

Act on the Assessment Releases of Specified Chemical Substances in the Environment and the Promotion of Management Improvement is promulgated as set forth below.

Act on the Assessment of Releases of Specified Chemical Substances in the Environment and the Promotion of Management Improvement

(Act No. 86 of July 13, 1999)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote voluntary improvement of the management of chemical substances by business operators and to prevent any impediments to the preservation of the environment by taking measures for the assessment of release amounts, etc. of specified chemical substances in the environment, measures for the provision of information concerning the properties and handling of specified chemical substances by business operators, and other relevant measures, while giving consideration to the trend for international cooperation on the management of chemical substances pertaining to the preservation of the environment, taking into account scientific knowledge on chemical substances and the condition of the manufacture, use, and other handling of chemical substances, and gaining the understanding of business operators and citizens.

(Definitions)

- Article 2 (1) The term "chemical substance" as used in this Act means either an element or a compound (excluding a radioactive substance in either case).
- (2) The term "class I designated chemical substance" as used in this Act means a

chemical substance that falls under any of the following items and is recognized to continuously exist in the environment of a considerably wide area in view of its physical and chemical properties, the condition of its manufacture, import, use, or generation or other factors and that is specified by Cabinet Order:

- (i) the relevant chemical substance poses a risk of being injurious to human health or a risk of impeding the inhabitation or growth of plants and animals.
 - (ii) in the case where the relevant chemical substance does not fall under the preceding item, a chemical substance easily formed by naturally occurring chemical transformation of the relevant chemical substance falls under the same item.
 - (iii) the relevant chemical substance is likely to injure human health by depleting the ozone layer and increasing the amount of solar ultraviolet radiation reaching the surface of the earth.
- (3) The term "class II designated chemical substance" as used in this Act means a chemical substance that falls under any of the items of the preceding paragraph and is expected to continuously exist in the environment of a considerably wide area in view of its physical and chemical properties, the status of its manufacture, import, use, or generation or other factors (excluding a class I designated chemical substance) and that is specified by Cabinet Order.
- (4) The Cabinet Order referred to in the preceding two paragraphs is to be established by taking into account the international trend on management of chemical substances pertaining to the preservation of the environment, scientific knowledge on chemical substances, the status of manufacture, use, and other handling of chemical substances and other factors, and giving sufficient consideration so as to prevent any damage to human health and impediments to the inhabitation or growth of plants and animals caused by environmental pollution by chemical substances.
- (5) The term "business operator handling a class I designated chemical substance, etc." as used in this Act means a business operator who falls under any of the following items, engages in a type of business specified by Cabinet Order, and satisfies the requirements specified by Cabinet Order when taking into consideration the amount of a class I designated chemical substance being handled, etc. by the relevant business operator:
- (i) a natural or juridical person engaged in the business of manufacturing a class I designated chemical substance, a natural or juridical person who uses in the course of trade a class I designated chemical substance or a product containing a class I designated chemical substance that satisfies the requirements specified by Cabinet Order (hereinafter referred to as a "class I designated chemical substance, etc."), and any other natural or juridical person who handles a class I designated chemical substance, etc. in the

course of trade

- (ii) a natural or juridical person other than those who are set forth in the preceding item who is expected to incidentally generate or release a class I designated chemical substance in the course of business activities
- (6) The term "business operator handling a designated chemical substance, etc." as used in this Act means a business operator who falls under any of the items of the preceding paragraph, engages in the manufacture of a class II designated chemical substance, uses in the course of trade a class II designated chemical substance or a product containing a class II designated chemical substance that satisfies the requirements specified by Cabinet Order (hereinafter referred to as a "class II designated chemical substance, etc."), or otherwise handles a class II designated chemical substance, etc. in the course of trade.

