

# Air Pollution Control Act

(Act No. 97 of June 10, 1968)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the health of the people and to preserve the living environment from the effects of air pollution by regulating the emission and dispersal of soot and smoke, volatile organic compounds, and particulates associated with the business activities of factories and places of business and with the demolition, remodeling, and renovation of buildings and other structures, by regulating emissions of mercury or a mercury compound that are associated with the business activities of factories and places of business in order to ensure accurate and smooth implementation of the Minamata Convention on Mercury (hereinafter referred to as "the Convention"), by furthering measures against hazardous air pollutants, by prescribing maximum limits for automobile exhaust, and in other ways; as well as to protect victims by providing for businesses' liability to compensate for loss and damage if damage to human health arises in connection with air pollution.

(Definitions)

Article 2 (1) The term "soot or smoke" as used in this Act means a substance set forth in one of the following items:

- (i) sulfur oxide generated by the combustion of fuel or any other such thing;
  - (ii) dust generated by the combustion of fuel or any other such thing or by the use of electricity as a source of heat;
  - (iii) cadmium, chlorine, hydrogen fluoride, lead, or any other such substance likely to damage human health or the living environment (excluding one as set forth in item (i)) that is specified by Cabinet Order, which is generated as a result of combustion, synthesis, decomposition, or any other such process (excluding mechanical processes).
- (2) The term "unit generating soot or smoke" as used in this Act means a unit that is installed at a factory or place of business, that generates and emits soot or smoke which causes air pollution, and that is specified by Cabinet Order.
- (3) The term "soot or smoke processing unit" as used in this Act means a unit for processing the soot or smoke generated by a unit generating soot or smoke, and any auxiliary units.
- (4) The term "volatile organic compound" as used in this Act means an organic compound (other than a substance specified by Cabinet Order as not being a source from which airborne particles or oxidants are generated) that is in a gaseous state at the time it is emitted or dispersed into the atmosphere.
- (5) The term "unit emitting a volatile organic compound" as used in this Act means a unit that is installed at a factory or place of business, that emits a volatile organic compound which causes air pollution, and that is specified by Cabinet Order as a unit whose emission of the volatile organic compound it is particularly necessary to regulate due to its large volume.
- (6) The Cabinet Order referred to in the preceding paragraph is to be established with sufficient consideration to allow for the facilitation of voluntary efforts by businesses to control the emission and dispersal of the volatile organic compounds.
- (7) The term "particulates" as used in this Act means substances that are generated or dispersed as a result of any mechanical process such as crushing or sorting materials, or as a result of the accumulation of such materials.
- (8) The term "specified particulates" as used in this Act means particulates of asbestos and other such substances likely to damage human health that are specified by Cabinet Order, and the term "ordinary particulates" means particulates other than specified particulates.
- (9) The term "unit generating ordinary particulates" as used in this Act means a unit that is installed at a factory or place of business, that generates and emits or disperses ordinary particulates which cause air pollution, and that is

specified by Cabinet Order.

- (10) The term "unit generating specified particulates" as used in this Act means a unit that is installed at a factory or place of business, that generates and emits or disperses specified particulates which cause air pollution, and that is specified by Cabinet Order.
- (11) The term "work emitting or dispersing specified particulates" as used in this Act means, among the work of demolishing, remodeling, or renovating a building or other such structure (hereinafter referred to as a "building or other such structure") in which a building material causing the generation or dispersal of spray-applied asbestos or any other such specified particulates which is specified by Cabinet Order (hereinafter referred to as the "specified building material") has been used; work from whose location the specified particulates that are emitted or dispersed cause air pollution, and which is specified by Cabinet Order.
- (12) The term "mercury or a mercury compound" as used in this Act means mercury or a compound of mercury.
- (13) The term "unit emitting mercury" as used in this Act means a unit that is installed at a factory or place of business, that emits mercury or a mercury compound into the atmosphere, and that is specified by Cabinet Order as one that, in accordance with the provisions of the Convention, it is necessary to regulate.
- (14) The term "outlet" as used in this Act means an opening in a smokestack or any other such unit that has been set up to emit into the atmosphere the soot or smoke that is generated at a unit generating soot or smoke, the volatile organic compounds associated with a unit emitting a volatile organic compound, or the mercury or mercury compound associated with a unit emitting mercury.
- (15) The term "hazardous air pollutant" as used in this Act means a substance that is likely to harm human health if it is ingested continuously and that causes air pollution (other than soot and smoke (but only those set forth in the items set forth under paragraph (1), items (i) and (iii)), specified particulates, and mercury and mercury compounds).
- (16) The term "automobile exhaust" as used in this Act means the carbon monoxide, hydrocarbons, lead, and other such substances likely to damage human health or the living environment, that are generated during the operation of an automobile (meaning those of the automobiles prescribed in Article 2, paragraph (2) of the Road Transport Vehicle Act (Act No. 185 of 1951) that are specified by Order of the Ministry of the Environment and those of the motorized bicycles prescribed in paragraph (3) of that Article that are specified by Order of the Ministry of the Environment; the same applies hereinafter), and that are specified by Cabinet Order.

## Chapter II Regulation of Soot and Smoke Emissions; Related Matters

(Emissions Standards)

- Article 3 (1) Order of the Ministry of the Environment establishes soot and smoke emissions standards for the soot and smoke that are generated at units generating soot and smoke.
- (2) The emissions standards referred to in the preceding paragraph are the permissible limits set forth in item (i) for the sulfur oxides referred to in paragraph (1), item (i) of the preceding Article (hereinafter simply referred to as "sulfur oxides"); the permissible limits set forth in item (ii) for the soot and dust referred to in paragraph (1), item (ii) of the preceding Article (hereinafter simply referred to as "soot and dust"); and the permissible limits set forth in item (iii) or (iv) for a substance as prescribed in paragraph (1), item (iii) of the preceding Article (hereinafter referred to as a "hazardous substance"):
- (i) the permissible limits that are established based on outlet height (meaning outlet height following a correction that has been applied by the means prescribed by Order of the Ministry of the Environment; the same applies hereinafter) for each of the regional divisions specified by Cabinet Order, for quantities of sulfur oxides generated and emitted into the atmosphere from outlets at units generating soot and smoke that are associated with sulfur oxides;
  - (ii) the permissible limits that are established for each type and size of unit, for quantities of soot and dust contained in the emissions generated and emitted into the atmosphere from outlets at units generating soot and smoke that are associated with soot and dust;
  - (iii) the permissible limits that are established for each type of hazardous substance and each type of unit, for quantities of hazardous substances (other than the specified hazardous substances referred to in the following item) contained in the emissions generated and emitted into the atmosphere from outlets at units generating soot and smoke that are associated with hazardous substances; and
  - (iv) the permissible limits that are established based on outlet height for each type of hazardous substance that is generated in association with the combustion of fuel or any other such thing and that is specified by the Minister of the Environment (hereinafter referred to as a "specified hazardous substance"), for quantities of specified hazardous substances generated and emitted into the atmosphere from outlets at units generating soot and smoke that are associated with specified hazardous substances.
- (3) If the Minister of the Environment finds that air pollution has occurred or is likely to occur at levels that exceed the limits specified by Cabinet Order in all or some areas of a region in which units are concentrated (meaning a region

with a concentration of units generating soot and smoke that are associated with sulfur oxides, soot and dust, and specified hazardous substances) due to the sulfur oxides, soot and dust, and specified hazardous substances generated and emitted into the atmosphere at units generating soot and smoke, the Minister of the Environment may establish, by Order of the Ministry of the Environment, special emissions standards for all or some of the areas of the region that must be applied in lieu of the emissions standards referred to in paragraph (1) (or in lieu of the emissions standards established pursuant to the provisions of paragraph (1) of the following Article, if applicable) to new units generating soot or smoke that will be installed in those areas.

(4) The provisions of paragraph (2) (excluding item (iii) of that paragraph) apply *mutatis mutandis* to the emissions standards referred to in the preceding paragraph.

(5) Before seeking to establish sulfur oxide emissions standards pursuant to the provisions of paragraph (1) or to establish emissions standards pursuant to the provisions of paragraph (3), the Minister of the Environment must seek the opinions of the relevant prefectural governor. The same applies if the Minister of the Environment seeks to modify or repeal one of these emissions standards.

Article 4 (1) If, among the areas of a prefecture, there is an area where, judging from the natural and societal conditions, the emissions standards for soot and dust or hazardous substances that are referred to in paragraph (1) or (3) of the preceding Article are found to be insufficient to protect human health or the living environment, that prefecture, by Prefectural Ordinance and pursuant to Cabinet Order, may establish emissions standards prescribing permissible limits that are stricter than the permissible limits prescribed by the emissions standards referred to in paragraph (1) of that Article and that are to be applied in lieu of the emissions standards referred to in that paragraph for the soot and dust or hazardous substances that are generated at units generating soot and smoke in that area.

(2) The Prefectural Ordinance referred to in the preceding paragraph must also clearly indicate the scope of the area in question.

(3) Before a prefecture establishes emissions standards pursuant to the provisions of paragraph (1), the prefectural governor must first notify the Minister of the Environment.

(Recommendations on Emissions Standards)

Article 5 On finding it to be particularly necessary to do so in order to prevent air pollution, the Minister of the Environment may recommend that a prefecture establish emissions standards pursuant to the provisions of paragraph (1) of the preceding Article or modify existing emissions standards

pursuant to the provisions of that paragraph.

(Standards Regulating Total Emissions)

- Article 5-2 (1) In a region with a concentration of factories or places of business that is specified by Cabinet Order, for each type of sulfur oxide or other such soot or smoke specified by Cabinet Order (hereinafter referred to as "designated soot or smoke"), as a region in which it is found to be difficult to ensure the standards for environmental conditions associated with air pollution under Article 16, paragraph (1) of the Basic Act on the Environment (Act No. 91 of 1993) (referred to as "air quality standards" in paragraph (1), item (iii) of the following Article) using only the emissions standards prescribed in Article 3, paragraph (1) or (3) or Article 4, paragraph (1) (hereinafter such a region is referred to as a "designated region"), the prefectural governor must formulate a plan for reducing the total quantity of designated soot and smoke that is generated at factories and places of business that emit the designated soot and smoke in the designated region and that are of at least the scale that the prefectural governor specifies in accordance with the standards specified by Order of the Ministry of the Environment (hereinafter each of these is referred to as a "specified factory or place of business"), and on the basis of that plan, the prefectural governor must establish standards regulating total emissions, pursuant to Order of the Ministry of the Environment.
- (2) On finding it to be necessary to do so, the prefectural governor may subdivide a designated region into two or more areas and prescribe standards regulating total emissions as referred to the preceding paragraph for each area.
- (3) Pursuant to Order of the Ministry of the Environment and based on the plan for reducing the total quantity of designated soot and smoke that is referred to in paragraph (1), the prefectural governor may establish a special standard regulating total emissions that is to be applied in lieu of the standards regulating total emissions referred to in paragraph (1), for each specified factory or place of business at which a unit generating soot or smoke has been newly installed (this includes a factory or place of business that has newly become a specified factory or place of business due to a unit generating soot or smoke having been installed therein or due to a change in something such as its structure) and for each new specified factory or place of business that has been established.
- (4) The standards regulating total emissions referred to in paragraph (1) or the preceding paragraph are the permissible limits that are prescribed in connection with a specified factory or place of business, for the total quantity of designated soot and smoke generated and emitted into the atmosphere from outlets at all units generating soot and smoke that are installed at the

specified factory or place of business.

- (5) If a certain region is found to fall under the requirements to be a region specified by Cabinet Order that is referred to paragraph (1), the prefectural governor may indicate this to the Minister of the Environment in connection with a proposal for a Cabinet Order specifying the regions referred to in that paragraph.
- (6) The Minister of the Environment must seek the opinions of the relevant prefectural governors before seeking to propose the enactment, amendment, or repeal of a Cabinet Order specifying an area as referred to in paragraph (1).
- (7) A prefectural governor must give public notice when establishing the standards regulating total emissions provided for in paragraph (1) or (3).  
The same applies if the prefectural governor modifies or repeals those 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 is to establish the particulars set forth in items (iv) through (vi) pursuant to the provisions of Cabinet Order, with the aim of reducing the total quantity set forth in item (i) to the total quantity set forth in item (iii) for the designated region and in consideration of things such as the ratio of the total quantity set forth in item (i) to the total quantity set forth in item (ii), the scale of the factory or place of business, the prospects for raw materials or fuels used at the factory or place of business, and trends in designated soot and smoke emissions at sources of designated soot and smoke emissions other than specified factory or place of business. In such a case, if it is necessary to subdivide a designated region into two or more areas in order to achieve the plan, due to the air pollution conditions and the distribution of factories or places of business in the designated region, the total quantity set forth in items (i) through (iii) refers to the total quantity of designated soot and smoke for each of the areas so subdivided:

- (i) the total quantity of designated soot and smoke generated and emitted into the atmosphere as a result of business activities and other such human activity in the designated region;
- (ii) the total quantity of designated soot and smoke generated and emitted into the atmosphere from outlets at units generating soot and smoke that are installed at all of the specified factories and places of business in the designated region;
- (iii) the total quantity calculated as prescribed by Order of the Ministry of the Environment in light of the air quality standards for designated soot and smoke generated and emitted into the atmosphere as a result of business

- activities and other such human activity in the designated region;
  - (iv) the target amount of reduction in the total quantity under item (ii) above (if a target amount of reduction is established as an interim target, that target reduction quantity is included);
  - (v) the term for achieving the plan; and,
  - (vi) the means of achieving the plan.
- (2) Before seeking to establish a plan for reducing the total quantity of designated soot and smoke as referred to in paragraph (1) of the preceding Article, the prefectural governor must hear the opinions of the council established pursuant to the provisions of Article 43 of the Basic Act on the Environment and other such consultative bodies, as well as the mayors of relevant municipalities.
- (3) Before seeking to establish a plan for reducing the total quantity of designated soot and smoke as referred to in paragraph (1) of the preceding Article, the prefectural governor must first consult with the Minister of the Environment regarding the part that concerns paragraph (1), items (iv) and (v).
- (4) Having established a plan for reducing the total quantity of designated soot and smoke as referred to in paragraph (1) of the preceding Article, the prefectural governor must endeavor to disclose the particulars set forth under each item of paragraph (1).
- (5) The prefectural governor may change the plan for reducing the total quantity of designated soot and smoke referred to in paragraph (1) of the preceding Article if this becomes necessary due to something such as a change in the air pollution status in the designated region.
- (6) The provisions of paragraphs (2) through (4) apply mutatis mutandis to any change to a plan under the preceding paragraph.

