

Act to Prevent Soil Contamination on Agricultural Land

(Act No. 139 of December 25, 1970)

(Purpose)

Article 1 The purpose of this Act is to prevent agricultural and livestock products that are likely to be harmful to human health from being produced and to prevent the growth of Agricultural and Related Products from being impeded, by taking the measures that are necessary in order to prevent the soil of Agricultural Land from being contaminated by Designated Hazardous Substances and in order to rid the soil of Agricultural Land of contamination from Designated Hazardous Substances, and by taking the measures that are necessary to rationalize the use of contaminated Agricultural Land, thereby protecting the health of citizens and protecting the living environment.

(Definitions)

Article 2 (1) The term "Agricultural Land" as used in this Act means land used for cultivation, land whose main use is livestock pasturage, and land whose main use is for harvesting grasses to use in the livestock business.

(2) The term "Agricultural and Related Products" as used in this Act means agricultural products and forage plants that are not agricultural products.

(3) The term "Designated Hazardous Substance" as used in this Act means a chemical substance (other than radioactive substances) such as cadmium, which is designated by Cabinet Order and whose inclusion in the soil of Agricultural Land is likely to cause the Agricultural Land to produce agricultural and livestock products with the potential to harm human health, or whose inclusion in the soil is likely to impede the growth of Agricultural and Related Products.

(Designation of Areas for Countermeasures)

Article 3 (1) If a prefectural governor concludes, judging from the kinds and quantities of Designated Hazardous Substances contained in the soil of Agricultural Land in an area located within the relevant prefectural district or in the Agricultural and Related Products grown on the relevant Agricultural Land, that using such Agricultural Land will produce an agricultural or livestock product with the potential to harm human health or that the growth of Agricultural and Related Products will be impeded on such Agricultural Land, or if the situation falls under the conditions provided by Cabinet Order as constituting a significant likelihood of either of these occurrences, the

governor may designate the area as an area for countermeasures against soil contamination on Agricultural Land (hereinafter referred to as a "Area for Countermeasures").

- (2) The Minister of the Environment shall hear the opinion of the Central Environment Council before establishing, amending, or abolishing the Cabinet Order referred to in the preceding paragraph.
- (3) A prefectural governor seeking to designate an Area for Countermeasures must hear the opinions of the council or other organ of the council system which is established by the provisions of Article 43 of the Environment Basic Act (Act No. 91 of 1993) and the opinions of the mayors of the relevant municipalities before doing so.
- (4) When a prefectural governor has designated an Area for Countermeasures, the governor shall, without delay and in accordance with Ordinance of the Ministry of the Environment, post a public notice of the designation, report the designation to the Minister of the Environment, and inform the mayors of the relevant municipalities of the designation.
- (5) The mayor of a municipality may request the prefectural governor to designate an area located within the relevant municipal district which meets the conditions provided by Cabinet Order as referred to in paragraph (1) as an Area for Countermeasures.

(Modification of the Boundaries of an Area for Countermeasures, etc.)

- Article 4 (1) A prefectural governor may modify the boundaries of a designated Area for Countermeasures or cancel the designation if such modification or cancellation becomes necessary due to any changes in the facts constituting requirements for the original designation.
- (2) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to a modification of the boundaries of an Area for Countermeasures and the cancellation of a designation pursuant to the preceding paragraph.

(Plan for Countermeasures against Soil Contamination on Agricultural Land)

- Article 5 (1) After a prefectural governor designates an Area for Countermeasures, the governor shall, without delay, establish a plan for countermeasures against soil contamination on Agricultural Land (hereinafter referred to as a "Plan for Countermeasures") for the Area for Countermeasures, in order to prevent the soil of the Agricultural Land within the boundaries of the Area for Countermeasures from being contaminated by Designated Hazardous Substances, to rid the soil of contamination from Designated Hazardous Substances, or to rationalize the use of Agricultural Land contaminated by Designated Hazardous Substances (hereinafter referred to as

"Contaminated Agricultural Land").

- (2) A Plan for Countermeasures must establish the following particulars, in accordance with Ordinances of the Ministry of Agriculture, Forestry and Fisheries and Ordinance of the Ministry of the Environment:
 - (i) fundamental policies concerning use classifications for Agricultural Land within the boundaries of the Area for Countermeasures and the use of the Agricultural Land under each such classification, in consideration of the degree to which the soil of the Agricultural Land is contaminated with Designated Hazardous Substances and other factors;
 - (ii) the particulars of any of the following undertakings that Agricultural Land within the boundaries of the Area for Countermeasures requires:
 - (a) the construction, maintenance, or modification of irrigation, drainage, and other facilities and equipment to prevent the soil of the Agricultural Land from being contaminated by Designated Hazardous Substances;
 - (b) soil dressing and other undertakings to rid the soil of the Agricultural Land of contamination from Designated Hazardous Substances;
 - (c) changes to the land category and other undertakings to rationalize the use of the Contaminated Agricultural Land.
 - (iii) particulars related to investigating and measuring contamination from Designated Hazardous Substances in the soil of Agricultural Land within the boundaries of the Area for Countermeasures;
- (3) A Plan for Countermeasures that involves the particulars specified in item (ii) of the preceding paragraph must be judged to be both necessary and proper for achieving the objectives provided in paragraph (1) in light of the degree to which the soil of the Agricultural Land connected with the relevant undertaking is contaminated by Designated Hazardous Substances, the cost of executing the plan, the expected results, the degree of urgency, etc.
- (4) A prefectural governor seeking to establish a Plan for Countermeasures must consult with and obtain the consent of the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment before doing so.
- (5) A prefectural governor seeking a consultation pursuant to the preceding paragraph must hear the opinions of the council or other organ of the system which is established by the provisions of Article 43 of the Environment Basic Act, and the opinions of the mayors of the relevant municipalities before doing so.
- (6) When a prefectural governor has established a Plan for Countermeasures, the governor shall, without delay, post a public notice that includes an outline of the plan and inform the mayors of the relevant municipalities of the plan's formulation.