(Chemical Substance Management Guidelines)

- Article 3 (1) In order to promote the voluntary improvement of the management of chemical substances by business operators and to prevent any impediments to the preservation of the environment, the competent minister, by taking into consideration scientific knowledge of the physical and chemical properties of the chemical substances and the trends of technology concerning the manufacture, use, and other handling of chemical substances, is to establish guidelines (hereinafter referred to as the "chemical substance management guidelines") on measures to be taken by business operators handling designated chemical substances, etc. with respect to the management of class I designated chemical substances, etc. and class II designated chemical substances, etc. (hereinafter referred to as "designated chemical substances, etc.").
- (2) The chemical substance management guidelines is to provide for the following matters:
- (i) matters concerning methods of management of designated chemical substances, etc. including improvement of facilities pertaining to manufacture, use or other handling of designated chemical substances, etc.
 - (ii) matters concerning the rational use of designated chemical substances, etc. including the recovery and reutilization of designated chemical substances, etc. in their manufacturing process
 - (iii) matters concerning promotion of the understanding of citizens about the methods of management of and the rational use of designated chemical substances, etc. and the status of release of class I designated chemical substance
 - (iv) matters concerning utilization of information on the properties and handling of designated chemical substances, etc.

- (3) When the competent minister intends to establish or change the chemical substance management guidelines, the minister is to consult with the heads of the relevant administrative organs.
- (4) When the competent minister has established or changed the chemical substance management guidelines, the minister is to make them public without delay.

(Responsibilities of Business Operators)

Article 4 A business operator handling a designated chemical substance, etc., recognizing that a class I designated chemical substance or a class II designated chemical substance falls under one of the items of Article 2, paragraph 2 as being something that poses a risk of being injurious to human health and paying attention to the chemical substance management guidelines, must manage the manufacture, use, or other handling of the designated chemical substance, etc. and endeavor to promote the understanding of citizens about the circumstances surrounding such management.

Chapter II Assessment of Releases of Class I Designated Chemical Substances

(Assessment and Notification of Release Amounts)

- Article 5 (1) Pursuant to the provisions of order of the competent ministry, a business operator handling a class I designated chemical substance, etc. must make an assessment of the release amount (meaning the amount calculated as the amount of class I designated chemical substance released into the environment at the relevant place of business by a calculation method based on the amount of change in the relevant class I designated chemical substance in the manufacture, use, or other handling of the class I designated chemical substance, etc. or by other method specified by order of the competent ministry; the same applies in the following paragraph and Article 9, paragraph 1) and the amount transferred outside (meaning the amount calculated by a method specified by order of the competent ministry as the amount of class I designated chemical substance transferred outside the relevant place of business in conjunction with the disposal of waste in connection with the business activities; the same applies in the following paragraph) of the class I designated chemical substance in conjunction with its business activities.
- (2) Pursuant to the provisions of order of the competent ministry, a business operator handling a class I designated chemical substance, etc. must notify the competent minister of matters specified by order of the competent ministry concerning the release amount and the amount of the class I designated chemical substance transferred outside in the previous fiscal year, which was

assessed pursuant to the provisions of the preceding paragraph every fiscal year for each class I designated chemical substance and each place of business.

- (3) The notification under the preceding paragraph (excluding the one concerning the class I designated chemical substance specified in the request under paragraph 1 of the following Article) must be given via the prefectural governor having jurisdiction over the location of the place of business pertaining to the relevant notification. In this case, the relevant prefectural governor may append an opinion concerning the matters reported in the relevant notification.

(Use of Category Corresponding to the Chemical Substance)

Article 6 (1) In the event that information relating to the use or other handling of a class I designated chemical substance set forth in a notification under paragraph 2 of the preceding paragraph involves a production method or other technical information useful for business activities that is maintained as a secret and not known to the public, a business operator handling a class I designated chemical substance, etc. may request that the competent minister give the notice under paragraph 1 of the following Article by using the category to which the relevant class I designated chemical substance belongs and which is specified by order of the competent ministry (hereinafter referred to as the "category corresponding to the chemical substance") instead of the name of the relevant class I designated chemical substance.