(Filing a Notification of the Installation of a Unit Generating Soot or Smoke)  
Article 6 (1) If a person that will emit soot or smoke into the atmosphere seeks to install a unit generating soot or smoke, it must file a notification of the following particulars with the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the name and address of the person, as well as the name of the representative, if the relevant person is a corporation;
  - (ii) the name and locality of the factory or place of business;
  - (iii) the type of unit generating soot or smoke;
  - (iv) the structure of the unit generating soot or smoke;
  - (v) the way in which the unit generating soot or smoke will be used; and
  - (vi) the way in which the soot or smoke will be processed.
- (2) The notification under the provisions of the preceding paragraph must be accompanied by documents stating the quantities of sulfur oxides or specified



hazardous substances that will be generated and emitted into the atmosphere from an outlet at the unit generating soot or smoke (hereinafter referred to as the "quantity of soot or smoke") or the quantity of soot or dust or hazardous substances (excluding specified hazardous substances) that will be contained in the emissions generated and emitted into the atmosphere from an outlet at the unit generating soot or smoke (hereinafter referred to as the "concentration of soot or smoke"), the way in which the soot or smoke will be emitted, and other such particulars prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 7 (1) A person that already has a unit installed at the time of its designation as a unit generating soot or smoke (this includes a person that is doing work on the installation of that unit at the time in question) and that will emit soot or smoke into the atmosphere must file a notification with the prefectural governor stating the particulars set forth in each item of paragraph (1) of the preceding Article within 30 days from the date that the unit becomes a unit generating soot or smoke, pursuant to the provisions of Order of the Ministry of the Environment.

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

(Filing a Notification of Changes to the Structure of a Unit Generating Soot or Smoke)

Article 8 (1) If a person that has filed a notification under Article 6, paragraph (1) or paragraph (1) of the preceding Article seeks to change any of the particulars set forth in items (iv) through (vi) of Article 6, paragraph (1) to which that notification pertains, the person must file a notification of this with a prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

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

(Order to Change a Plan)

Article 9 Having received a notification under Article 6, paragraph (1) or paragraph (1) of the preceding Article and finding that the quantity of soot or smoke or the concentration of soot or smoke associated with the unit emitting soot or smoke to which the notification pertains will fail to conform to the emissions standards for that unit (meaning the emissions standards referred to in Article 3, paragraph (1) (including emissions standards that have been established pursuant to the provisions of paragraph (3) of that Article or Article 4, paragraph (1), if applicable); hereinafter referred to as the "emissions

standards" in this Chapter), the prefectural governor may order the person that filed the notification to change the plans for the structure of the unit generating soot or smoke, the way in which that unit will be used, or the way in which soot or smoke from that unit will be processed (or to discontinue the plan associated with a notification under paragraph (1) of the preceding Article) which is stated in the notification, or may order the relevant person to discontinue the plan to install the unit generating soot or smoke to which the notification under Article 6, paragraph (1) pertains, but only within 60 days after the day on which the governor accepts the notification.

Article 9-2 Having received a notification under Article 6, paragraph (1) or Article 8, paragraph (1) and on finding that the total quantity of designated soot and smoke for all units generating soot and smoke that will be in place at the specified factory or place of business (including a factory or place of business that will newly become a specified factory or place of business due to a unit generating soot or smoke being installed or due to a change in something such as its structure; hereinafter the same applies in this paragraph) to which the notification pertains will fail to conform to the standards regulating total emissions, the prefectural governor may order the person that has established the specified factory or place of business to improve the way in which designated soot or smoke will be processed at the specified factory or place of business, to change the fuel that will be used, or to take any other measures that may be necessary, but only within 60 days after the date of the acceptance of the notification.

(Restrictions on Implementation)

Article 10 (1) A person that has filed a notification under Article 6, paragraph (1) must not install the unit generating soot or smoke to which the notification pertains until after 60 days have passed since the day on which the notification was accepted; a person that has filed a notification under Article 8, paragraph (1) must not make the change to the structure of the unit generating soot or smoke, the way in which that unit is used, or the way in which the soot or smoke from that unit is processed which is stated in the notification until after 60 days have passed since the day on which the notification was accepted.

(2) On finding the content of the particulars stated in a notification under Article 6, paragraph (1) or Article 8, paragraph (1) to be appropriate, the prefectural governor may shorten the period prescribed in the preceding paragraph.

(Filing a Notification of a Change of Name)

Article 11 If a person that has filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1) has undergone a change in a particular set forth in

Article 6, paragraph (1) item (i) or (ii) that was stated in the notification or has discontinued the use of a unit generating soot or smoke stated in the notification, that person must notify the prefectural governor of this within 30 days of the change or discontinuation.

(Succession)

- Article 12 (1) A person that has been transferred or leased, by a person that has filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1), a unit generating soot or smoke that was stated in that notification, succeeds to the status of the person that filed the notification for the unit.
- (2) If a person that has filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1) becomes subject to inheritance, the heir succeeds to the status of the person that filed the notification; if that person becomes subject to a merger, the corporation surviving the merger or the corporation incorporated in the merger succeeds to the status of the person that filed the notification; and if that person becomes subject to a split (but only one in which it has another person succeed to a unit generating soot or smoke stated in the notification) the corporation succeeding to the unit in the split succeeds to the status of the person that filed the notification.
- (3) A person that, pursuant to the provisions of one of the preceding two paragraphs, has succeeded to the status of a person that filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1) must notify the prefectural governor of this within 30 days of the succession.
- (4) To apply the provisions of Article 9-2, Article 14, paragraph (3) and Article 15-2, paragraph (1) and (2), a person that, pursuant to the provisions of paragraph (1) or (2), has succeeded to the status of a person that filed a notification is considered to succeed to the status of the person that has established the factory or place of business for all units generating soot or smoke that are installed at a factory or place of business.

(Restrictions on Soot and Smoke Emissions)

- Article 13 (1) A person that emits into the atmosphere soot or smoke that is generated at a unit generating soot or smoke (hereinafter referred to as an "emitter of soot or smoke") must not emit that soot or smoke in quantities or at concentrations that fail to conform to the emissions standards for the outlets of the unit.
- (2) The provisions of the preceding paragraph do not apply to the soot or smoke generated and emitted into the atmosphere at a unit that a person already had in place at the time of its designation as a unit generating soot or smoke (this includes a person that is doing work on the installation of that unit at the time in question), for six months after the date on which the unit became a unit

generating soot or smoke (or one year, if the unit in question constitutes a unit as specified by Cabinet Order); provided, however, that this does not apply if ordinance of a local public entity that is applicable to the relevant person contains provisions equivalent to the provisions of the preceding paragraph (unless there are no punitive provisions for the violation thereof).

(Restrictions on Designated Soot and Smoke Emissions)

Article 13-2 (1) An emitter of soot or smoke that emits designated soot or smoke generated at a unit generating soot or smoke that has been installed at a specified factory or place of business must not emit designated soot or smoke if the total quantity of the designated soot and smoke that is emitted into the atmosphere from the outlets of all units generating soot and smoke that have been installed at the specified factory or place of business fails conform to the standards regulating total emissions.

(2) The provisions of the preceding paragraph do not apply to the emitter of soot or smoke associated with designated soot or smoke that is generated at a unit generating soot or smoke that has been installed at a factory or place of business that newly became a specified factory or place of business due to the amendment of the Cabinet Order referred to in Article 2, paragraph (2), a Cabinet Order amendment establishing a region as referred to in Article 5-2, paragraph (1), or a change in the scale specified by the prefectural governor that is referred to in that paragraph, for six months after the date the factory or place of business newly becomes a specified factory or place of business.

(Order for Improvement)

Article 14 (1) On finding that an emitter of soot or smoke is likely to continue to emit a quantity of soot or smoke or a concentration of soot or smoke from an outlet that fails to conform to emissions standards, the prefectural governor may order the emitter to improve the structure of a unit generating soot or smoke, the way in which the unit is used, or the way in which soot or smoke is processed at the unit by a specified deadline, or may order the emitter to temporarily suspend the operation of a unit generating soot or smoke.

(2) The provisions of Article 13, paragraph (2) apply mutatis mutandis to an order under the preceding paragraph.

(3) On finding it to be likely that designated soot or smoke which fails to conform to the standards regulating total emissions will continue to be emitted, the prefectural governor may order the person that has established the specified factory or place of business with which the designated soot or smoke is associated to improve the way in which the designated soot or smoke is processed at the specified factory or place of business, to change the fuel that is being used, or to take any other necessary measures by a specified deadline.

- (4) The provisions of the preceding paragraph do not apply to a factory or place of business that newly becomes a specified factory or place of business due to the amendment of the Cabinet Order referred to in Article 2, paragraph (2), a Cabinet Order amendment establishing a region as referred to in Article 5-2, paragraph (1), or a change in the scale specified by the prefectural governor that is referred to in that paragraph, for six months from the date the factory or place of business newly became the specified factory or place of business

(Measures Related to the Seasonal Use of Fuel)

- Article 15 (1) If substantial air pollution from sulfur oxides is occurring or is likely to occur in a region specified by Cabinet Order as a region with a dense concentration of units generating soot or smoke that are associated with sulfur oxides and that are connected with a quantity of fuel use that fluctuates substantially with the season, and the prefectural governor finds that a person that emits into the atmosphere sulfur oxides generated at a unit generating soot or smoke associated with sulfur oxides in that region is using fuel at that unit that fails to conform to the fuel usage standards, the prefectural governor may issue a recommendation that the person comply with the fuel usage standards during a specified timeframe.
- (2) If a person that has been issued a recommendation under the preceding paragraph fails to comply with that recommendation, the prefectural governor may order the person to comply with the relevant fuel usage standards during a specified timeframe.
- (3) The prefectural governor establishes the fuel usage standards referred to in paragraph (1) for each region prescribed by Cabinet Order that is referred to in that paragraph, in accordance with the standards prescribed by the Minister of the Environment, for the types of fuels prescribed by Order of the Ministry of the Environment.
- (4) The Minister of the Environment must seek the opinions of the relevant prefectural governors before seeking to propose the enactment, amendment, or repeal of a Cabinet Order as referred to in paragraph (1).
- (5) A prefectural governor must give public notice when establishing fuel usage standards pursuant to the provisions of paragraph (3).

The same applies if the prefectural governor modifies or repeals those standards.

(Measures Related to the Use of Fuel in Designated Regions)

- Article 15-2 (1) If a prefectural governor finds that the use of fuel at a factory or place of business other than a specified factory or place of business fails to conform to the fuel usage standards in the designated region for sulfur oxides, the prefectural governor may recommend that the person that has established

the factory or place of business comply with the fuel usage standards by a specified deadline.

- (2) If a person that has been issued a recommendation under the preceding paragraph fails to comply with that recommendation, the prefectural governor may order the person to comply with the relevant fuel usage standards by a specified deadline.
- (3) For each designated region associated with sulfur oxides, the prefectural governor establishes the fuel usage standards referred to in paragraph (1), in accordance with the standards that the Minister of the Environment establishes in association with the reduction of the total quantity of designated soot and smoke, for the types of fuel prescribed by Order of the Ministry of the Environment, as the standards prescribed for a factory or place of business other than a specified factory or place of business, in which a unit generating soot or smoke associated with sulfur oxides has been installed.
- (4) On finding it to be necessary to do so, a prefectural governor may subdivide a designated region into two or more areas and prescribe fuel usage standards as referred to in paragraph (1) for each area.
- (5) The provisions of paragraph (5) of the preceding Article apply mutatis mutandis to the fuel usage standards referred to in paragraph (1).

#### (Measurement of Quantities and Concentrations of Soot and Smoke)

Article 16 An emitter of soot or smoke must measure the quantity of soot or smoke or the concentration of soot or smoke associated with a unit generating soot or smoke, and keep a record of the results thereof, pursuant to Order of the Ministry of the Environment.

#### (Measures in the Event of an Incident)

Article 17 (1) If a unit generating soot or smoke malfunctions, breaks, or is involved in any other such incident and a large quantity of soot or smoke is emitted into the atmosphere, the person that has that unit in place must immediately take emergency measures in response to the incident, and must endeavor to restore things to how they were before the incident promptly; if a unit that generates a substance whose generation is linked to the synthesis or decomposition of a material or any other such chemical process and that is specified by Cabinet Order as a substance that is likely to harm human health or the living environment (hereinafter referred to as a "specified substance") (other than a unit generating soot or smoke; hereinafter referred to as a "specified unit") malfunctions, breaks, or is involved in any other such incident and a large quantity of specified substance is emitted into the atmosphere, the person that has that specified unit in place at a factory or place of business must immediately take emergency measures in response to the incident, and

must restore things to how they were before the incident promptly.

- (2) In a case as referred to in the preceding paragraph, the person provided for in that paragraph must immediately notify the prefectural governor of the status of the incident; provided, however, that this does not apply if the person has notified the relevant person under 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) If an incident provided for in paragraph (1) has occurred and the prefectural governor finds that there has been or is likely to be damage to human health in the area near the factory or place of business, the prefectural governor may order the person provided for in that paragraph that is connected with the incident to take the necessary measures to prevent the incident from growing or reoccurring.

(Responsibility of Businesses)

Article 17-2 Beyond the measures for the regulation of soot and smoke emissions and related matters provided for in this Chapter, a business must assess the status of the emission of soot and smoke into the atmosphere that is associated with its business activities and must work to take the necessary measures to control those emissions.