(Modification of Plans for Countermeasures)

Article 6 (1) A prefectural governor may modify a Plan for Countermeasures if a modification becomes necessary due to any changes in the boundaries of an Area for Countermeasures or due to any variations, etc. in the status of contamination from Designated Hazardous Substances in the soil of Agricultural Land within the boundaries of the Area for Countermeasures.

(2) The provisions of paragraphs (3) through (6) of the preceding Article apply mutatis mutandis to the modification of a Plan for Countermeasures pursuant to the preceding paragraph (excluding minor changes provided for by Ordinance of the Ministry of Agriculture, Forestry and Fisheries and Ordinance of the Ministry of the Environment).

(Measures by Prefectural Governors to Set Effluent Standards, etc.)

Article 7 If a prefectural governor designates an Area for Countermeasures or modifies the boundaries of an Area for Countermeasures, and, in comprehensive consideration of the degree to which the soil of the Agricultural Land within the boundaries of an Area for Countermeasures is contaminated with Designated Hazardous Substances and the content of the Plan for Countermeasures that involves the relevant Area for Countermeasures, if the governor finds it to be necessary to do so in order to prevent an agricultural or livestock product with the potential to harm human health from being produced or in order to prevent the growth of Agricultural and Related Products from being impeded, the governor shall establish, pursuant to the provisions of Article 3, paragraph (3) of the Water Pollution Control Act (Act No.138 of 1970) or pursuant to Article 4, paragraph (1) of the Air Pollution Control Act (Act No.97 of 1968), effluent standards for effluent from public water areas which flows onto Agricultural Land, or emission standards for soot and smoke generated in facilities that emit soot and smoke which are located in an area that contains all or part of the Area for Countermeasures, or shall take necessary measures to modify effluent standards or emission standards established pursuant to those provisions.

(Designation, etc., of Special Districts)

Article 8 (1) If a prefectural governor concludes, judging from the kinds, quantities, etc. of Designated Hazardous Substances contained in the soil and from the agricultural and livestock products produced by Agricultural Land within the boundaries of an Area for Countermeasures, that the Agricultural Land produces an agricultural or livestock product with the potential to harm human health, the governor may designate the scope of agricultural products or plants other than agricultural products, which are unsuitable for cultivation on the Agricultural Land or for use as feed (hereinafter referred to as "Designated Agricultural and Related Products") and designate an area of

Agricultural Land as a special district.

- (2) When a prefectural governor has designated a special district pursuant to the preceding paragraph, the governor shall, without delay and pursuant to the provisions of Ordinance of the Ministry of the Environment, post a public notice of the designation, report the designation to the Minister of the Environment, and inform the mayors of the relevant municipalities of the designation.
- (3) The mayor of a municipality may request the prefectural governor to designate Agricultural Land within the relevant municipal district which meets the requirements set forth in paragraph (1) as a special district.

(Modification of the Boundaries of a Special District, etc.)

Article 9 (1) A prefectural governor may modify the boundaries of a special district or the scope of Designated Agricultural and Related Products for the area or cancel a special district's designation if such modification or cancellation becomes necessary due to any changes in the facts constituting requirements for the original designation. .

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to modification of the boundaries of a special district or the scope of Designated Agricultural and Related Products or the cancellation of a special district's designation pursuant to the preceding paragraph.

(Recommendations Concerning the Planting of Agricultural and Related Products)

Article 10 If a person is planting or intends to plant Agricultural Land that is within the boundaries of a special district with the Designated Agricultural and Related Products designated for that Agricultural Land, or if a person is using or intends to use such Designated Agricultural and Related Products grown in such an area as feed, the prefectural governor may recommend the person not to plant the Designated Agricultural and Related Products or not to use the Designated Agricultural and Related Products as feed.

(Request for Measures to Prevent the Soil of Agricultural Land from Being Contaminated)

Article 11 If the Minister of the Environment finds there to be a particular necessity of doing so in order to prevent the soil of Agricultural Land from being contaminated by Designated Hazardous Substances contained in the effluent or soot and smoke, etc. emitted from factories or workshops, the Minister of the Environment shall request the heads of the relevant administrative organs or of the relevant local public entities to take measures necessary to prevent contamination in accordance with the provisions of the

Mine Safety Act (Act No.70 of 1949) and other Acts.