- (2) When a business operator handling a class I designated chemical substance, etc. makes a request set forth in the preceding paragraph, that business operator must make the request by appending the reason thereof pursuant to the provisions of order of the competent ministry together with a notification under paragraph 2 of the preceding Article.
- (3) When a request set forth in paragraph 1 has been made, the competent minister must, without delay, notify the prefectural governor having jurisdiction over the location of the place of business relevant to the class I designated chemical substance specified in the relevant request of the matters reported in a notification under paragraph 2 of the preceding Article that pertain to the relevant class I designated chemical substance (hereinafter referred to as a "relevant prefectural governor"), by using the the category corresponding to the chemical substance instead of the name of the relevant class I designated chemical substance.
- (4) When the competent minister approves a request set forth in paragraph 1, the minister is to decide to that effect and give a notice to that effect to the business operator handling a class I designated chemical substance, etc. who has made that request.
- (5) When the competent minister does not approve a request set forth in

paragraph 1, the minister is to decide to that effect and give a notice, immediately after that decision, to that effect and the reasons thereof to the business operator handling a class I designated chemical substance, etc. who has made that request.

- (6) A decision set forth in the preceding two paragraphs is to be made within 30 days from the day on which a request set forth in paragraph 1 was made.
- (7) Notwithstanding the provisions of the preceding paragraph, the competent minister may extend the period set forth in the same paragraph by only up to 30 days, when there is a difficulty in administrative processing or any other legitimate grounds.
- (8) When a business operator handling a class I designated chemical substance, etc. needs to maintain the category corresponding to the chemical substance that was recorded in a file pursuant to the provisions of Article 8, paragraph 1 in any fiscal year preceding the current fiscal year, the relevant business operator must make a request to the competent minister to that effect pursuant to the provisions of the order of competent ministry every fiscal year.
- (9) The provisions from paragraphs 4 to 7 apply *mutatis mutandis* to a request set forth in the preceding paragraph. In this case, the term "paragraph 1" in the provisions from paragraphs 4 to 6 is to be deemed to be replaced with "paragraph 8."

(Notice of the Notified Matters)

- Article 7 (1) When a notification under Article 5, paragraph 2 has been given, the competent minister is to notify the Minister of Economy, Trade and Industry and the Minister of the Environment of the matters reported in the relevant notification without delay; provided, however, that when a request set forth in paragraph 1 of the preceding Article has been made with regard to the name of a class I designated chemical substance, the name of the relevant class I designated chemical substance in the matters reported in the relevant notification is to be notified by using the category corresponding to the chemical substance.
- (2) When the competent minister has made a decision set forth in paragraph 5 of the preceding Article (including as applied *mutatis mutandis* pursuant to paragraph 9 of the same Article; the same applies hereinafter) the minister is to give notification of the name of the class I designated chemical substance pertaining to the relevant decision to the Minister of Economy, Trade and Industry, the Minister of the Environment, and the relevant prefectural governors pertaining to the relevant decision. In this case, the relevant notice is to be given promptly after the day on which two weeks have elapsed from the day a notice was given to a business operator handling a class I designated chemical substance, etc. under paragraph 5 of the same Article.

- (3) When the competent minister has made a decision set forth in paragraph 4 of the preceding Article (including as applied *mutatis mutandis* pursuant to paragraph 9 of the same Article) in any fiscal year preceding the current fiscal year and when a request set forth in paragraph 8 of the same Article has not been made in the current fiscal year, the minister is to give notification of the name of the class I designated chemical substance pertaining to the relevant decision to the Minister of Economy, Trade and Industry, the Minister of the Environment, and the relevant prefectural governors pertaining to the relevant decision.
- (4) The Minister of the Environment may, where the Minister finds it necessary, request the competent minister to provide an explanation on the matters that have been notified pursuant to the provisions of Article 5, paragraph 2 with regard to the class I designated chemical substance pertaining to a notice under the proviso to paragraph 1.
- (5) When a relevant prefectural governor finds it necessary, the relevant prefectural governor may request, pursuant to the provisions of order of the competent ministry, that the competent minister provide an explanation on the matters that have been notified pursuant to the provisions of Article 5, paragraph 2 regarding the class I designated chemical substance specified in a notice under paragraph 3 of the preceding Article, which has been given in connection with the jurisdictional area of the relevant prefectural governor.