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

(Guidelines for the Implementation of Policies and Other Such Measures)

Article 17-3 Policies related to controlling the emission and dispersal of volatile organic compounds and other such measures must be implemented with the aim to effectively control the emission and dispersal of volatile organic compounds, through an appropriate combination of the regulation of the emission of volatile organic compounds as prescribed in this Chapter and the voluntary efforts of businesses to control the emission and dispersal of volatile organic compounds.

(Emissions Standards)

Article 17-4 Order of the Ministry of the Environment establishes emissions standards for volatile organic compounds, as the permissible limits for each type and size of unit, for quantities of volatile organic compounds contained in emissions emitted into the atmosphere from an outlet of a unit emitting a volatile organic compound (hereinafter referred to as the "concentration of volatile organic compounds").

(Filing a Notification of the Installation of a Unit Emitting a Volatile Organic Compound)

Article 17-5 (1) If a person that will emit a volatile organic compound into the atmosphere seeks to install a unit emitting a volatile organic compound, it must file a notification with the prefectural governor stating the following particulars, pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the name and address of the person, as well as the name of the representative, if the person is a corporation;
  - (ii) the name and locality of the factory or place of business;
  - (iii) the type of the unit emitting the volatile organic compound;
  - (iv) the structure of the unit emitting the volatile organic compound;
  - (v) the way in which the unit emitting the volatile organic compound will be used; and
  - (vi) the way in which the volatile organic compound will be processed.
- (2) The notification under the preceding paragraph must be accompanied by documents stating the concentration of volatile organic compounds, the way in which the volatile organic compounds will be emitted, and other such particulars prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 17-6 (1) A person that already has a unit installed at the time of its designation as a unit emitting a volatile organic compound (this includes a person that is doing work on the installation of such a unit at the time in question) and that will emit the volatile organic compound into the atmosphere must file a notification with the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, stating the particulars set forth in each item of paragraph (1) of the preceding Article, within 30 days from the date that the unit comes to constitute a unit emitting a volatile organic compound.

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

(Filing a Notification of a Change in the Structure of a Unit Emitting a Volatile Organic Compound)

Article 17-7 (1) If a person filing a notification under Article 17-5, paragraph (1) or paragraph (1) of the preceding Article seeks to change any of the particulars set forth under items (iv) through (vi) of Article 17-5, paragraph (1), the person must notify the prefectural governor of this pursuant to the provisions of Order of the Ministry of the Environment.

- (2) The provisions of Article 17-5, paragraph (2) apply mutatis mutandis to a



notification under the preceding paragraph.

(Order to Change a Plan)

Article 17-8 Having received a notification under Article 17-5, paragraph (1) or paragraph (1) of the preceding Article and finding that the concentration of a volatile organic compound associated with the unit emitting volatile organic compounds to which the notification pertains will fail to conform to the emissions standards for that unit (meaning the emissions standards referred to Article 17-4; hereinafter referred to as the "emissions standards" in this Chapter), the prefectural governor may order the person that filed the notification to change the plan for the structure of the unit emitting the volatile organic compound, the way in which that unit will be used, or the way in which the volatile organic compound from that unit will be processed (or to discontinue the plan associated with the notification under paragraph (1) of the preceding Article) which is stated in the notification, or may order the relevant person to discontinue the plan to install the unit emitting the volatile organic compound to which the notification under the provisions of Article 17-5, paragraph (1) pertains, but only within 60 days after the day on which the governor accepts the notification.

(Restrictions on Implementation)

Article 17-9 A person that has filed a notification under Article 17-5, paragraph (1) must not install the unit emitting the volatile organic compound to which the notification pertains until 60 days have passed since the day on which the notification was accepted; a person that has filed a notification under the provisions of Article 17-7, paragraph (1) must not change the structure of the unit emitting the volatile organic compound, the way in which that unit is used, or the way in which the volatile organic compound is processed which is stated in the notification, until after 60 days have passed since the day on which the notification was accepted.

(Obligation to Comply with Emissions Standards)

Article 17-10 A person that emits a volatile organic compound into the atmosphere from a unit emitting a volatile organic compound (hereinafter referred to as the "emitter of a volatile organic compound") must comply with the emissions standards for the unit emitting the volatile organic compound.

(Order for Improvement)

Article 17-11 On finding that the concentration at an outlet of a volatile organic compound that the emitter of a volatile organic compound emits fails to comply with the emissions standards, the prefectural governor may order the emitter

of the volatile organic compound to make improvements in the structure of the unit emitting the volatile organic compound, the way in which the unit is used, or the way in which the volatile organic compound is processed at that unit by a specified deadline, or may order the emitter of the volatile organic compound to temporarily suspend the use of that unit.

(Measurement of the Concentration of Volatile Organic Compounds)

Article 17-12 The emitter of a volatile organic compound must measure the concentration of volatile organic compounds for the unit emitting the volatile organic compound, and must keep a record of the results thereof, pursuant to the provisions of Order of the Ministry of the Environment.

(Application of Provisions)

- Article 17-13 (1) The provisions of Article 10, paragraph (2) apply mutatis mutandis to the restrictions on implementation under Article 17-9.
- (2) The provisions of Articles 11 and 12 apply mutatis mutandis to a person filing a notification under Article 17-5, paragraph (1) or Article 17-6, paragraph (1).
- (3) The provisions of Article 13, paragraph (2) apply mutatis mutandis to an order under Article 17-11.

(Responsibility of Businesses)

Article 17-14 A business must assess the status of the emission and dispersal of volatile organic compounds into the atmosphere that are associated with its business activities, and must work to take the necessary measures to control their emission and dispersal.

(Efforts by the People)

Article 17-15 Every person must 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 must endeavor to further the control of the emission and dispersal of volatile organic compounds in ways such as selecting products that use low quantities of volatile organic compounds.

### **Chapter II-3 Regulations in Matters Involving Particulates**

(Filing a Notification of the Installation of Units Generating Ordinary Particulates)

Article 18 (1) A person seeking to install a unit generating ordinary particulates must file a notification with the prefectural governor stating the following particulars pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the name and address of the person, as well as the name of the representative, if the relevant person is a corporation;
  - (ii) the name and locality of the factory or place of business;
  - (iii) the type of the unit generating ordinary particulates;
  - (iv) the structure of the unit generating ordinary particulates; and
  - (v) the way in which the unit generating ordinary particulates will be used and managed.
- (2) The notification under the preceding paragraph must be accompanied by documents prescribed by Order of the Ministry of the Environment such as a layout diagram of the unit generating ordinary particulates.
- (3) If a person that has filed a notification under paragraph (1) or under paragraph (1) of the following Article seeks to change a particular set forth in paragraph (1), item (iv) or (v) that was stated in the notification, the person must file a notification of this with the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

(Transitional Measures)

Article 18-2 (1) A person that already has in place a unit at the time of its designation as a unit generating ordinary particulates (this includes a person that is doing work on the installation of such a unit at the time in question) must file a notification with the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, stating the particulars set forth in each item of paragraph (1) of the preceding Article within 30 days from the date that the unit came to constitute a unit generating ordinary particulates.

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

(Obligation to Comply with Standards)

Article 18-3 A person that has in place a unit generating ordinary particulates must comply with the standards specified by Order of the Ministry of the Environment for the structure, use, and management of that unit generating ordinary particulates.

(Order to Conform to Standards)

Article 18-4 On finding that a person that has installed a unit generating ordinary particulates is not complying with the standards referred to in the preceding Article, the prefectural governor may order that person to comply with the standards referred to that Article for the unit generating ordinary particulates by a specified deadline or to temporarily suspend the use of the unit generating ordinary particulates.

(Site Boundary Standards)

Article 18-5 For each type of specified particulates, Order of the Ministry of the Environment establishes regulatory standards for site boundaries with the land adjacent to units generating specified particulates (hereinafter referred to as "site boundary standards") as the permissible limits for atmospheric concentration at the boundary lines of the site of a factory or place of business, of specified particulates generated or dispersed in connection with the business activities at a factory or place of business that has in place a unit generating specified particulates and emitted or dispersed into the atmosphere from the factory or place of business.

(Filing a Notification of the Installation of a Unit Generating Specified Particulates)

Article 18-6 (1) If a person that will emit or cause the dispersal of specified particulates into the atmosphere seeks to install a unit generating specified particulates, it must file a notification with the prefectural governor stating the following particulars pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the name and address of the person, as well as the name of the representative, if the relevant person is a corporation;
- (ii) the name and locality of the factory or place of business;
- (iii) the type of the unit generating specified particulates;
- (iv) the structure of the unit generating specified particulates; and
- (v) the way in which the unit generating specified particulates will be used; and
- (vi) the way in which the specified particulates will be processed or the way of preventing their dispersal.

(2) A notification under the preceding paragraph must be accompanied by documents showing a layout diagram of the unit generating specified particulates and stating the way in which the specified particulates will be emitted and other such particulars specified by Order of the Ministry of the Environment.

(3) If a person filing a notification under paragraph (1) above or paragraph (1) of the following Article seeks to change a particular set forth in paragraph (1), items (iv) through (vi) that is stated in the notification, that person must file a notification of this with the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

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

(Transitional Measures)

Article 18-7 (1) A person that already has a unit installed at the time of its designation as a unit generating specified particulates (this includes a person that is doing work on the installation of such a unit at the time in question) and that will emit or cause the dispersal of the specified particulates into the atmosphere, must file a notification with the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, stating the particulars set forth in each item of paragraph (1) of the preceding Article within 30 days from the date that the unit comes to constitute a unit generating specified particulates.

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

(Order to Change a Plan)

Article 18-8 Having received a notification under Article 18-6, paragraph (1) or (3) and finding that the atmospheric concentration of specified particulates at the boundary line of the site of the factory or place of business at which the unit generating specified particulates to which the notification pertains will be installed would fail to conform to site boundary standards, the prefectural governor may order the person that submitted the notification to change the plan for the structure of the unit generating specified particulates, the way in which that unit is used, the way in which the specified particulates from that unit are processed, or the way of preventing their dispersal (or to discontinue the plan associated with a notification under paragraph (3) of that Article) which is stated in the notification, or may order the relevant person to discontinue the plan to install the unit generating specified particulates to which the notification under paragraph (1) of that Article pertains, but only within 60 days after the day on which the governor accepts the notification.

(Restrictions on Implementation)

Article 18-9 A person that has filed a notification under Article 18-6, paragraph (1) must not install the unit generating specified particulates to which that notification pertains until after 60 days have passed since the day on which the notification was accepted; a person that has filed a notification under Article 18-6, paragraph (3) must not change the structure of the unit generating specified particulates, the way in which that unit is used, the way in which the specified particulates from that unit are processed, or the way of preventing their dispersal which is stated in the notification until after 60 days have passed since the day on which the notification was accepted.

(Obligation to Comply with Site Boundary Standards)

Article 18-10 A person that emits or causes to be dispersed into the atmosphere, from the relevant factory or place of business, specified particulates that are generated or dispersed in connection with business activities at a factory or place of business that has in place a unit generating specified particulates (hereinafter referred to as a "specified particulates emitter") must comply with the site boundary standards.

(Order for Improvement)

Article 18-11 On finding that the atmospheric concentration at the boundary line or the site of the relevant factory or place of business, of the specified particulates that a specified particulates emitter emits or causes to be dispersed fails to conform to the site boundary standards, the prefectural governor may order the specified particulates emitter to make improvements to the structure of a unit generating specified particulates, the way in which the unit is used, or the way in which the specified particulates are processed, or the way of preventing their dispersal by a specified deadline, or may order the specified particulates emitter to temporarily suspend the use of a unit generating specified particulates.

(Measurement of the Concentration of Specified Particulates)

Article 18-12 A specified particulates emitter must measure the concentration of specified particulates in the atmosphere at the boundary lines of the site of its factory or place of business, and must keep a record of the results thereof, pursuant to the provisions of Order of the Ministry of the Environment.

(Application of Provisions)

- Article 18-13 (1) The provisions of Article 10, paragraph (2) apply mutatis mutandis to the restrictions on implementation under Article 18-9.
- (2) The provisions of Articles 11 and 12 apply mutatis mutandis to a person that has filed a notification under 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) apply mutatis mutandis to an order under Articles 18-4 and 18-11.

(Work Standards)

Article 18-14 Order of the Ministry of the Environment establishes regulatory standards for work emitting or dispersing specified particulates (hereinafter referred to as "work standards") as standards for the ways in which work emitting or dispersing specified particulates is conducted, for each type of specified particulates, and for each type of work emitting or dispersing specified particulates.

(Filing a Notification of the Implementation of Work Emitting or Dispersing Specified Particulates)

Article 18-15 (1) The original orderer of construction work that involves work emitting or dispersing specified particulates (hereinafter referred to as "specified construction work") (meaning the person ordering construction work (other than construction work that the person has been commissioned for by another person; the same applies hereinafter) or a person that conducts specified construction work itself without a service contract (hereinafter referred to as the "original orderer or initiating builder of specified construction work" in the following paragraph) must file a notification with the prefectural governor stating the following particulars pursuant to the provisions of Order of the Ministry of the Environment, at least 14 days before the day on which it plans to start the specified construction work; provided, however, that this does not apply if it is necessary to urgently conduct work emitting or dispersing specified particulates due to a disaster or other emergency situation:

- (i) the name and address of the person, as well as the name of the representative, if the relevant person is a corporation;
  - (ii) the name and address of the person that will conduct the specified construction work, as well as the name of the representative, if the relevant person is a corporation;
  - (iii) the location of the specified construction work;
  - (iv) the type of work emitting or dispersing specified particulates;
  - (v) the implementation period for work emitting or dispersing specified particulates;
  - (vi) the type of specified building material used in the parts of the building or other such structure that will be subject to work emitting or dispersing specified particulates, as well as the locations and the size of the area where the specified building material is used; and
  - (vii) the way in which work emitting or dispersing specified particulates will be carried out.
- (2) In a case as referred to in the proviso to the preceding paragraph, the original orderer or initiating builder of the specified construction work that involves the relevant work emitting or dispersing specified particulates must promptly notify the prefectural governor of the particulars set forth in the items of the preceding paragraph.
- (3) A notification under the preceding two paragraphs must be accompanied by documents showing a layout diagram of the building or other such structure where work emitting or dispersing specified particulates will be undertaken and stating any other such particulars that are prescribed by Order of the

Ministry of the Environment.

