

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 preserve the living environment from the effects of air pollution by regulating the emission and dispersal of soot or smoke, volatile organic compounds, or particulates associated with conducting business activities within factories or places of business or associated with demolishing, renovating, and repairing buildings or other structures, by regulating emissions of mercury or its compounds associated with conducting business activities within factories or places of business in order to ensure accurate and smooth implementation of the Minamata Convention on Mercury (referred to as "the Convention" below), by furthering measures against hazardous air pollutants, by prescribing maximum limits for automobile exhaust, and in other ways; and the purpose is also to protect victims by providing for businesses' liability for loss or damage if harm 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 stated in one of the following items:

- (i) sulfur oxide generated by the combustion of fuel or any other thing;
 - (ii) dust generated by the combustion of fuel or any other thing or by the use of electricity as a source of heat; or
 - (iii) cadmium, chlorine, hydrogen fluoride, lead, or any other substance likely to harm human health or the living environment (excluding one as stated in item (i)) which is specified by Cabinet Order and is generated as a result of combustion, synthesis, decomposition, or any other process (excluding mechanical processes).
- (2) The term "facility generating soot or smoke" as used in this Act means a facility specified by Cabinet Order which is installed in a factory or place of business and generates and emits soot or smoke causing air pollution.
- (3) The term "soot or smoke processing facility" as used in this Act means a facility for processing the soot or smoke generated at a facility generating soot or smoke, and its auxiliary facilities.
- (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 suspended particulate matters or oxidants are generated) which is in a gaseous state at the time it is emitted or dispersed into the atmosphere.
- (5) The term "facility emitting volatile organic compounds" as used in this Act means a facility installed in a factory or place of business, which emits volatile organic compounds causing air pollution, and is specified by Cabinet Order as a facility particularly necessary to be regulated due to a large amount of emission of the volatile organic compounds.
- (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 which 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 those materials.
- (8) The term "specified particulates" as used in this Act means particulates of asbestos and other substances likely to harm human health which are specified by Cabinet Order, and the term "ordinary particulates" means particulates other than specified particulates.
- (9) The term "facility generating ordinary particulates" as used in this Act means a facility specified by Cabinet Order which is installed in a factory or place of business and generates and emits or disperses ordinary particulates causing

air pollution.

- (10) The term "facility generating specified particulates" as used in this Act means a facility specified by Cabinet Order which is installed in a factory or place of business, and generates and emits or disperses specified particulates causing air pollution.
- (11) The term "task which causes the emission or dispersal of specified particulates" as used in this Act means, of the tasks for demolishing, renovating, or repairing a building or other structure (referred to as a "building or other structure" below) which includes any building material specified by Cabinet Order from which spray-applied asbestos or any other specified particulates are generated or dispersed (the building material mentioned above is referred to as the "specified building material" below), the task specified by Cabinet Order which causes air pollution by emitting or dispersing the specified particulates from the location.
- (12) The term "specified construction work" as used in this Act means construction work which includes any task which causes the emission or dispersal of specified particulates.
- (13) The term "mercury and its compounds" as used in this Act means mercury and mercury compounds.
- (14) The term "facility emitting mercury" as used in this Act means a facility installed in a factory or place of business, which emits mercury or its compounds into the atmosphere, and is specified by Cabinet Order as a facility necessary to be regulated in accordance with the provisions of the Convention.
- (15) The term "outlet" as used in this Act means a smokestack or any other openings which are set up at a facility generating soot or smoke in order to emit the soot or smoke into the atmosphere, set up at a facility emitting volatile organic compounds in order to emit the volatile organic compounds into the atmosphere, or set up at a facility emitting mercury in order to emit the mercury or its compounds into the atmosphere.
- (16) The term "hazardous air pollutant" as used in this Act means a substance which is likely to harm human health if it is ingested continuously, and which causes air pollution (other than soot and smoke (but only those stated in paragraph (1), items (i) and (iii)), specified particulates, and mercury and its compounds).
- (17) The term "automobile exhaust" as used in this Act means, of the carbon monoxide, hydrocarbons, lead, and other substances likely to harm human health or the living environment, the substance specified by Cabinet Order which is generated during the operation of an automobile (meaning an automobile prescribed in Article 2, paragraph (2) of the Road Transport Vehicle Act (Act No. 185 of 1951) as specified by Order of the Ministry of the Environment, or a motorized bicycle prescribed in paragraph (3) of that Article

as specified by Order of the Ministry of the Environment; the same applies below).