(Aggregation of Notified Matters)

- Article 8 (1) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment, the Minister of Economy, Trade and Industry and the Minister of the Environment is to record the matters that were notified, pursuant to the provisions of paragraphs 1 to 3 of the preceding Article, in a file in a computer.
- (2) Pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment, when the Minister of Economy, Trade and Industry and the Minister of the Environment have carried out the recording under the preceding paragraph, they are to, without delay, notify the competent minister of the matters recorded in the file set forth in the same paragraph (hereinafter referred to as "matters recorded in the file") that pertain to places of business engaged in the business under the administrative jurisdiction of the relevant competent minister and notify prefectural governors of the matters recorded in the file that pertain to places of business located in the prefectural area under the jurisdiction of the relevant prefectural governors.
 - (3) The Minister of Economy, Trade and Industry and the Minister of the Environment are to aggregate the matters recorded in the file without delay

pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment.

- (4) The Minister of Economy, Trade and Industry and the Minister of the Environment are to, without delay, notify the competent minister and prefectural governors of the results aggregated pursuant to the provisions of the preceding paragraph and make them public.
- (5) When a notice under paragraph 2 has been given, the competent minister and prefectural governors may aggregate the matters pertaining to that notice and make the results public.

(Calculation of Release Amounts Other than Those Notified)

Article 9 (1) By gaining the cooperation of the relevant administrative organs, the Minister of Economy, Trade and Industry and the Minister of the Environment are to calculate the release amounts of class I designated chemical substances associated with the business activities of business operators other than business operators handling class I designated chemical substances, etc. and the amounts of class I designated chemical substances that are assumed to be released in the environment apart from the release amounts of class I designated chemical substances that have been notified pursuant to the provisions of Article 5, paragraph 2 for each of the matters specified by Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment.

- (2) The Minister of Economy, Trade and Industry and the Minister of the Environment are to aggregate pursuant to the provisions of Order of the Ministry of Economy, Trade and Industry and Order of the Ministry of the Environment the results calculated under the preceding paragraph and make such results public together with the results aggregated under paragraph 4 of the preceding Article.

(Right to Request for Disclosure)

Article 10 (1) When publication under Article 8, paragraph 4 has been given, any person may request the competent minister to disclose matters recorded in the file that are included in the aggregation results pertaining to that publication and that are possessed by the relevant competent minister, after the day of the relevant publication.

- (2) A request set forth in the preceding paragraph (hereinafter referred to as a "request for disclosure") must be made by clarifying the following matters:
 - (i) the name and domicile or residence of the person making the request for disclosure and, in the case of a juridical person or any other organization, the name of the representative
 - (ii) the name and location of the place of business and other matters sufficient

for identifying the place of business pertaining to the request for disclosure

(Duty of Disclosure of Release Amounts)

Article 11 When a request for disclosure has been made, the competent minister must promptly disclose the portion of the matters recorded in the file that pertains to the relevant request for disclosure to the person who made the relevant request for disclosure.

(Implementation of Research)

Article 12 The State is to comprehensively and effectively carry out research to gain understanding of the status of the environment as it pertains to class I designated chemical substance, and research to gain scientific knowledge about the influences of class I designated chemical substances on human health and inhabitation or growth of plants and animals, by taking into consideration the results prescribed in Article 8, paragraph 4 and Article 9, paragraph 2 as well as the domestic and overseas trends of safety assessment of class I designated chemical substances, and is to make the results public.

(Request for Provision of Materials)

Article 13 With regard to research prescribed in the preceding Article that is carried out by the State in the area of the relevant prefecture, a prefectural governor may request necessary materials from or state opinions to the head of the administrative organ that carried out the relevant research.

Chapter III Provision of Information, etc. by Business Operators Handling Designated Chemical Substances, etc.

(Provision of Information on the Properties and Handling of Designated Chemical Substances)

Article 14 (1) When a business operator handling a designated chemical substance, etc. transfers or provides a designated chemical substance, etc. to another business operator, the relevant business operator must provide information on the properties and handling of the relevant designated chemical substance, etc. to the party to which the transfer or provision is to be made by delivering a document or a magnetic disk or any other method specified by Order of the Ministry of Economy, Trade and Industry by the time of the transfer or provision.