(Order to Change Plans)

Article 18-16 Having received a notification under paragraph (1) of the preceding Article and finding that the way of carrying out the work emitting or dispersing specified particulates which is stated in the notification will fail to conform to the work standards, the prefectural governor may order the person that filed the notification to change the plan for the way of carrying out work emitting or dispersing specified particulates which is stated in the notification, but only within 14 days after the day on which the governor accepts the notification.

(Due Diligence and Explanation for Construction Work involving Demolition, Remodeling, or Renovation)

Article 18-17 (1) A contractor of construction work that involves the work of demolishing, remodeling, or renovating a building or other structure (other than construction work specified by Order of the Ministry of the Environment as work that clearly does not constitute specified construction work; hereinafter referred to as the "construction work involving demolition, remodeling, or renovation") (other than a contractor of construction work involving demolition, remodeling, or renovation that has been commissioned by another person; the same applies in the following paragraph and Article 26, paragraph (1)) must, as specified by Order of the Ministry of the Environment, conduct due diligence to determine whether the construction work involving demolition, remodeling, or renovation constitutes specified construction work, and explain the results of the due diligence to the original orderer of the construction work involving demolition, remodeling, or renovation by providing a document stating the particulars specified by Order of the Ministry of the Environment. In such a case, if the construction work involving demolition, remodeling, or renovation constitutes specified construction work, the contractor must explain this to the orderer by stating the particulars set forth in Article 18-15, paragraph (1), items (iv) through (vii) and other particulars specified by Order of the Ministry of the Environment in writing.

(2) In a case as referred to in the first sentence of the preceding paragraph, the original orderer of the construction work involving demolition, remodeling, or renovation must cooperate with the contractor in conducting the due diligence under that paragraph, by appropriately bearing the required costs of that due diligence and taking other necessary measures connected with that due diligence.

(3) A person that conducts construction work involving demolition, remodeling, or renovation itself, without a service contract (referred to as the "initiating



builder" in Article 26, paragraph (1)) must conduct due diligence to determine whether the construction work involving demolition, remodeling, or renovation constitutes specified construction work.

- (4) When conducting the construction work involving demolition, remodeling, or renovation that is associated with the due diligence under paragraphs (1) or (3), the person that conducted the due diligence must post the results of the due diligence and the particulars specified by Order of the Ministry of the Environment at the location of the construction work involving demolition, remodeling, or renovation in a way that makes it easy for the public to see them, pursuant to the provisions of Order of the Ministry of the Environment.

(Obligation to Comply with Work Standards)

Article 18-18 A person undertaking specified construction work must comply with the work standards for work emitting or dispersing specified particulates when conducting the specified construction work.

(Order to Conform to Work Standards)

Article 18-19 On finding that a person undertaking specified construction work is not complying with the work standards for work emitting or dispersing specified particulates that is involved in the specified construction work, the prefectural governor may order the person to comply with the work standards for work emitting or dispersing specified particulates by a specified deadline or to temporarily suspend work emitting or dispersing specified particulates.

(Original Orderer's Due Care)

Article 18-20 The original orderer of specified construction work must take due care not to impose on the person conducting the specified construction work conditions in terms of the construction method, construction period, construction costs, or any other particulars of the service contract for the specified construction work, that are likely to interfere with compliance with the work standards.

#### **Chapter II-4 Regulation of Emissions of Mercury and Its Compounds; Related Matters**

(Guidelines for the Implementation of Policies)

Article 18-21 Policies related to controlling the emission of mercury and mercury compounds and other such measures must be implemented with the aim to effectively control the emission of mercury and mercury compounds into the atmosphere in order to ensure the accurate and smooth implementation of the Convention, through an appropriate combination of the regulation of the

emission of mercury and mercury compounds as prescribed in this Chapter and the voluntary efforts of businesses to control the emission of mercury and mercury compounds.

(Emissions Standards)

Article 18-22 Order of the Ministry of the Environment establishes emissions standards for mercury and mercury compounds as the permissible limits for each type and size of unit, for quantities of mercury and mercury compounds contained in emissions emitted into the atmosphere from an outlet of a unit emitting mercury (hereinafter referred to as the "concentration of mercury") in consideration of the level of technology for, and the economy of, reducing the emission of mercury and mercury compounds into the atmosphere, so that their emission is reduced as much as possible.

(Filing a Notification of the Installation of a Unit Emitting Mercury)

Article 18-23 (1) If a person that will release mercury or a mercury compound into the atmosphere seeks to install a unit emitting mercury, it must file a notification with the prefectural governor stating the following particulars pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the name and address of the person, as well as the name of the representative, if the relevant person is a corporation;
- (ii) the name and locality of the factory or place of business;
- (iii) the type of the unit emitting mercury;
- (iv) the structure of the unit emitting mercury;
- (v) the way in which the unit emitting mercury will be used; and
- (vi) the way in which the mercury or mercury compound will be processed.

(2) The notification under the preceding paragraph must be accompanied by documents stating the concentration of mercury, the way in which the mercury or mercury compound will be emitted into the atmosphere, and any other such particulars prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 18-24 (1) A person that already has a unit installed at the time of its designation as a unit emitting mercury (this includes a person that is doing work on the installation of such a unit at the time in question) and that will emit the mercury or a mercury compound into the atmosphere must file a notification with the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, stating the particulars set forth in each item of paragraph (1) of the preceding Article within 30 days from the date that the unit comes to constitute a unit emitting mercury.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis

mutandis to a notification under the preceding paragraph.

(Filing a Notification of Changes in the Structure of a Unit Emitting Mercury)

Article 18-25 (1) If a person that has filed a notification under Article 18-23, paragraph (1) or paragraph (1) of the preceding Article seeks to change any of the particulars set forth under items (iv) through (vi) of Article 18-23, paragraph (1), the person must file a notification of this with the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

(2) The provisions of Article 18-23, paragraph (2) apply mutatis mutandis to a notification under the preceding paragraph.

(Order to Change a Plan)

Article 18-26 Having received a notification under Article 18-23, paragraph (1) or paragraph (1) of the preceding Article and finding that the concentration of mercury associated with the unit emitting mercury to which the notification pertains will fail to conform to the emissions standards for that unit that are referred to in Article 18-22 (hereinafter referred to as the "emissions standards" in this Chapter), the prefectural governor may order the person that filed the notification to change the plan for the structure of the unit emitting mercury, the way in which that unit will be used, or the way in which the mercury or mercury compound from that unit will be processed (or to discontinue the plan associated with the notification under paragraph (1) of the preceding Article) which is stated in the notification, or may order the relevant person to discontinue the plan to install the unit emitting mercury to which a notification under Article 18-23, paragraph (1) pertains, but only within 60 days after the day on which the governor accepts the notification.

(Restrictions on Implementation)

Article 18-27 A person that has filed a notification under Article 18-23, paragraph (1) must not install the unit emitting mercury to which the notification pertains until after 60 days have passed since the day on which the notification was accepted; a person that has filed a notification under Article 18-25, paragraph (1) must not change the structure of the unit emitting mercury, the way in which it is used, or the way in which the mercury or mercury compound is processed which is stated in the notification until after 60 days have passed since the day on which the notification was accepted.

(Obligation to Comply with Emissions Standards)

Article 18-28 A person that emits mercury or a mercury compound into the atmosphere from a unit emitting mercury (hereinafter referred to as a

"mercury emitter") must comply with the emissions standards for that unit.

(Improvement Recommendations and Improvement Orders)

Article 18-29 (1) On finding that a mercury emitter is likely to continue to emit mercury or a mercury compound into the atmosphere that will cause the concentration of mercury at an outlet for mercury or mercury compound that the mercury emitter emits not to conform to emissions standards, the prefectural governor may recommend that the mercury emitter improve the structure of the unit emitting mercury, the way in which the unit is used, or the way in which the mercury or mercury compound is processed for that unit, or may recommend that the mercury emitter temporarily suspend the operation of the unit emitting mercury or to take other measures to reduce the mercury or mercury compound emitted into the atmosphere by a specified deadline.

(2) If a person that has been issued a recommendation under the preceding paragraph fails to comply with the recommendation, the prefectural governor may order that person to take the recommended measures by a specified deadline.

(Measurement of the Concentration of Mercury)

Article 18-30 A mercury emitter must, as prescribed by Order of the Ministry of the Environment, measure the concentration of mercury associated with a unit emitting mercury, and keep a record of the results thereof.

(Mutatis Mutandis Application of Provisions)

Article 18-31 (1) The provisions of Article 10, paragraph (2) apply mutatis mutandis to restrictions on implementation under Article 18-27.

(2) The provisions of Articles 11 and 12 apply mutatis mutandis to a person that has filed a notification under Article 18-23, paragraph (1) or Article 18-24, paragraph (1).

(3) The provisions of Article 13, paragraph (2) apply mutatis mutandis to a recommendation under Article 18-29, paragraph (1) and an order under paragraph (2) of that Article.

(Voluntary Efforts by Persons That Have In Place Units Requiring Emissions Control)

Article 18-32 A person that has in place at a factory or place of business a unit that emits mercury or a mercury compound into the atmosphere (other than a unit emitting mercury) in considerably large quantities, and that is specified by Cabinet Order as a unit whose emissions it is appropriate to control (hereinafter referred to as a "unit requiring emissions control"); in addition to

independently or collaboratively creating its own standards to be complied with for its emission into the atmosphere of mercury and mercury compounds associated with its units requiring emissions control, measuring concentrations of mercury, recording the results, saving them, and taking any other such measures that are needed in order to control the emission of mercury and mercury compounds into the atmosphere; must disclose the implementation status of those measures and an evaluation thereof.

(Responsibility of Businesses)

Article 18-33 Beyond what is prescribed in the preceding Article, a business must assess the status of the emission of mercury and mercury compounds into the atmosphere that is associated with its business activities and take the necessary measures to control their emission, as well as cooperating with the policies that the national government implements to control the emission of mercury and mercury compounds into the atmosphere.

(Policies of the National Government)

Article 18-34 The national government must apply itself to assessing the status of the emission of mercury and mercury compounds into the atmosphere in Japan and disclosing the results thereof; to collecting and organizing data connected with technologies for controlling the emission of mercury and mercury compounds into the atmosphere and ensuring the prevalence of the products of this; and to other such implementation of policies related to controlling the emission of mercury and mercury compounds into the atmosphere.

(Policies of Local Public Entities)

Article 18-35 Local public entities must endeavor to provide the necessary information to businesses to prompt them to undertake the necessary measures to control the emission of mercury and mercury compounds into the atmosphere, and must endeavor to ensure the prevalence of knowledge relating to the control of the emission of mercury and mercury compounds into the atmosphere among their residents.

## **Chapter II-5 Furtherance of Measures Against Hazardous Air Pollutants**

(Guidelines for the Implementation of Policies)

Article 18-36 Policies related to preventing the pollution of the air by hazardous air pollutants and other such measures must be implemented with the aim of preventing future damage to human health while making full use of scientific knowledge.

(Responsibility of Businesses)

Article 18-37 A business must assess the status of the emission and dispersal of hazardous air pollutants into the atmosphere that is associated with its business activities, and must work take the necessary measures to control their emission and dispersal.

(Policies of the National Government)

Article 18-38 (1) The national government must endeavor to conduct studies in collaboration with local public entities in order to assess the status of the pollution of the air by hazardous air pollutants, and must endeavor to make full use of scientific knowledge concerning the effects of hazardous air pollutants on human health.

(2) In line with the implementation status of the studies referred to in the preceding paragraph and the degree to which full use is being made of the scientific knowledge referred to in that paragraph, the national government must evaluate the degree of risk that air pollution will damage human health for each hazardous air pollutant, and must periodically disclose the products of these evaluations.

(3) In order to prompt businesses to undertake the measures referred to in the preceding Article and in order to contribute to the furtherance of policies by local public entities under the following Article, the national government must collect and organize data connected with technologies for controlling the emission and dispersal of hazardous air pollutants and endeavor to ensure the prevalence of the products thereof.

(Policies of Local Public Entities)

Article 18-39 (1) Local public entities must endeavor to conduct studies to assess the status of the pollution of the air by hazardous air pollutants in their districts.

(2) Local public entities must endeavor to provide the necessary information to businesses to prompt them to undertake the measures referred to in Article 18-37, and must strive to ensure the prevalence of knowledge about preventing the pollution of the air by hazardous air pollutants among their residents.

(Efforts by the People)

Article 18-40 Every person must endeavor to control the emission and dispersal of hazardous air pollutants into the atmosphere associated with the person's daily activities.

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

(Permissible Limits)

Article 19 (1) The Minister of the Environment must establish permissible limits for the quantity of automobile exhaust contained in the emissions that are generated and emitted into the atmosphere when an automobile runs under certain conditions.

(2) When establishing the necessary particulars in connection with regulating the emission of automobile exhaust through an order based on the Road Transport Vehicle Act in order to prevent the pollution of the air by automobile exhaust, the Minister of Land, Infrastructure, Transport and Tourism must be mindful of establishing them in a way that secures the permissible limit referred to in the preceding paragraph and that will contribute to securing the permissible limit referred to in paragraph (1) of the following Article.

(3) The Minister of the Environment must set permissible limits for quantities of emissions from non-road vehicles (meaning emissions from non-road vehicles as provided in Article 2, paragraph (3) of the Act on Regulations for Emissions From Non-Road Vehicles (Act No. 51 of May 25, 2005); the same applies in the following paragraph) that are contained in emissions generated and released into the atmosphere when non-road vehicles (meaning non-road vehicles as defined by Article 2, paragraph (1) of that Article) are used under certain conditions.

(4) When the competent minister provided for in Article 5 of the Act on Regulations for Emissions From Non-Road Vehicles establishes technical standards under that Article as a way of preventing the pollution of the air by emissions from non-road vehicles, the competent minister must be mindful of establishing them in a way that secures the permissible limit referred to in the preceding paragraph.

