paragraph (3) (including where these provisions apply to Article 17-12, paragraph (2) or Article 18-13, paragraph (2)) or Article 18-15, paragraph (2), or who has submitted a false notification shall be subject to a non-criminal fine of up to one hundred thousand yen.

### **Supplementary Provisions [Extract] [Extract]**

(Effective Date)

- (1) This Act shall come into effect as of the day on which six months have elapsed from the date of its promulgation; provided, however, that the provisions of Article 4, paragraph (4) shall come into effect as from the date of its promulgation.

(Abolition of the Act Concerning Regulation of Soot and Smoke Emissions)

- (2) The Act Concerning Regulation of Soot and Smoke Emissions (Act No. 146 of 1962; hereinafter referred to as the "Former Act") shall be abolished.

(Transitional Measures)

- (3) With regard to the application of the provisions of Articles 10 and 11, for persons who at the time of enforcement of this Act are under restrictions on implementation pursuant to the provisions of Article 12 of the Former Act, "the date of acceptance of the notification" in Article 10 shall be deemed to be "the date of acceptance of the notification pursuant to the provisions of Article 8, paragraph (1) and Article 10, paragraph (1) of the former Act Concerning Regulation, etc. of Soot and Smoke Emissions," and "the date of acceptance of the notification" in Article 11, paragraph (1) shall be deemed to be "the date of acceptance of the notification pursuant to the provisions of Article 8, paragraph (1) and Article 10, paragraph (1) of the former Act Concerning Regulation, etc. of Soot and Smoke Emissions."
- (4) With regard to the application of the provisions of Article 14, paragraph (3) to Facilities That Generate Soot and Smoke for which the provisions of Article 16, paragraph (1) or (2) are deemed to not apply, pursuant to the provisions paragraph (3) of the same Article of the Former Act, at the time of enforcement of this Act, "the date the area became a designated area pursuant to the provisions of the same paragraph, or the date the facilities were designated as Facilities That Generate Soot and Smoke pursuant to the provisions of the same paragraph" in the same paragraph shall be deemed to be "the date the area became a designated area pursuant to the provisions of Article 9, paragraph (1) of the former Act Concerning Regulation, etc. of Soot and Smoke Emissions, or the date the facilities were designated as Facilities That Generate Soot and Smoke pursuant to the provisions of the same paragraph."
- (5) For persons who have submitted a notification pursuant to the provisions of Article 9, paragraph (1) of the Former Act prior to the enforcement of this Act, with regard to the application of the provisions under the proviso to Article 14, paragraph (3) in connection with the Facilities That Generate Soot and Smoke under said notification, for which a period of no more than sixty days has elapsed between the date of said notification and the date of enforcement of this Act, "the date of the acceptance of the notification" in the proviso of the same paragraph shall be deemed to be "the date on which the notification was submitted pursuant to the provisions of Article 10, paragraph (1) of the former Act Concerning Regulation, etc. of Soot and Smoke Emissions."
- (6) The candidates to be commissioned as mediators in accordance with the provisions of Article 23, paragraph (1) of the Former Act, or the mediators designated in accordance with the provisions of Article 24 paragraph (1) of the same Act at the time of enforcement of this Act shall be deemed to have been commissioned in accordance with the provisions of Article 23, paragraph (1), and designated in accordance with the provisions of Article 24, paragraph (1), respectively.

- (7) In addition to the cases specified in the preceding paragraph, where there are equivalent provisions in this Act, a disposition, procedure, or other act carried out under the Former Act shall be deemed to have been conducted under this Act.
- (8) With regard to the application of penal provisions to an act committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

(Designated Substance Control Standards)

- (9) With regard to any facilities (hereinafter referred to as "Facilities That Emit Designated Substances") that emit or cause to be dispersed into the atmosphere any substance that is a hazardous air pollutant specified by Cabinet Order as one whose emission and dispersal must be urgently controlled in order to prevent damage to human health (hereinafter referred to as a "Designated Substance"), the Minister of the Environment shall, until otherwise stipulated, when the Minister finds it necessary in order to prevent the occurrence of damage to human health from air polluted by hazardous air pollutants, establish standards for controlling the emission and dispersal of each type of Designated Substance and each type of Facilities That Emit Designated Substances (hereinafter referred to as "Standards for Controlling Designated Substances") and shall make them public.

(Recommendations)

- (10) A prefectural governor may, where Standards for Controlling Designated Substances have been established and when the prefectural governor finds it necessary in order to prevent the occurrence of damage to human health within the prefecture from air polluted by a Designated Substance, make a recommendation, taking into consideration the Standards for Controlling Designated Substances, to persons who have in place Facilities That Emit Designated Substances, regarding the control of emissions or dispersal of a Designated Substance from Facilities That Emit Designated Substances.

(Reporting)

- (11) A prefectural governor may, to the extent necessary to make a recommendation under the preceding paragraph, request that the person specified in the same paragraph provide a report on the status of Facilities That Emit Designated Substances, and other necessary matters.
- (12) The Minister of the Environment may, when the Minister finds it urgently necessary in order to prevent the occurrence of damage to human health from air polluted by a Designated Substance, issue the necessary instructions to the prefectural governor or to the mayor of a city specified by a Cabinet Order

under Article 31, paragraph (1), concerning the recommendation pursuant to the provisions of paragraph (10).

- (13) The Minister of the Environment may, to the extent necessary in order to issue an instruction under the preceding paragraph, request that any person who has in place a Facilities That Emit Designated Substances provide a report on the status of the Facilities That Emit Designated Substances, and other necessary matters.