(2) When there is a need to change the contents of information on the properties or handling of a designated chemical substance, etc. provided pursuant to the provisions of the preceding paragraph, a business operator handling a designated chemical substance, etc. must endeavor to promptly provide the

changed information on the properties and handling of the relevant designated chemical substance, etc. to the party to which the transfer or provision was made by delivering a document or a magnetic disk or any other method specified by Order of the Ministry of Economy, Trade and Industry.

- (3) Beyond what is provided for in the preceding two paragraphs, necessary matters concerning provisions of information prescribed in the preceding two paragraphs are specified by Order of the Ministry of Economy, Trade and Industry.

(Recommendations and Publication)

Article 15 (1) When any business operator handling a designated chemical substance, etc. is in violation of the provisions of paragraph 1 of the preceding Article, the Minister of Economy, Trade and Industry may recommend the relevant business operator handling a designated chemical substance, etc. to provide necessary information in accordance with the provisions of the same paragraph.

- (2) If a business operator handling a designated chemical substance, etc. that has received a recommendation under the preceding paragraph fails to follow the recommendation, the Minister of Economy, Trade and Industry may publicize to that effect.

(Collection of Report)

Article 16 The Minister of Economy, Trade and Industry may, as far as it is necessary for the enforcement of the provisions of this Chapter, have a business operator handling a designated chemical substance, etc. make a report on the provision of information on the properties and handling of the designated chemical substance, etc. of the relevant business operator.

Chapter IV Miscellaneous Provisions

(Measures by the State and Local Public Entities)

Article 17 (1) The State is to endeavor to increase the scientific knowledge on the properties of chemical substances and develop testing methods and other technical methods concerning safety assessment of chemical substances, while giving sufficient consideration to international trends of safety assessment of chemical substances.

- (2) The State is to endeavor to prepare and promote use of a database (a collection of theses, numerical values, figures, and other information that are systematically composed so as to enable computer searches of such information) pertaining to information on the properties and handling of chemical substances.

- (3) The State and local public entities are to endeavor to provide technical advice and take other measures to promote voluntary improvement of the management of designated chemical substances, etc. by business operators handling designated chemical substances, etc.
- (4) The State and local public entities are to endeavor to increase the understanding of citizens about the properties and management of designated chemical substances, etc. and the status of release of class I designated chemical substances through activities such as educational activities and public relations activities.
- (5) The State and local public entities are to endeavor to develop necessary human resources for performing the responsibilities set forth in the preceding two paragraphs.

(Hearing of Opinions at a Council)

Article 18 When the Minister of Health, Labour and Welfare, the Minister of Economy, Trade and Industry and the Minister of the Environment intend to plan the establishment or amendment of Cabinet Order set forth in Article 2, paragraph 2 or paragraph 3, they are to hear in advance the opinions of the council, etc. (which means organs prescribed in Article 8 of the National Government Organization Act [Act No. 120 of 1948]) specified by Cabinet Order.

(Fees)

Article 19 A person who receives disclosure of matters recorded in the file must pay a fee pertaining to implementation of the disclosure of the amount specified by Cabinet Order within an amount not exceeding the actual cost, pursuant to the provisions of Cabinet Order.

(Notification by a Magnetic Disk)

Article 20 (1) The competent minister may accept a notification under Article 5, paragraph 2 or a request under Article 6, paragraph 1 or paragraph 8 by a magnetic disk (including an object that may securely record certain matters by an equivalent method; the same applies hereinafter) pursuant to the provisions of Cabinet Order.

(2) The competent minister may give notice under Article 6, paragraph 4 or paragraph 5 (including as applied mutatis mutandis pursuant to paragraph 9 of the same Article) by a magnetic disk pursuant to the provisions of Cabinet Order.

(3) The competent minister may accept a request under Article 10, paragraph 1 or make a disclosure under Article 11 by a magnetic disk pursuant to the provisions of Cabinet Order.