Article 19-2 (1) On finding it to be necessary to do so in order to prevent the pollution of the air by automobile exhaust in setting the permissible limits referred to in the provisions of paragraph (1) of the preceding Article, the Minister of the Environment must set permissible limits in connection with automobile fuel properties or permissible limits for quantities of substances contained in automobile fuel.

(2) When prescribing the necessary particulars related to the regulation of automobile fuel through an order based on the Act on Quality Control for Gasoline and Other Fuels (Act No. 88 of 1976) as a way of preventing the pollution of the air by automobile exhaust, the Minister of Economy, Trade and Industry must be mindful of establishing them in a way that secures the permissible limit referred to in the preceding paragraph.

(Measurement of the Concentration of Automobile Exhaust)

Article 20 The prefectural governor is to measure the concentration of automobile exhaust in the atmosphere on sections of road and areas near sections of road where substantial pollution of the air by automobile exhaust occurs or is likely to occur due to traffic congestion caused by the presence of intersections or other such things.

(Demands Based on Measurements)

Article 21 (1) When a prefectural governor has taken a measurement as referred to in the preceding Article, if it is found that the pollution of the air on that section of road or in an area near that section of road exceeds the limit prescribed by Order of the Ministry of the Environment due to automobile exhaust, the prefectural governor is to demand that the prefectural public safety commission take measures under the provisions of the Road Traffic Act (Act No. 105 of 1960).

(2) Before seeking to establish the Order of the Ministry of the Environment referred to in the preceding paragraph, the Minister of the Environment must first consult with the National Public Safety Commission.

(3) Other than when making a demand pursuant to paragraph (1), if a prefectural governor has taken a measurement as referred to in the preceding Article and finds it to be particularly necessary to do so, the prefectural governor may state an opinion to a road administrator or head of a related administrative organ regarding improvements in the structure of the applicable section of road and other particulars conducive to reducing automobile exhaust concentrations.

(Efforts by the People)

Article 21-2 Every person must endeavor to control automobile exhaust in operating or using an automobile and in using public transportation.

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

(Continuous Monitoring)

Article 22 (1) Pursuant to the provisions of Order of the Ministry of the Environment, a prefectural governor must continuously monitor the air pollution status (other than air pollution that is caused by radioactive substances; the same applies to Article 24, paragraph (1)).

(2) Pursuant to the provisions of Order of the Ministry of the Environment, a prefectural governor must report the results of the continuous monitoring referred to in the preceding paragraph to the Minister of the Environment.

(3) Pursuant to the provisions of Order of the Ministry of the Environment, the



Minister of the Environment must continuously monitor the status of the pollution of the air by radioactive substances (limited to substances specified by Order of the Ministry of the Environment; the same applies to Article 24, paragraph (2)).

(Emergency Measures)

Article 23 (1) If a situation has arisen that falls under the category of a case specified by Cabinet Order as one in which there is a risk of air pollution becoming significant and of human health or living environment being damaged, the prefectural governor must make the situation known to the general public, and must seek cooperation in reducing the volume of soot and smoke emissions from a person emitting soot or smoke that is found to be likely to exacerbate the air pollution in question; must seek cooperation in reducing the volume of volatile organic compounds emitted or dispersed from a person emitting or dispersing volatile organic compounds that is found to be likely to exacerbate the air pollution in question; and must seek cooperation in terms of voluntary restraint in the operation of automobiles from a user or operator of automobiles that is found to be likely to exacerbate the air pollution in question.

(2) If a situation has arisen that falls under the category of a case specified by Cabinet Order as one in which weather conditions will cause a sudden exacerbation of air pollution and human health or the living environment will be damaged, and that situation is due to soot or smoke, the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, is to order emitters of soot or smoke to reduce their volumes of soot or smoke quantity or soot or smoke concentrations, to restrict the use of units generating soot and smoke, and to take other necessary measures; if the situation is due to a volatile organic compound, the prefectural governor, pursuant to the provisions of Order of the Ministry of the Environment, is to order volatile organic compound emitters to reduce volatile organic compound concentrations, to restrict the use of units emitting volatile organic compounds, and to take other necessary measures; and if the situation is due to automobile exhaust, the prefectural governor is to demand that the prefectural public safety commission take measures under the provisions of the Road Traffic Act.

(Disclosure)

Article 24 (1) A prefectural governor must disclose the air pollution status for the prefectural area pursuant to the provisions of Order of the Ministry of the Environment.

(2) The Minister of the Environment must disclose the status of the pollution of the air by radioactive substances pursuant to the provisions of Order of the

Ministry of the Environment.

## **Chapter IV-2 Compensation for Loss and Damage**

(Strict Liability)

Article 25 (1) If the emission (or dispersal; the same applies hereinafter in this Chapter) into the atmosphere of a substance harmful to human health (meaning soot or smoke, a designated substance, or particulates, other than the substances specified by Cabinet Order as being likely to damage only the living environment; the same applies hereinafter in this Chapter) in association with business activities at a factory or place of business causes fatal or bodily harm to a person, the business associated with the emissions is liable to compensate for the loss or damage arising from this.

(2) If a substance comes to be designated as a substance harmful to human health, the provisions of the preceding paragraph apply to loss and damage caused by the emission of the substance on and after the date on which the substance is designated as a substance harmful to human health.

Article 25-2 If loss or damage provided for in paragraph (1) of the preceding Article is caused by two or more businesses emitting substances harmful to human health into the atmosphere and the provisions of Article 719, paragraph (1) of the Civil Code (Act No. 89 of 1896) apply to the liability for that loss or damage, and if any of the businesses is found to have had significantly little responsibility in causing the loss or damage, the court may take that circumstance into consideration when deciding the amount of compensation for loss or damage that that person provides.

(Considerations for Compensation)

Article 25-3 If a natural disaster or other force majeure is also involved in the occurrence of the loss or damage provided for in Article 25, paragraph (1), the court may take that circumstance into consideration when deciding the liability and amount for the compensation.

(Extinctive Prescription)

Article 25-4 The right to claim compensation for loss or damage under the provisions of Article 25, paragraph (1) lapses by prescription if not exercised within three years from the time when the victim or the legal representative became aware of the loss or damage and the person that is liable to compensate. The same applies when twenty years have elapsed from the time when the damage first occurred.

(Application of the Mining Act)

Article 25-5 The Mining Act (Act No. 289 of 1950) governs if it is applicable to the liability to compensate for loss or damaged prescribed in Article 25, paragraph (1).

(Exemptions)

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

## **Chapter V Miscellaneous Provisions**

(Reporting and Inspection)

Article 26 (1) To the extent necessary to enforce this Act and as specified by Cabinet Order, the Minister of the Environment or a prefectural governor may request the relevant persons to report the status of units generating soot or smoke, the status of incidents at specified units, the status of units emitting a volatile organic compound, the status of units generating ordinary particulates, the status of units generating specified particulates, the status of buildings and other such structures connected with construction work involving demolition, remodeling, and renovation, the status of work emitting or dispersing specified particulates, the status of units emitting mercury, and any other particulars from persons that have installed units generating soot or smoke, specified units in a factory or place of business, units emitting volatile organic compounds, units generating ordinary particulates, specified particulates emitters, original orderers and contractors of construction work involving demolition, remodeling, and renovation, initiating builders, persons engaging in specified construction work, and persons that have in place units emitting mercury; and may have officials of the Minister of the Environment or a prefectural governor enter the factories and places of business of persons that have in place units generating soot and smoke, persons that have in place specified units in a factory or place of business, persons that have in place units emitting a volatile organic compounds, persons that have in place units generating ordinary particulates, and specified particulates emitters, buildings and other such structures and sites associated with construction work involving demolition, remodeling, and renovation, and factories and places of business of persons that have in place units emitting mercury, and inspect units generating soot and smoke, soot and smoke filtering units, specified units, units emitting volatile organic compounds, units generating ordinary particulates, units generating specified particulates, buildings and other such structures associated with construction work involving demolition, remodeling,

or renovation, and units emitting mercury.

- (2) The Minister of the Environment is to collect reports and the Minister's officials are to conduct on-site inspections under the preceding paragraph if there is found to be an urgent need to do so to prevent air pollution from damaging human health or the living environment.
- (3) An official conducting an on-site inspection pursuant to the provisions of paragraph (1) must carry an identification card and present it to the relevant persons.
- (4) The authority to conduct on-site inspections under paragraph (1) must not be construed as authority accorded for the purpose of a criminal investigation.

(Exemptions)

Article 27 (1) The provisions of Articles 6 through 10 (including when Article 10, paragraph (2) is applied mutatis mutandis pursuant to Article 17-13, paragraph (1), Article 18-13, paragraph (1), and Article 18-31, paragraph (1)), Articles 11 and 12 (including when these provisions are applied mutatis mutandis pursuant to Article 17-13, paragraph (2), Article 18-13, paragraph (2) and Article 18-31, paragraph (2)), Article 17, paragraphs (2) and (3), Articles 17-5 through 17-9, Article 18, Article 18-2, Articles 18-6 through 18-9, and Articles 18-23 through 18-27 do not apply to a person that emits or causes the dispersal of soot or smoke, a specified substance, volatile organic compound, ordinary particulates, specified particulates, or mercury or a mercury compound (hereinafter referred to as "soot, smoke, or any other prescribed pollutant") that is generated or dispersed at the electrical facilities specified by the provisions of Article 2, paragraph (1), item (xviii) of the Electricity Business Act (Act No. 170 of 1964), the gas facilities specified by the provisions of Article 2, paragraph (13) of the Gas Business Act (Act No. 51 of 1954), or at a unit generating soot or smoke, specified unit, unit emitting a volatile organic compound, unit generating ordinary particulates, unit generating specified particulates, or unit emitting mercury (hereinafter referred to as a "unit generating soot or smoke or any other prescribed unit"), which constitutes a unit specified by Order of the Ministry of Economy, Trade and Industry referred to in Article 13, paragraph (1) of the Mine Safety Act (Act No. 70 of 1949); and the corresponding provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act apply.

- (2) When there has been an application or notification for permission or approval in connection with a unit generating soot or smoke or any other prescribed unit as specified in the preceding paragraph under provisions of the Electricity Business Act, Gas Business Act, or Mine Safety Act that correspond to Article 6, Article 8, Article 11 or Article 12, paragraph (3) (including as applied mutatis mutandis to Article 17-13, paragraph (2), Article 18-13, paragraph (2), and

Article 18-31, paragraph (2)), Article 17-5, Article 17-7, Article 18, Article 18-6, Article 18-23, or Article 18-25, the head of the national government administrative organ that has authority under an Act specified in the preceding paragraph (hereinafter referred to as the "head of an administrative organ" in this Article) is to notify the prefectural governor having jurisdiction in the locality of the applicable unit generating soot or smoke or any other prescribed unit, of those of the particulars stated in the application or notification for that permission or approval which constitute particulars subject to notification under these provisions.

- (3) On finding there to be a risk that air pollution caused by soot, smoke, or any other prescribed pollutant generated or dispersed at a unit generating soot or smoke or any other prescribed unit provided for in paragraph (1) will damage human health or the living environment, the prefectural governor may demand that the head of an administrative organ take measures under the provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act that correspond to the provisions of Article 9, Article 9-2, Article 17-8, Article 18-8, or Article 18-26.
- (4) If a demand under the preceding paragraph has been made, the head of the administrative organ is to notify the relevant prefectural governor of the measures taken.
- (5) With regard to a unit generating soot or smoke or any other prescribed unit specified in paragraph (1), before seeking to issue an order under Article 14, paragraph (1) or (3), Article 17-11, Article 18-4, or Article 18-11, a recommendation under Article 18-29, paragraph (1), or an order under Article 18, paragraph (2), the prefectural governor must first consult with the head of the administrative organ.

(Demands for the Submission of Materials)

- Article 28 (1) On finding it to be necessary to do so in order to achieve the purpose of this Act, the Minister of the Environment may demand that the heads of relevant local public entities submit the necessary documents and provide explanations.
- (2) On finding it to be necessary to do so in order to achieve the purpose of this Act, the prefectural governor may ask the heads of administrative organs or heads of relevant local public entities to send materials concerning things such as the status of units generating soot and smoke, units emitting volatile organic compounds, units generating ordinary particulates, units generating specified particulates, or work emitting or dispersing specified particulates or to provide other such cooperation, or may state an opinion concerning the prevention of air pollution from soot or smoke, volatile organic compounds, particulates, or mercury or a mercury compound.

(Instructions from the Minister of the Environment)

Article 28-2 On finding it to be urgently necessary to do so in order to prevent air pollution from damaging human health, the Minister of the Environment may issue the necessary instructions in connection with the administrative functions set forth below to prefectural governors or to mayors of the cities (including special wards) that are specified by Cabinet Order under Article 31, paragraph (1).

- (i) administrative functions related to orders under 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 17-8, Article 17-11, Article 18-4, Article 18-8, Article 18-11, Article 18-16, Article 18-19, Article 18-26, Article 18-29, paragraph (2), and Article 23, paragraph (2);
- (ii) administrative functions related to recommendations under Article 15, paragraph (1), Article 15-2, paragraph (1), and Article 18-29, paragraph (1);
- (iii) administrative functions related to demands under Article 21, paragraph (1), Article 23, paragraph (2), and Article 27, paragraph (3);
- (iv) administrative functions related to statements of opinion under Article 21, paragraph (3);
- (v) administrative functions related to making the situation in question known and the seeking of cooperation under Article 23, paragraph (1); and
- (vi) administrative functions related to seeking cooperation or expressing opinions under paragraph (2) of the preceding Article.

(Assistance by the National Government)

Article 29 The national government is to endeavor to make the needed funding arrangements, give the needed technical advice, and provide other such needed assistance for the installation and improvement of units used to prevent the pollution of the air due to the emission and dispersal of soot and smoke, volatile organic compounds, specified particulates, and mercury and mercury compounds associated with business activities at a factory or place of business, and with the demolition, remodeling, and renovation of buildings and other structures.