Chapter II Regulation of Soot and Smoke Emissions; Related Matters

(Emission Standards)

Article 3 (1) Order of the Ministry of the Environment establishes emission standards for soot and smoke generated at facilities generating soot and smoke.

(2) The emission standards referred to in the preceding paragraph prescribe permissible limits as stated in item (i) for the sulfur oxides referred to in paragraph (1), item (i) of the preceding Article (simply referred to as "sulfur oxides" below), prescribe permissible limits as stated in item (ii) for the dust referred to in paragraph (1), item (ii) of the preceding Article (simply referred to as "dust" below), and prescribed permissible limits as stated in item (iii) or (iv) for a substance as prescribed in paragraph (1), item (iii) of the preceding Article (referred to as a "hazardous substance" below):

(i) permissible limits for the amount of sulfur oxides generated and emitted into the atmosphere from outlets at facilities generating soot and smoke involving the sulfur oxides are prescribed per each regional division specified by Cabinet Order, depending on the outlet height (meaning an outlet height following an adjustment which has been applied by the means prescribed by Order of the Ministry of the Environment; the same applies below);

(ii) permissible limits for the amount of dust contained in the emissions generated and emitted into the atmosphere from outlets at facilities generating soot and smoke involving the dust are prescribed per each type and size of the facility;

(iii) permissible limits for the amount 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 facilities generating soot and smoke involving the hazardous substances are prescribed per each type of the hazardous substance and the facility; and

(iv) permissible limits for the amount of hazardous substances specified by the Minister of the Environment which are generated in association with the combustion of fuel or any other thing (referred to as the "specified hazardous substances" below) and emitted into the atmosphere from outlets at facilities generating soot and smoke involving the specified hazardous substances are prescribed per each type of the hazardous substances, depending on the outlet height.

(3) If the Minister of the Environment finds that air pollution has occurred or is likely to occur at levels which exceed the limit specified by Cabinet Order due to the sulfur oxides, dusts, and specified hazardous substances generated and

emitted into the atmosphere from facilities generating soot and smoke in all or some areas within a region in which those facilities are concentrated (meaning a region with a concentration of facilities generating soot and smoke involving sulfur oxides, dusts, or specified hazardous substances), the Minister may establish special emission standards by Order of the Ministry of the Environment for those areas within the region, which must be applied to new facilities generating soot or smoke which will be installed in the areas, in lieu of the emission standards referred to in paragraph (1) (or in lieu of the emission standards established pursuant to the provisions of paragraph (1) of the following Article, if applicable).

- (4) The provisions of paragraph (2) (excluding item (iii) of that paragraph) apply *mutatis mutandis* to the emission standards referred to in the preceding paragraph.
- (5) Before seeking to establish sulfur oxide emission standards pursuant to the provisions of paragraph (1) or establish emission 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 emission standards.

Article 4 (1) If a prefecture has an area in which protection of the health of the residents or safeguarding the living environment is found to be inadequate depending on the emission standards for dust or hazardous substances referenced in paragraph (1) or (3) of the preceding Article and judging from the natural and social conditions, the prefecture may establish emission standards by a prefectural ordinance for the dust or hazardous substances generated at facilities generating soot and smoke in that area, prescribing permissible limits stricter than and applicable in lieu of the permissible limits prescribed by the emission standards referred to in paragraph (1) of that Article, pursuant to the provisions of Cabinet Order.