(Continuous Monitoring)

Article 11-2 (1) A prefectural governor shall continually monitor the condition of the soil of Agricultural Land with regard to contamination from Designated Hazardous Substances.

(2) A prefectural governor shall report the results of the continual monitoring under the preceding paragraph to the Minister of the Environment.

(Investigation and Measurement, etc., of the Soil of Agricultural Land with Regard to Contamination)

Article 12 A prefectural governor shall investigate and measure the condition of the soil of Agricultural Land with regard to contamination from Designated Hazardous Substances in the relevant prefectural district and shall make public the results.

(Site Inspection, etc.)

Article 13 (1) If it is necessary to do so in order to investigate and measure the condition of the soil of Agricultural Land with regard to contamination from a Designated Hazardous Substance, the Minister of Agriculture, Forestry and Fisheries, the Minister of the Environment, or a prefectural governor may, to the extent necessary for the implementation of this Act, have an official enter the Agricultural Land to investigate and measure the soil or Agricultural and Related Products or to collect the minimum quantity of soil or Agricultural and Related Products that are necessary for investigation and measurement purposes, without compensation for the soil or Agricultural and Related Products.

(2) An official who conducts a site inspection pursuant to the provisions of the preceding paragraph (1) of this Article shall carry a valid identification card and produce it when requested by the relevant parties.

(Cooperation of Administrative Organs and Local Public Entities)

Article 14 (1) If the Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment finds it to be necessary in order to achieve the purpose of this Act, either such minister may request the heads of the relevant administrative organs or the heads of the relevant local public entities to submit the necessary materials, information, or explanations, and to provide any other cooperation.

(2) If a prefectural governor finds it to be necessary in order to achieve the purpose of this Act, such governor may request the heads of the relevant administrative organs or the heads of the relevant Local public entities to

submit the necessary materials, information, or explanations, and to provide any other cooperation, or such governor may state an opinion about preventing the soil of Agricultural Land from being contaminated by Designated Hazardous Substances.

(Instructions from the State)

Article 14-2 (1) If the Minister of the Environment finds there to be an urgent necessity of doing so in order to prevent an agricultural or livestock product with the potential to harm human health from being produced due to the soil of the Agricultural Land being contaminated with Designated Hazardous Substances, the Minister of the Environment may issue the necessary instructions for the following administrative affairs to prefectural governors:

- (i) administrative affairs involved in a designation pursuant to the provisions of Article 3, paragraph (1) or Article 8, paragraph (1);
- (ii) administrative affairs involved in modification or cancellation pursuant to the provisions of Article 4, paragraph (1) or Article 9, paragraph (1);
- (iii) administrative affairs involved in measures pursuant to the provisions of Article 7.

(2) When the Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment finds there to be an urgent necessity of doing so in order to prevent an agricultural or livestock product with the potential to harm human health from being produced due to the soil of the Agricultural Land being contaminated with Designated Hazardous Substances, either such minister may issue the necessary instructions for the following administrative affairs to prefectural governors:

- (i) administrative affairs involved in recommendations pursuant to the provisions of Article 10;
- (ii) administrative affairs involved in a request for cooperation or statement of opinion pursuant to the provisions of paragraph (2) of the preceding Article.

(Assistance by the State and Prefectures)

Article 15 The State and the prefectures must endeavor to give necessary financial assistance, guidance, and other assistance for the achievement of a Plan for Countermeasures.

(Facilitation of Research, etc.)

Article 16 The State and Prefectures must endeavor to facilitate research into technologies that prevent the soil of Agricultural Land from being contaminated by Designated Hazardous Substances and that rid the soil of Agricultural Land of such contamination, and must endeavor to facilitate research into the effects of Designated Hazardous Substances on Agricultural

and Related Products and to disseminate the results.

(Delegation of Authority)

Article 16-2 (1) The authority of the Minister of Agriculture, Forestry and Fisheries under this Act may be delegated to the head of a Regional Agricultural Administration Office pursuant to the provisions of Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) The authority of the Minister of the Environment under this Act may be delegated to the head of a Regional Environmental Affairs Office pursuant to the provisions of Ordinance of the Ministry of the Environment.

(Classification of Administrative Affairs)

Article 16-3 Administrative affairs that are to be handled by the prefectures pursuant to the provisions of Article 11-2 are Item I Statutory Entrusted Affairs prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Penal Provisions)

Article 17 (1) A person who has refused, interfered with, or evaded the inspection and measurement prescribed in paragraph (1) of Article 13 is sentenced to a fine of not more than 30,000 yen.

(2) If the representative of a juridical person or the agent, worker, or any other employee of a juridical person or individual has committed a violation prescribed in the preceding paragraph (1) with regard to the business of the juridical person or individual, in addition to the punishment to which the offender is subject, the juridical person or individual is also subject to the fine prescribed in the same paragraph.

Supplementary Provisions [Extract]

(Date of Enforcement)

Article 1 This Act comes into force on the date specified by Cabinet Order within a period not exceeding six months from the day of its promulgation.