(Furtherance of Research)

Article 30 The national government is to endeavor to further research and international collaboration on technologies related to the processing of soot or smoke, specified substances, volatile organic compounds, mercury and mercury compounds, and automobile exhaust, research on the impact of air pollution on human health and the living environment, and other research related to the prevention of air pollution, and is to endeavor to ensure the prevalence of the

products of this.

(Transitional Measures)

Article 30-2 When an order is created, amended, or repealed based on the provisions of this Act, it may prescribe the necessary transitional measures (including transitional measures for penal provisions) to the extent that is determined to be reasonably necessary as a function of its creation, amendment, or repeal.

(Delegation of Authority)

Article 30-3 The authority of the Minister of the Environment specified by this Act may be delegated to the director general of a regional environmental affairs office pursuant to the provisions of Order of the Ministry of the Environment.

(Administrative Functions Handled by Mayors of the Cities Specified by Cabinet Order)

Article 31 (1) Pursuant to the provisions of Cabinet Order, mayors of the cities (including special wards; the same applies hereinafter) that are specified by Cabinet Order may conduct part of the administrative functions that come under the authority of prefectural governors pursuant to this Act.

(2) The mayors of the cities that are specified by Cabinet Order as referred to in the preceding paragraph must notify the prefectural governor of the particulars of which they need to be notified in order to enforce this Act that are specified by Order of the Ministry of the Environment.

(Classification of Administrative Functions)

Article 31-2 Among the administrative functions that the prefectures are to handle pursuant to the provisions of this Act, administrative functions that they are to handle pursuant to the provisions of Article 5-2, paragraph (1) (other than those related to the formulation of a plan for reducing the total quantity of designated soot and smoke) and those that they are to handle pursuant to the provisions of Article 5-2, paragraphs (2) and (3), Article 15, paragraph (3), Article 15-2, paragraphs (3) and (4), and Article 22, paragraphs (1) and (2) constitute item (i) statutory entrusted functions as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Relationship of This Act to Municipal and Prefectural Ordinances)

Article 32 The provisions of this Act do not preclude local public entities from formulating necessary regulations by means of ordinances: for units generating soot and smoke, this means ordinances concerning the emission into the

atmosphere of substances other than the soot or smoke that the unit in question generates; for units that generate and emit soot or smoke but that do not constitute units generating soot or smoke, this means ordinances concerning the emission into the atmosphere of the soot or smoke that the unit in question generates; for units emitting volatile organic compounds, this means ordinances concerning the emission into the atmosphere of substances other than the volatile organic compound that the unit in question emits; for units that emit volatile organic compounds but that do not constitute units emitting volatile organic compounds, this means ordinances concerning the emission into the atmosphere of the volatile organic compound that the unit in question emits; for units that generate and emit or disperse ordinary particulates but that do not constitute units generating ordinary particulates, this means ordinances concerning the emission or dispersal into the atmosphere of the ordinary particulates generated or dispersed at the unit in question; for units generating specified particulates, this means ordinances concerning the emission or dispersal into the atmosphere of substances other than the specified particulates generated or dispersed at the unit in question; for units that generate and emit or disperse specified particulates but that do not constitute units emitting specified particulates, this means ordinances concerning the emission or dispersal into the atmosphere of the specified particulates generated or dispersed at the unit in question; for work emitting or dispersing specified particulates, this means ordinances concerning the emission or dispersal into the atmosphere of substances other than the specified particulates generated or dispersed in connection with that work; for work to demolish, remodel, or renovate a building or other such structure which does not constitute work emitting or dispersing specified particulates, this means ordinances concerning the emission or dispersal into the atmosphere of the specified particulates generated or dispersed in connection with that work; for units emitting mercury, this means ordinances concerning the emission into the atmosphere of substances other than the mercury or mercury compound associated with the unit in question; and for units that emit mercury or a mercury compound into the atmosphere but that do not constitute units emitting mercury, this means ordinances concerning the emission into the atmosphere of the mercury or mercury compound associated with the unit in question.

## **Chapter VI Penal Provisions**

Article 33 A person violating an order under Article 9, Article 9-2, Article 14, paragraph (1) or (3), Article 17-8, Article 17-11, Article 18-8, Article 18-11, Article 18-26, or Article 18-29, paragraph (2) is subject to imprisonment for up



to one year or a fine of not more than one million yen.

Article 33-2 (1) A person falling under one of the following items is subject to imprisonment for up to six months or to a fine of not more than five hundred thousand yen:

- (i) a person violating the provisions of Article 13, paragraph (1), or Article 13-2, paragraph (1); and
- (ii) a person violating an order under Article 17, paragraph (3), Article 18-4, Article 18-16, Article 18-19, or Article 23, paragraph (2).

(2) A person committing an offense under item (i) of the preceding paragraph through negligence is subject to imprisonment for up to three months or to a fine of not more than three hundred thousand yen.

Article 34 A person falling under one of the following items is subject to imprisonment for up to three months or to a fine of not more than three hundred thousand yen:

- (i) a person failing to file a notification or filing a false notification under Article 6, paragraph (1), Article 8, paragraph (1), Article 17-5, paragraph (1), Article 17-7, paragraph (1), Article 18-6, paragraph (1) or (3), Article 18-15, paragraph (1), Article 18-23, paragraph (1), or Article 18-25, paragraph (1); and
- (ii) a person violating an order under Article 15, paragraph (2), or Article 15-2, paragraph (2).

Article 35 A person falling under one of the following items is subject to a fine of not more than three hundred thousand yen:

- (i) a person failing to file a notification or filing a false notification under Article 7, paragraph (1), Article 17-6, paragraph (1), Article 18, paragraph (1) or (3), Article 18-2, paragraph (1), Article 18-7, paragraph (1), or Article 18-24, paragraph (1);
- (ii) a person violating the provisions of Article 10, paragraph (1), Article 17-9, Article 18-9, or Article 18-27;
- (iii) a person failing to make a record, making a false record, or failing to save a record, violating the provisions of Article 16 or 18-30; and
- (iv) a person failing to submit a report under Article 26, paragraph (1), submitting a false report, or refusing, obstructing, or evading an inspection under that paragraph.

Article 36 If the representative of a corporation, or the agent, employee, or other such worker of a corporation or individual commits a violation as referred to in Article 33 through the preceding Article in connection with the business

activities of the corporation or individual, in addition to the offender being punished, the corporation or individual is subject to the fine referred to in the applicable Article.

Article 37 A person failing to file a notification or filing a false notification under Article 11 or Article 12, paragraph (3) (including when these provisions are applied mutatis mutandis to Article 17-13, paragraph (2), Article 18-13, paragraph (2), and Article 18-31, paragraph (2)), or Article 18-15, paragraph (2) is subject to a civil fine of not more than one hundred thousand yen.

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

(Effective Date)

(1) This Act comes into effect on the date set by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 4, paragraph (4) come into effect on the date of promulgation.

(Repeal of the Act on the Regulation of the Emission of Soot and Smoke)

(2) The Act on the Regulation of the Emission of Soot and Smoke (Act No. 146 of 1962; hereinafter referred to as the "former Act") is hereby repealed.

(Transitional Measures)

(3) To apply the provisions of Articles 10 and 11 to persons that are subject to restrictions on implementation under Article 12 of the former Act at the time of this Act's entry into effect, the phrase "the notification acceptance date" in Article 10 is deemed to read "the notification acceptance date under Article 8, paragraph (1) or Article 10, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke", and "the notification acceptance date" in Article 11, paragraph (1) is deemed to read "the notification acceptance date under Article 8, paragraph (1) or Article 10, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke".

(4) To apply the provisions of Article 14, paragraph (3) to a unit generating soot or smoke to which, pursuant to the provisions of Article 16, paragraph (3) of the former Act, the provisions of Article 16, paragraph (1) or (2) of the former Act do not apply at the time this Act comes into effect, the phrase "the date it became a designated region as defined in the paragraph, or the date it became a unit generating soot or smoke as defined in the paragraph" in Article 14, paragraph (3) is deemed to read "the date it became a designated region as defined in Article 9, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke, or the date it became a unit generating soot or

smoke as defined in that paragraph".

- (5) To apply the provisions of the proviso of Article 14, paragraph (3) for the unit generating soot or smoke under a notification that a person that has filed a notification under Article 9, paragraph (1) of the former Act before this Act enters into effect has filed, if the period from the date of the notification to the effective date of this Act is less than 60 days, the phrase "the notification acceptance date" in the proviso of Article 14, paragraph (3) is deemed to read "the date of notification under Article 10, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke".
- (6) A mediator candidate who has been commissioned pursuant to the provisions of Article 23, paragraph (1) of the former Act as of the time this Act comes into effect is deemed to have been commissioned pursuant to the provisions of Article 23, paragraph (1); a mediator who has been appointed pursuant to the provisions of Article 24, paragraph (1) of the former Act as of the time this Act comes into effect is deemed to have been appointed pursuant to the provisions of Article 24, paragraph (1).
- (7) Beyond as provided for in the preceding paragraph, administrative measures, procedures, and other such actions taken based on the former Act are deemed to have been carried out based on this Act if equivalent provisions exist in this Act.
- (8) Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect.

(Standards for Controlling Designated Substances)

- (9) When the Minister of the Environment finds it to be necessary to do so in order to prevent human health from being damaged by air pollution caused by hazardous air pollutants, for units (but only those installed in a factory or place of business) specified by Cabinet Order that emit or disperse into the atmosphere one of the hazardous air pollutants specified by Cabinet Order as a substance whose emission or dispersal must be urgently controlled in order to prevent damage to human health (hereinafter referred to as a "designated substance"; such a unit is hereinafter referred to as a "unit emitting a designated substance"), until otherwise provided by law, the Minister of the Environment is to set standards for controlling the emission or dispersal of each type of designated substance and for each type of unit emitting a designated substance (hereinafter referred to as "standards for controlling designated substances"), and disclose them.

(Recommendations)

- (10) If standards for controlling a designated substance have been established and the prefectural governor finds it to be necessary to do so in order to

prevent human health from being damaged by the pollution of the air by a designated substance in the prefectural area, the prefectural governor may issue the necessary recommendations to a person that has installed a unit that emits a designated substance with respect to controlling the emission or dispersal of the designated substance from the unit in light of the standards for controlling the designated substance.

(Reporting)

- (11) To the extent necessary for issuing a recommendation as referred to in the preceding paragraph, a prefectural governor may request a report on the status of a unit emitting a designated substance and on other necessary particulars, from a person provided for in the preceding paragraph.
- (12) On finding it to be urgently necessary to do so in order to prevent human health from being damaged by the pollution of the air by a designated substance, the Minister of the Environment may issue the necessary instructions to the prefectural governor or the mayor of a city that is specified by Cabinet Order as referred to in Article 31, paragraph (1) regarding a recommendation under paragraph (10).
- (13) To the extent necessary for issuing the instructions referred to in the preceding paragraph, the Minister of the Environment may request a report on the status of a unit that emits a designated substance and on other necessary particulars, from a person that has in place a unit emitting a designated substance.

#### **Supplementary Provisions [Act No. 18 of April 13, 1970] [Extract]**

(Effective Date)

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

#### **Supplementary Provisions [Act No. 108 of June 1, 1970] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Effective from November 1, 1970, by Cabinet Order No. 252 of 1970)

- (7) Even after this Act comes into effect, prior laws continue to govern mediation of a settlement for which a petition has been filed before this Act enters into effect, pursuant to the provisions of Article 21 of the Act on Conservation of Water Quality of Areas of Public Waters, Article 22 of the Air Pollution Control

Act, or Article 16 of the Noise Regulation Act.

**Supplementary Provisions [Act No. 134 of December 25, 1970] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

- (2) A person that, at the time this Act comes into effect, already has in place a unit generating soot or smoke as specified in Article 2, paragraph (3) as before its amendment in a region other than a designated region provided for in Article 2, paragraph (2) as before its amendment (this includes a person that is doing work on the installation of such a unit at the time in question), and that emits into the atmosphere the soot or smoke provided for in Article 2, paragraph (1) as before its amendment, must file a notification of the particulars set forth in each item of Article 6, paragraph (1) as after its amendment with the prefectural governor, attaching the documents specified in Article 6, paragraph (2) as after its amendment, within 30 days of the effective date of this Act, pursuant to the provisions of Order of the Prime Minister's Office referred to in Article 6, paragraph (1) as after its amendment; provided, however, that this does not apply if the relevant unit generating soot or smoke constitutes a unit generating soot or smoke as prescribed in Article 27 as before its amendment.
- (3) A person that has filed a notification under the preceding paragraph is deemed to be a person has filed a notification under Article 7, paragraph (1) as after its amendment.
- (4) To apply the provisions of Article 13, paragraph (2) as after its amendment (including as applied mutatis mutandis pursuant to Article 14 paragraph (2) as after its amendment) regarding the persons specified in paragraph (2), the phrase "the time at which one unit came to constitute a unit generating soot or smoke" in Article 13, paragraph (2) as after its amendment is deemed to read "at the time that the Act for Partial Amendment of the Air Pollution Control Act (Act No. 134 of 1970) enters into effect", and the phrase "the date on which the unit came to constitute a unit generating soot or smoke" is deemed to read "the effective date of the Act for Partial Amendment of the Air Pollution Control Act".
- (5) A person failing to file a notification or filing a false notification under paragraph (2) is subject to a fine of not more than fifty thousand yen.
- (6) If the representative of a corporation or the agent, employee, or other such worker of a corporation or individual commits the violation referred to in the

preceding paragraph in connection with business activities of the corporation or individual, in addition to the offender being punished, the corporation or individual is subject to the sentence referred to in that paragraph.

- (7) For a unit generating soot or smoke to which, pursuant to the provisions of Article 14, paragraph (3) as before its amendment, the provisions of Article 14, paragraphs (1) and (2) as before their amendment are not applicable at the time this Act comes into effect, the provisions of Article 13, paragraph (1) and Article 14, paragraph (1) as after their amendment do not apply from the effective date of this Act until the last day of the period during which the aforementioned provisions are not applicable, or for six months from the effective date of this Act (one year, if the unit that generates soot or smoke constitutes a unit as specified by Cabinet Order), whichever is shorter.
- (8) The provisions of Article 13, paragraph (1) and Article 14, paragraph (1) as after its amendment do not apply to a person that, before this Act's entry into effect, has filed a notification under Article 16, paragraph (2) as before its amendment, and that is performing recovery work following an incident related to the notification at the time this Act comes into effect, during the period that is found to be necessary for the recovery work.
- (9) Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect.