- (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 emission standards pursuant to the provisions of paragraph (1), the prefectural governor must first notify the Minister of the Environment of the emission standards.

(Recommendations on Emission 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 emission standards pursuant to the provisions of paragraph (1) of the preceding Article or modify existing emission standards pursuant to the provisions of that paragraph.

(Total Emission Regulation Standards)

- Article 5-2 (1) For a region specified by Cabinet Order per each type of soot or smoke specified by Cabinet Order such as sulfur oxide (referred to as "designated soot or smoke" below) as a region in which factories or places of business are concentrated, and only by using the emission standards prescribed in Article 3, paragraph (1) or (3) or Article 4, paragraph (1) of this Act, it is found to be difficult to keep the standards for environmental conditions satisfied regarding the air pollution under Article 16, paragraph (1) of the Basic Act on the Environment (Act No. 91 of 1993) (the standards mentioned above are referred to as "air quality standards" in paragraph (1), item (iii) of the following Article; and the region mentioned above is referred to as a "designated region" below), the prefectural governor must formulate a plan for reducing the total amount of the designated soot and smoke, and establish the total emission regulation standards based on this plan pursuant to the provisions of Order of the Ministry of the Environment regarding the designated soot and smoke generated and emitted from the factories and places of business within the designated region, which are at least of the scale specified by the prefectural governor in accordance with standards specified by Order of the Ministry of the Environment (each of these factories and places of business is referred to as a "specified factory or place of business" below).
- (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 amount of designated soot and smoke as referred to in paragraph (1), the prefectural governor may establish special total emission regulation standards which are to be applicable in lieu of the total emission regulation standards referred to in paragraph (1), for each specified factory or place of business at which a facility generating soot or smoke has been newly installed (the specified factory or place of business includes a factory or place of business which has newly become a specified factory or place of business due to a facility generating soot or smoke having been installed in the factory or places or due to a change in something such as the structure) and for each new specified factory or place of business which has been newly established.
- (4) The total emission regulation standards referred to in paragraph (1) or the preceding paragraph prescribe permissible limits for the total amount of designated soot and smoke generated and emitted into the atmosphere from outlets at all facilities generating soot and smoke, which are installed at a specified factory or place of business.
- (5) If a certain region is found to meet 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 hear the opinions of the relevant prefectural governors before seeking to propose the establishment, 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 referred to in paragraph (1) or (3). The same applies if the prefectural governor modifies or repeals those standards.

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

Article 5-3 (1) A plan for reducing the total amount of designated soot and smoke as referred to in paragraph (1) of the preceding Article is to establish the matters stated in items (iv) through (vi) pursuant to the provisions of Cabinet Order, with the aim of reducing the total amount stated in item (i) to the total amount stated in item (iii) and in consideration of things such as the ratio of the total amount stated in item (i) to the total amount stated 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 that case, if it is necessary to subdivide a designated region into two or more areas in order to achieve the plan, in accordance with the status of the air pollution and the distribution of factories or places of business in the designated region, the total amount stated in items (i) through (iii) refers to the total amount of designated soot and smoke for each of the areas so subdivided:

- (i) the total amount of designated soot and smoke generated and emitted into the atmosphere as a result of business activities and other human activities in the designated region;
- (ii) the total amount of designated soot and smoke generated and emitted into the atmosphere from outlets at facilities generating soot and smoke which are installed in all of the specified factories and places of business in the designated region;
- (iii) the total amount 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 human activities in the designated region;
- (iv) the target amount of reduction in the total amount referred to in item (ii) above (if a target amount of reduction is established as an interim target, that target reduction amount is included);

- (v) the time period for achieving the plan; and
 - (vi) the means of achieving the plan.
- (2) Before seeking to establish a plan for reducing the total amount 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 consultative bodies, as well as the mayors of relevant municipalities.
- (3) Before seeking to establish a plan for reducing the total amount 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 amount of designated soot and smoke as referred to in paragraph (1) of the preceding Article, the prefectural governor must endeavor to release the matters stated in each item of paragraph (1).
- (5) The prefectural governor may change the plan for reducing the total amount of designated soot and smoke as 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 Facility Generating Soot or Smoke)