(Transitional Measures)

Article 21 In the case of establishing, amendment or abolishing an order based on the provisions of this Act, required transitional measures (including transitional measures concerning penal provisions) may be provided for in such order as far as it is judged to be reasonably necessary in line with such establishment, amendment, or abolition.

(Competent Minister(s))

Article 22 (1) The competent minister(s) in this Act is to be as follows:

(i) with regard to matters concerning establishment of chemical substance management guidelines under Article 3, paragraph 1, consultation under paragraph 3 of the same Article, and publication under paragraph 4 of the same Article (excluding those pertaining to matters set forth in paragraph 2, item 4 of the same Article), the Minister of Economy, Trade and Industry and the Minister of the Environment

(ii) with regard to matters concerning establishment of chemical substance management guidelines under Article 3, paragraph 1, consultation under paragraph 3 of the same Article, and publication under paragraph 4 of the same Article (limited to those pertaining to matters set forth in paragraph 2, item 4 of the same Article), the Minister of Economy, Trade and Industry

(iii) with regard to matters concerning notification under Article 5, paragraph 2, a request under Article 6, paragraph 1, a notice under paragraph 3 of the same Article, a decision and a notice under paragraph 4 and paragraph 5 of the same Article (including as applied mutatis mutandis pursuant to paragraph 9 of the same Article), extension of a period under paragraph 7 of the same Article (including as applied mutatis mutandis pursuant to paragraph 9 of the same Article), a request under paragraph 8 of the same Article, a notice under Article 7, paragraphs 1 to 3, explanation under paragraph 4 and paragraph 5 of the same Article, a notice under Article 8, paragraph 2 and paragraph 4 and aggregation and publication under paragraph 5 of the same Article, and matters specified in Article 20, paragraph 1 and paragraph 2, the minister having administrative jurisdiction over the business of the relevant business operator handling a class I designated chemical substance, etc.

(iv) with regard to matters concerning a request under Article 10, paragraph 1 and disclosure under Article 11, and matters specified in Article 20, paragraph 3, the Minister of Economy, Trade and Industry, the Minister of the Environment or the minister having administrative jurisdiction over the business of the relevant business operator handling a class I designated chemical substance, etc.

(2) An order of the competent ministry in this Act is to be an order issued by the Minister of Economy, Trade and Industry, the Minister of the Environment and the minister having jurisdiction over the business of the relevant business operator handling a class I designated chemical substance, etc.

(Category of Affairs)

Article 23 The affairs to be processed by a prefecture pursuant to the provisions of the first sentence of Article 5, paragraph 3 are to be item 1 legally delegated affairs, as prescribed in Article 2, paragraph 9, item 1 of the Local Autonomy Act (Act No. 67 of 1947).

Chapter V Penal Provisions

Article 24 A person who falls under any of the following items is punished by a civil fine of not more than 200,000 yen:

- (i) a person who has failed to give a notification under Article 5, paragraph 2 or who has given a false notification
- (ii) a person who has failed to make a report under Article 16 or who has made a false report

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates respectively prescribed in those items:

- (i) provisions of Article 18 The date of promulgation
- (ii) provisions of Chapter 3 and Article 24 (excluding item 1) The day specified by Cabinet Order within a period not exceeding one year and six months from the date of promulgation
- (iii) provisions of Chapter 2, Article 19, Article 20, and Article 24 (limited to item 1) and the following Article The day specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation
- (iv) provisions of Article 23 of the Act and Article 4 of the Supplementary Provisions April 1, 2000 or the date specified in the preceding item, whichever comes later

(Transitional Measure)

Article 2 When the day prescribed in Article 6, paragraph 6 is included in the fiscal year following the fiscal year that contains the date on which the

provisions come into effect prescribed in item 3 of the preceding Article, the phrase "up to 30 days" in the same paragraph is deemed to be replaced with "up to five months."

(Review)

Article 3 The government is to review the status of enforcement of this Act when seven years have elapsed from the enforcement of this Act, and take necessary measures based on the results.