### **Supplementary Provisions [Act No. 88 of May 31, 1971] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on July 1, 1971.

(Transitional Measures)

Article 41 (1) A permission, authorization, designation, or other such administrative disposition or the issuance of a notice or other such action that a national government organ has already taken at the time this Act comes into effect pursuant to the provisions of the Protection and Control of Wild Birds and Mammals and Hunting Management Law, the Agricultural Chemicals Control Act, the Hot Spring Act, the Industrial Water Act, the Natural Parks Act, the Law Concerning Regulation of Pumping up of Underground Water for Use in Buildings, the Environmental Pollution Control Service Corporation Law, the Air Pollution Control Act, the Noise Regulation Act, the Law Concerning Special Measures for Relief of Pollution-related Patients, the Water Pollution Prevention Act, or the Act to Prevent Soil Contamination on Agricultural Land (hereinafter referred to as the "Acts subject to adjustment") before their amendment by this Act is deemed to be the corresponding permission, authorization, designation, or other such administrative

disposition or the issuance of a notice or other such action that a national government organ has taken based on the corresponding provisions of the Acts subject to adjustment after their amendment by this Act.

- (2) An application or notification that has been filed with or any other such action that to national government organs under provisions of the Acts subject to adjustment before amendment by this Act immediately before this Act's entry into effect are deemed to be acts such as an application to or a notification made to national government organs under the corresponding provisions of the Acts subject to adjustment after amendment by this Act.

### **Supplementary Provisions [Act No. 84 of June 22, 1972]**

(Effective Date)

- (1) This Act comes into effect on October 1, 1972.

(Transitional Measures)

- (2) The provisions of Chapter 4-2 of the Air Pollution Control Act after their amendment by the provisions of Article 1 and the provisions of Chapter 4 of the Water Pollution Prevention Act after their amendment by the provisions of Article 2, apply to loss or damage arising after this Act enters into effect; provided, however, that prior laws continue to govern such loss or damage if it has been caused by the emission (including dispersal), before this Act's entry into effect, of a substance harmful to health provided for in Article 25, paragraph (1) of the Air Pollution Control Act as after its amendment by the provisions of Article 1, or if has been caused by the emission (including permeation into the ground), before this Act's entry into effect, of a harmful substance provided for in Article 3, paragraph (2) of the Water Pollution Prevention Act, as certified by the business associated with the emission (including dispersal or permeation into the ground).

(Reviews)

- (3) The government is to review systems for guaranteeing compensation for loss and damage in connection with relief for victims of pollution, and is to promptly take the necessary measures based on its findings.

### **Supplementary Provisions [Act No. 65 of June 1, 1974]**

This Act comes into effect on a date specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 5-2, paragraphs (5) and (6) come into effect on the date of promulgation.

### **Supplementary Provisions [Act No. 33 of June 28, 1989] [Extract]**

(Effective Date)

- (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures)

- (2) A notification concerning a unit generating particulates under Article 11 or Article 12, paragraph (3) as applied mutatis mutandis pursuant to Article 18, paragraph (1) or (3), Article 18-2, paragraph (1), or Article 18-5, paragraph (1) as before their amendment, which has been filed before this Act's entry into effect is deemed to be a notification concerning a unit generating ordinary particulates under Article 11 or Article 12, paragraph (3) as applied mutatis mutandis pursuant to Article 18, paragraph (1) or (3), Article 18-2, paragraph (1), or Article 18-13, paragraph (2) as after their amendment, respectively.
- (3) An application or notification for permission or approval concerning a unit generating particulates under the corresponding provisions of the Electricity Business Act (Act of No. 170 of 1964) or the Gas Business Act (Act No. 51 of 1954) that are specified in Article 27, paragraph (2) as before their amendment which has been filed before this Act's entry into effect is deemed to be an application or notification for permission or approval concerning a unit generating ordinary particulates under the corresponding provisions of the Electricity Business Act or the Gas Business Act specified in Article 27, paragraph (2) as after their amendment, respectively.
- (4) Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect and to actions in which a person engages after this Act comes into effect in connection with an order under Article 18-4 as before its amendment.

### **Supplementary Provisions [Act No. 92 of November 19, 1993]**

This Act comes into effect on the date of promulgation.

However, the amended provisions in the tables of items (i) in the Local Autonomy Act Appended Table 7 in Article 6, the amended provisions of Article 5-3, paragraph (2) of the Air Pollution Control Act in Article 10, the amended provisions of Article 20 of the Act on Entrepreneurs' Bearing of the Cost of Public Pollution Control Works in Article 12, the provisions of Article 40, the amended provisions of Article 21 of the Water Pollution Prevention Act in Article 15, and the amended provisions of Article 3, paragraph (3) and Article 5, paragraph (5) of the Act to Prevent Soil Contamination on Agricultural Land in



Article 16 come into effect on the date specified in the proviso of the Supplementary Provisions of the Basic Environment Act.

**Supplementary Provisions [Act No. 42 of June 24, 1994] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

**Supplementary Provisions [Act No. 75 of April 21, 1995]**

This Act comes into effect on the effective date of the Act on the Adjustment of Related Laws to Ensure the Stable and Efficient Supply of Petroleum Products (Act No. 76 of 1995); provided, however, the amended provisions of the table of contents and the amended provisions that add one Article after Article 21 come into effect on the date of promulgation.

**Supplementary Provisions [Act No. 75 of April 21, 1995] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

**Supplementary Provisions [Act No. 32 of May 9, 1996] [Extract]**

(Effective Date)

(1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures)

(2) Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect.

(Reviews)

(3) Approximately three years after this Act's entry into effect, the government is to review systems for the furtherance of measures against hazardous air pollutants specified in Chapter 2-3 and paragraphs (9) to (11) of the Supplementary Provisions as after their amendment, and is to take the necessary measures to prevent human health from being damaged due to the pollution of the air by hazardous air pollutants based on its findings, after giving comprehensive consideration to circumstances such as the degree of

adequacy of scientific knowledge about the effects of the hazardous air pollutants on human health, the status of securement of the standards for environmental conditions related to air pollution under Article 16, paragraph (1) the Basic Environment Act (Act No. 91 of 1993) and other such elements of the air pollution status, the status of the emission and dispersal of hazardous air pollutants from factories and places of business, and the status of technology development for reducing the emission and dispersal of hazardous air pollutants.

### **Supplementary Provisions [Act No. 54 of May 8, 1998] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Articles 2 through 8 of the Supplementary Provisions, Cabinet Order provides for the necessary transitional measures for this Act's entry into force.

### **Supplementary Provisions [Act No. 50 of May 21, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on March 21, 2000; provided, however, that the provisions set forth in the items below come into effect on the dates specified in those items.

(i) omitted;

(ii) the provisions of Article 2, and the provisions of Articles 8 through 10 of the Supplementary Provisions, of Article 19 (limited to the amended provisions of Article 20-6, paragraph (1), item (iii) and the amended provisions of Article 57-8, paragraph (1), item (iii) of the Special Taxation Measures Act (Act No. 26 of 1957)), of Article 25 (limited to the part pertaining to the amended provisions of Article 27, paragraph (2) of the Air Pollution Control Act (Act No. 97 of 1968) that amend "Article 2, paragraph (10)" to read "Article 2, paragraph (12)), of Article 26 (limited to the part pertaining to the amended provisions of Article 21, paragraph (1) of the Noise Regulation Act (Act No. 98 of 1968) that amend "Article 2, paragraph (10)" to read "Article 2, paragraph (12)), of Article 30, and Article 31 (limited to the part pertaining to the amended provisions of Article 18, paragraph (1) of the Vibration Regulation Act (Act No. 64 of 1976) that amend "Article 2, paragraph (10)" to read "Article 2, paragraph (12)": a date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Transitional Measures on Penal Provisions)

Article 10 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect (for the provisions set forth in Article 1, item (ii) of the Supplementary Provisions, the applicable provisions).

### **Supplementary Provisions [Act. No. 87 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 (1) This Act comes into effect on April 1, 2000.

However, the provisions set forth in the items below come into effect on the date specified in those items.

- (i) amended provisions that add five Articles, a Section name, and two Subsections and Subsection names directly after Article 250 of the Local Autonomy Act in Article 1 (limited to the part pertaining to Article 250-9, paragraph (1) of the Act (limited to the part pertaining to obtaining consent from both Diet chambers)), the amended provisions of paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act in Article 40 (limited to the part pertaining to paragraph (10) of the Supplementary Provisions of the Act), the provisions of Article 244 (excluding the part pertaining to the amended provisions of Article 14-3 of the Agricultural Improvement Promotion Act) and the provisions of Article 472 (excluding the part pertaining to the amended provisions of Article 6, Article 8, and Article 17 of the Act on Special Provisions Concerning Mergers of Municipalities), and the provisions of Article 7, Article 10, Article 12, the proviso of Article 59, Article 60, paragraphs (4) and (5), Article 73, Article 77, Article 157, paragraphs (4) through (6), Article 160, Article 163, Article 164, and Article 202 of the Supplementary Provisions: the date of promulgation;

(Transitional Measures Upon Partial Amendment of the Air Pollution Control Act)

Article 22 If a report under Article 5-3, paragraph (3) of the Air Pollution Control Act as before the amendment by the provisions of Article 41 (including when Article 5-3, paragraph (7) applies mutatis mutandis) has been submitted before the effective date of this Act, the plan for reducing the total quantity of designated soot and smoke referred to in Article 5-2, paragraph (1) of the Air Pollution Control Act that is associated with that report is deemed to be the plan for reducing the total quantity of designated soot and smoke referred to in Article 5-2, paragraph (1) of the Air Pollution Control Act for which the relevant person has obtained approval under the provisions of Article 5-3,

paragraph (3) of the Air Pollution Control Act (including when Article 5-3, paragraph (6) applies mutatis mutandis) after its amendment by the provisions of Article 41.

(Administrative Functions of the National Government and Other Public Entities)

Article 159 Beyond what is prescribed in each of the relevant Acts before their amendment by this Act, the administrative functions of the national government, local governments other than itself, and other public entities that, before this Act comes into effect, the agency of a local government manages or performs pursuant to an Act or a Cabinet Order based on an Act (referred to as "administrative functions of the national government and other public entities" in Article 161 of Supplementary Provisions) are administrative functions that, after this Act comes into effect, that local government is to handle as its own pursuant to an Act or a Cabinet Order based on an Act.

(Transitional Measures for Dispositions, Applications, and Other Actions)

Article 160 (1) To apply the relevant Acts after their amendment on or after the effective date of this Act, with the exception of what is prescribed in Article 2 of the Supplementary Provisions through the preceding Article and the provisions on transitional measures in the relevant Acts after their amendment (including orders thereunder), a disposition or any other such action regarding something such as permission that is undertaken, pursuant to one of the relevant Acts before its amendment, before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, this means before those provisions come into effect; the same applies hereinafter in this Article and Article 163 of the Supplementary Provisions) (hereinafter referred to in this Article as a "disposition or other such action") or an application or any other such action regarding something such as permission that is undertaken, pursuant to one of the relevant Acts before its amendment, by the time this Act comes into effect (hereinafter referred to as an "application or other such action"), which involves an administrative function that will start to be carried out by a different person on the day on which this Act comes into effect, is deemed to be a disposition or other such action or an application or other such action that is taken or undertaken pursuant to the corresponding provisions of the relevant Act after its amendment.

(2) Beyond as otherwise provided for in this Act and Cabinet Order based hereupon, information that, before this Act comes into effect, a person must report to, file with, submit to, or undertake any other such process for with the national government or a local government entity pursuant to the relevant

Acts before their amendment, but for which that process has not been undertaken before the date on which this Act comes into effect, is deemed to be information that a person must report to, file with, submit to, or undertake any other such process for with the national government or corresponding entity of the local government pursuant to the corresponding provisions of the relevant Acts after their amendment, but for which that process has not been undertaken; and the relevant Acts after their amendment by this Act apply.

(Transitional Measures for Appeals)

Article 161 (1) For an appeal under the Administrative Appeal Act against a disposition that has been undertaken, before the effective date and in connection with an administrative function of the national government or another public entity, by an administrative agency (hereinafter referred to in this Article as the "agency undertaking the disposition") that answered to a higher administrative agency as prescribed in that Act (hereafter in this Article referred to as the "higher administrative agency") before the effective date, the agency undertaking the disposition is deemed to continue to answer to a higher administrative agency even after the effective date, and the provisions of the Administrative Appeal Act apply. In such a case, the agency deemed to be the higher administrative agency to which the agency undertaking the disposition answers is that to which it answered before the effective date.

(2) In a case as referred to in the preceding paragraph, if the agency that is deemed to be the higher administrative agency is a local government entity, the administrative functions to be handled by the entity pursuant to the Administrative Appeals Act constitute item (i) statutorily entrusted functions as prescribed in Article 2, paragraph (9), item (i) of the New Local Autonomy Act.

(Transitional Measures for Penal Provisions)

Article 163 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 (1) Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures (including transitional measures for penal provisions) linked to this Act's entry into force.  
(2) Cabinet Order provides for the necessary particulars in connection with the application of the provisions of Articles 18, 51 and 184 of the Supplementary Provisions.

(Reviews)

Article 250 As well as reviews being made of item (i) statutorily entrusted administrative functions as prescribed in Article 2, paragraph (9), item (i) of the New Local Autonomy Act from the perspective of ensuring, to the greatest extent possible, that no new functions are created, reviews are also made of the functions set forth in Appended Table I of the New Local Autonomy Act and functions provided for by Cabinet Order based on the New Local Autonomy Act from the perspective of promoting decentralization of authority, and these functions are to be amended as appropriate.