Article 6 (1) If a person that will emit soot or smoke into the atmosphere seeks to install a facility generating soot or smoke, the person must give notification of the following matters to 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 the facility generating soot or smoke;
 - (iv) the structure of the facility generating soot or smoke;
 - (v) the way in which the facility 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 preceding paragraph must be accompanied by documents stating the amounts of sulfur oxides or specified hazardous substances which will be generated and emitted into the atmosphere from the outlets of the facility generating soot or smoke (referred to as the "amount of soot or smoke" below) or the amount of dust or hazardous substances (excluding specified hazardous substances) which will be contained in the

emissions generated and emitted into the atmosphere from the outlets of the facility generating soot or smoke (referred to as the "concentration rate of soot or smoke" below), the way in which the soot or smoke will be emitted, and other matters prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 7 (1) A person that has in place a facility at the time of its designation as a facility generating soot or smoke (this person includes a person doing work on the installation of that facility at the time in question) and will emit soot or smoke into the atmosphere must give notification of the matters stated in each item of paragraph (1) of the preceding Article to a prefectural governor pursuant to the provisions of Order of the Ministry of the Environment within 30 days of the designation as a facility generating soot or smoke.

(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 Facility Generating Soot or Smoke)

Article 8 (1) If a person having filed a notification under Article 6, paragraph (1) or under paragraph (1) of the preceding Article seeks to change any matter stated in items (iv) through (vi) of Article 6, paragraph (1) which was included in the notification, the person must file a notification of this change with the 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 If a prefectural governor receives a notification under Article 6, paragraph (1) or under paragraph (1) of the preceding Article, and finds that the amount or concentration rate of soot or smoke coming from the facility emitting soot or smoke as stated in the notification would fail to conform to the emission standards for the facility (meaning the emission standards referred to in Article 3, paragraph (1) (including emission standards which have been established pursuant to the provisions of paragraph (3) of that Article or Article 4, paragraph (1), if applicable); referred to as the "emission standards" in this Chapter), the prefectural governor may order the person filing the notification to change the plans for the structure of the facility, the way in which the facility will be used, or the way in which soot or smoke from the facility will be processed, as stated in the notification (or to discontinue the plan stated in the notification under paragraph (1) of the preceding Article) or

may order the person to discontinue the plan to install the facility generating soot or smoke as stated in the notification under Article 6, paragraph (1), only within 60 days of the date of the receipt of the notification.

Article 9-2 If a prefectural governor receives a notification under Article 6, paragraph (1) or Article 8, paragraph (1), and finds that the total amount of designated soot and smoke would fail to conform to the total emission regulation standards regarding all facilities generating soot or smoke at the specified factory or place of business where the facility stated in the notification will be installed (the specified factory or place of business includes a factory or place of business which will newly become a specified factory or place of business due to the facility being installed or due to a change in something such as its structure; the same applies in this paragraph), the prefectural governor may order the person having 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 which will be used, or to take any other necessary measures, only within 60 days of the date of the receipt 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 facility generating soot or smoke as stated in the notification until after 60 days have passed since the date of the acceptance of the notification; and a person that has filed a notification under Article 8, paragraph (1) must not make the change to the structure of the facility generating soot or smoke, the way in which the facility is used, or the way in which the soot or smoke from the facility is processed, as stated in the notification until after 60 days have passed since the date of the acceptance of the notification.