Article 251 The government is to examine how to secure adequate sources of local tax revenue based on the sharing of roles between the national government and local governments in consideration of the prevailing economic trends, and take the necessary measures based on the results of its examination, in order to enable local governments to perform their administrative functions and undertakings autonomously and independently.

(Transitional Measures for Dispositions, Applications, and Other Actions)

Article 1301 (1) Beyond as otherwise provided by a law or regulation, licensure, permission, authorization, approval, designation, or any other such disposition, or the issuance of a notice or any other such action, that the former organ of the national government has taken pursuant to the provisions of laws and regulations before the entry into effect of the Acts related to central government reform and this Act (hereinafter collectively referred to as the "reform-related Acts"), is deemed to be licensure, permission, authorization, approval, designation, or any other such disposition, or the issuance of a notice or any other such action that the corresponding organ of the national government has taken based on the corresponding provisions of laws and regulations after the entry into effect of the reform-related Acts.

(2) Beyond as otherwise provided by a law or regulation, an application, notification, or other such action that has been undertaken with a former organ of the national government pursuant to the provisions of laws and regulations as of the time the reform-related Acts enter into effect is deemed, after the entry into effect of the reform-related Acts, to be an application, notification, or other such action that has been undertaken with the corresponding organ of the national government based on the corresponding provisions of laws and regulations after the entry into effect of the reform-related Acts.

(3) Beyond as otherwise provided by a law or regulation, information that, before the reform-related Acts enter into effect, a person must report to, file with, submit to, or undertake any other such process for with a former organ of the national government pursuant to laws and regulations, but for which that

process has not been undertaken before the effective date of the reform-related Acts, is deemed, after the entry into effect of the reform-related Acts, to be information that a person must report to, file with, submit to, or undertake any other such process for with the corresponding organ of the national government referred to in laws and regulations as after the entry into effect to the reform-related Acts, but for which that process has not been undertaken; and the provisions of laws and regulations as after the entry into effect of the reform-related Acts apply.

(Transitional Measures for Administrative Dispositions and Other Actions Governed by Prior Laws)

Article 1302 Beyond as otherwise provided by laws and regulations, a licensure, permission, authorization, approval, designation, or any other such disposition, or the issuance of a notice or any other such action, that a former organ of the national government is to take pursuant to the provisions of laws and regulations that prior laws are to continue to govern is one that, after the entry into effect of the reform-related Acts, the corresponding organ of the national government is to take in accordance with the categories of duties and assigned administrative functions under the provisions of laws and regulations as after the entry into effect of the reform-related Acts; and an application, notification, or other such action that a person is to undertake with a former organ of the national government pursuant to the provisions of laws and regulations that prior laws are to continue to govern is one that, after the entry into effect of the reform-related Acts, a person is to undertake with the corresponding organ of the national government in accordance with the categories of duties and assigned administrative functions under the provisions of laws and regulations as after the entry into effect of the reform-related Acts.

(Transitional Measures for Penal Provisions)

Article 1303 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before the entry into effect of the reform-related Acts.

(Delegation to Cabinet Order)

Article 1344 Beyond what is provided for in Articles 71 through 76, Article 301 through the preceding Article, and the Acts Related to the Central Government Reform, Cabinet Order prescribes the necessary transitional measures (including transitional measures for penal provisions) connected with the entry into force of the reform-related Acts.

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect on January 6, 2001; provided, however, that the provisions set forth in the following items come into effect on the dates specified in those items.

(i) the provisions of Article 995 (limited to the part related to the amended provisions of the Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors), Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: the date of promulgation;

**Supplementary Provisions [Act No. 91 of May 31, 2000] [Extract]**

(Effective Date)

(1) This Act comes into effect on the effective date of the Act Partially Amending the Commercial Code (Act No. 90 of 2000).

**Supplementary Provisions [Act No. 92 of June 18, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2005; provided, however, that the provisions set forth in the items below come into effect on the dates specified in those items.

(i) and (ii) omitted;

(iii) the provisions of Article 2, and the provisions of Article 7, Article 8, Article 9, paragraph (5), Articles 12 through 14, Article 44, Article 47, Article 49, Article 50 (limited to the part pertaining to the amendment of "Article 2, paragraph (12)" to "Article 2, paragraph (13)"), Article 52, and Article 53 of the Supplementary Provisions: April 2, 2004

**Supplementary Provisions [Act No. 56 of May 26, 2004] [Extract]**

(Effective Date)

Article 1 (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the amended provisions of Article 28-2, item (iv) come into effect on the date of promulgation.

(Effective from June 1, 2005, by Cabinet Order No. 188 of 2005; provided, however, that the amended provisions of the table of contents of the Air Pollution Control Act (Act No. 97 of 1968), the amended provisions that make Chapter 2-3 of that Act into Chapter 2-4 of that Act, that make Chapter 2-2 of that Act into



Chapter 2-3 of that Act, and that add one Chapter following Chapter 2 of that Act, the amended provisions of Article 23 of that Act, the amended provisions of Article 26 of that Act, the amended provisions of Article 27 of that Act, the amended provisions of Article 28 of that Act, the amended provisions of Article 28-2, item (i) of that Act, the amended provisions of Article 32 of that Act, the amended provisions of Article 33 of that Act, the amended provisions of Article 34 of that Act, the amended provisions of Article 35 of that Act, the amended provisions of Article 37 of that Act, and the provisions of Article 2 of the Supplementary Provisions of the Act for Partial Amendment of the Air Pollution Control Act come into effect on April 1, 2006.)

(Reviews)

Article 2 Once five years have passed after this Act's entry into effect, if the government finds it to be necessary to do so in light of the status of enforcement of this Act, it is to review the provisions of this Act and take the necessary measures based on its findings.

#### **Supplementary Provisions [Act No. 94 of June 9, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on April 1, 2005; provided, however, that the provisions of Articles 7 and 28 of the Supplementary Provisions come into effect on the date of promulgation of this Act, and the provisions of Article 4, paragraphs (1) through (5) and paragraphs (9) through (11), Articles 5, and Article 6 of the Supplementary Provisions come into effect on October 1, 2004.

(Transitional Measures for Administrative Dispositions and Other Such Actions)

Article 26 Unless otherwise provided in these Supplementary Provisions, an administrative disposition, process, or other such action that a person has undertaken before this Act's entry into effect based on the provisions of each of the pre-amendment Acts (including orders based on the Acts; the same applies hereinafter in this Article), and for which corresponding provisions exist in the provisions of each of the post-amendment Acts, is deemed to be one that a person has undertaken based on the corresponding provisions of each of the post-amendment Acts.

(Transitional Measures for Application of Penal Provisions)

Article 27 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect.

(Delegation to Cabinet Order)

Article 28 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the transitional measures necessitated by this Act's entry into effect.

**Supplementary Provisions [Act No. 33 of April 27, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on October 1, 2005.

(Transitional Measures)

Article 24 When an order is enacted, amended, or repealed pursuant to the provisions of each Act as after its amendment by this Act, that order may provide for the necessary transitional measures (including transitional measures for penal provisions) to the extent that is determined to be reasonably necessary for the enactment, amendment, or repeal thereof.

**Supplementary Provisions [Act No. 51 of May 25, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

**Supplementary Provisions [Act No. 5 of February 10, 2006] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding eight months from the date of promulgation.

(Reviews)

Article 2 Once it has been five years since the effective date of this Act, if the government finds it to be necessary to do so after reviewing things such as the status of enforcement of provisions after their amendment by the provisions of Articles 1, 3, and 4, the government is to take the necessary measures based on the findings.

**Supplementary Provisions [Act No. 31 of May 10, 2010] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order, no more than one year from the date of its official release; provided, however, that

the provisions of Article 1 (excluding the amended provisions of Article 14, paragraphs (1) and (3), and Article 16 of the Air Pollution Control Act, and the amended provisions of Article 35 of that Act (excluding the part pertaining to items (i) and (ii) of that Article)), the amended provisions on the table of contents of the Water Pollution Prevention Act in Article 2, the amended provisions that change Chapter 2-2, Article 14-10 in that Act to Article 14-11 and increment the numbering of each of Articles 14-4 through Article 14-9 by one Article, the amended provisions that add one Article immediately after Article 14-3 in Chapter 2 of that Act, and the amended provisions of Article 28, paragraph (1) of that Act, and the provisions of Articles 3 and 9 of the Supplementary Provisions, come into effect on the date, on which three months have elapsed from the date of promulgation.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, Cabinet Order prescribes the transitional measures necessitated by this Act's entry into force.

(Reviews)

Article 4 Once five years have elapsed from the effective date of this Act, if the government finds it to be necessary to do so after reviewing the enforcement conditions of the Air Pollution Control Act after the amendment by the provisions of Article 1, and the enforcement conditions of the Water Pollution Prevention Act after the amendment by the provisions of Article 2, the government is to review the provisions of these Acts and take the necessary measures based on the findings.

### **Supplementary Provisions [Act No. 37 of May 2, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

(Transitional Measures Upon Partial Amendment of the Air Pollution Control Act)

Article 20 An application for consultation that has been filed as of the time this Act enters into effect pursuant to Article 5-3, paragraph (3) of the Air Pollution Control Act as before its amendment by the provisions of Article 39 (including as applied mutatis mutandis pursuant to Article 5-3, paragraph (6) of the Air Pollution Control Act) is deemed to be an application for consultation that has been filed pursuant to the provisions of Article 5-3, paragraph (3) of the Air Pollution Control Act after its amendment by the provisions of Article 39 (including as applied mutatis mutandis pursuant to Article 5-3, paragraph (6)

of the Air Pollution Control Act).

(Transitional Measures for Penal Provisions)

Article 23 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect (for the provisions set forth in each item of Article 1 of the Supplementary Provisions, the applicable provisions).

(Delegation to Cabinet Order)

Article 24 Beyond as provided for in Articles 2 through 23 of the Supplementary Provisions, and Article 36 of the Supplementary Provisions, Cabinet Order prescribes the transitional measures that are necessary in connection with this Act's entry into force.

### **Supplementary Provisions [Act No. 105 of August 30, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation.

(Transitional Measures on Penal Provisions)

Article 81 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, the applicable provisions; the same applies hereinafter in this Article), and to actions in which a person engages after this Act comes into effect if the action is one that the Supplementary Provisions provide is to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the transitional measures that are necessary in connection with this Act's entry into effect (including transitional measures for penal provisions).

### **Supplementary Provisions [Act No. 58 of June 21, 2013]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 4 of the Supplementary Provisions come into effect on the date of promulgation.

(Transitional Measures)

Article 2 (1) The provisions of Articles 18-15 and 18-17 after their amendment by this Act do not apply to work emitting or dispersing specified particulates for which a notification under Article 18-15, paragraph (1) or (2) of this Act as before its amendment by this Act has been filed before this Act's entry into effect.

(2) Prior laws continue to govern orders on changes in plans related to the way of carrying out work emitting or dispersing specified particulates for which a notification under Article 18-15, paragraph (1) prior to the amendment by this Act has been filed before this Act's entry into effect.

(Transitional Measures on Penal Provisions)

Article 3 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect, and to actions in which a person engages after this Act comes into effect if the action is one that paragraph (2) of the preceding Article provides is to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, Cabinet Order prescribes the transitional measures necessitated by this Act's entry into force.

(Reviews)

Article 5 Once it has been five years since from the effective date of this Act, is the government finds it to be necessary to do so after reviewing the status of enforcement of the provisions amended by this Act, the government is to take the necessary measures based on the findings.

**Supplementary Provisions [Act No. 60 of June 21, 2013] [Extract]**

(Effective Date)

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

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, Cabinet Order prescribes the transitional measures necessitated by this Act's entry into force.

**Supplementary Provisions [Act No. 72 of June 18, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the date specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation.

**Supplementary Provisions [Act No. 41 of June 19, 2015] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on specified by Cabinet Order within a period not exceeding two years from the date on which the Minamata Convention on Mercury enters into force in Japan.

(Reviews)

Article 2 Once it has been five years since the effective date of this Act, if the government finds it to be necessary to do so after reviewing the status of enforcement of the provisions amended by this Act, the government is to take the necessary measures based on the findings.

(Delegation to Cabinet Order)

Article 362 Beyond what is provided for in this Act, Cabinet Order prescribes the transitional measures necessitated by this Act's entry into force.

**Supplementary Provisions [Act No. 45 of June 2, 2017]**

Article 1 This Act comes into effect on the date on which the amendment to the Civil Code comes into effect; provided, however, that the provisions of Articles 103-2, 103-3, 267-2, 267-3, and 362 come into effect on the date of promulgation.

(Partial Amendment of the Air Pollution Control Act)

Article 350 The Air Pollution Control Act (Act No. 97 of 1968) is partially amended as follows:

Article 25-4 is amended as follows:

(Extinctive Prescription)

Article 25-4 The right to claim compensation for loss or damage provided in Article 25, paragraph (1) lapses by prescription in the following cases:

- (i) if the right is not exercised for five years after the time at which the victim or the legal representative learns of the loss or damage and the person that is liable to compensate; or
- (ii) once twenty years have passed since the time the loss or damage occurred.

(Transitional Measures Upon Partial Amendment of the Air Pollution Control Act)

Article 351 (1) If the period of prescription provided for in the first sentence of Article 25-4 of the Air Pollution Control Act as before its amendment by the provisions of the preceding paragraph (referred to as the "former Air Pollution Control Act" hereinafter in this Article) for the right to claim for compensation for loss or damage provided for in Article 25, paragraph (1) of the former Air Pollution Control Act has already been completed at the time this Act comes into effect, prior laws continue to govern the period of prescription.

(2) If the period provided for in the second sentence of Article 25-4 of the former Air Pollution Control Act has already passed at the time this Act comes into effect, prior laws continue to govern the limitation on that period.

(Transitional Measures for Penal Provisions)

Article 361 Prior laws continue to govern the applicability of penal provisions to actions in which a person engages before this Act comes into effect, and to actions in which a person engages after this Act comes into effect if the action is one that the provisions of this Act provide is to continue to be governed by prior laws.

### **Supplementary Provisions [Act No. 45 of June 2, 2017] [Extract]**

This Act comes into effect on the effective date of the Civil Code Amendment Act.