(2) On finding the content of the matters 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 having filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1) has undergone a change in any matter stated in Article 6, paragraph (1), item (i) or (ii) that was stated in the notification or has discontinued the use of the facility generating soot or smoke as 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) If a person having filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1) transfers or leases the facility generating soot or smoke as stated in the notification to another person, the person succeeds to the status of the person having filed the notification for the facility.
- (2) If a person having 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 having filed the notification; if a person having filed the notification becomes subject to a merger, the corporation surviving the merger or the corporation newly-incorporated due to the merger succeeds to the status of the person having filed the notification; and if a person having filed the notification becomes subject to a company split (limited to the one intended to be the successor of the facility generating soot or smoke as stated in the notification), the corporation taking over the facility in the split succeeds to the status of the person having filed the notification.
- (3) If a person has succeeded to the status of another person having filed a notification under Article 6, paragraph (1) or Article 7, paragraph (1), as prescribed by either of the preceding two paragraphs, the person succeeding to the status must notify the prefectural governor of the succession 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), if a person has succeeded to the status of the person having filed a notification pursuant to the provisions of paragraph (1) or (2), the person succeeding to the status is also considered to succeed to the status of the person having established the factory or place of business for all facilities generating soot or smoke installed there.

(Restrictions on Soot and Smoke Emissions)

- Article 13 (1) A person emitting soot or smoke into the atmosphere, which comes from a facility generating soot or smoke (referred to as a "person emitting soot or smoke" below) must not emit the soot or smoke in an amount or at a concentration rate, which fails to conform to the emission standards for the outlets of the facility.
- (2) The provisions of the preceding paragraph do not apply to the soot or smoke generated and emitted into the atmosphere from a facility which a person has in place at the time of its designation as a facility generating soot or smoke (this person includes a person doing work on the installation of the facility at the time in question), for six months after the date of the designation as a facility generating soot or smoke (or for one year, if the facility in question falls under a facility as specified by Cabinet Order); provided, however, that this does not apply if an ordinance of a local public entity applicable to the relevant

person contains provisions equivalent to the provisions of the preceding paragraph (unless there are no punitive provisions for the violation of the provisions).

(Restrictions on Designated Soot and Smoke Emissions)

Article 13-2 (1) When involved in designated soot or smoke coming from a facility generating soot or smoke which has been installed in a specified factory or place of business, a person emitting soot or smoke must not emit the designated soot or smoke if the total amount of the designated soot and smoke emitted into the atmosphere from the outlets of all facilities generating soot and smoke which have been installed in the specified factory or place of business fails conform to the total emission regulation standards.

(2) The provisions of the preceding paragraph do not apply to a person emitting soot or smoke when involved in designated soot or smoke coming from a facility generating soot or smoke which has been installed in a factory or place of business which newly became a specified factory or place of business due to the amendment of the Cabinet Order referred to in Article 2, paragraph (2), due to the amendment of the Cabinet Order establishing a region as referred to in Article 5-2, paragraph (1), or due to a change in the scale specified by the prefectural governor which is referred to in that paragraph, for six months after the date on which the factory or place of business newly becomes a specified factory or place of business.

(Order for Improvement)

Article 14 (1) A prefectural governor may order a person emitting soot or smoke to improve the structure of the facility generating soot or smoke, the way in which the facility is used, or the way in which soot or smoke from the facility is processed by a specified deadline, or may order the person to temporarily suspend the operation of the facility, if the prefectural governor finds that the person is likely to continue emitting soot or smoke from the outlets of the facility in an amount or at a concentration rate, which fails to conform to the emission standards.

(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 related to the designated soot or smoke to improve the way in which the designated soot or smoke is processed in 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 which newly becomes a specified factory or place of business due to the amendment of the Cabinet Order referred to in Article 2, paragraph (2), due to the amendment of the Cabinet Order establishing a region as referred to in Article 5-2, paragraph (1), or due to a change in the scale specified by the prefectural governor which is referred to in that paragraph, for six months from the date on which 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 facilities generating soot or smoke involving sulfur oxides where considerable, seasonable fluctuation occurs in the fuel use amount, and the prefectural governor finds that a person emitting sulfur oxides from the facility into the atmosphere in that region is using fuel which fails to conform to the fuel usage standards at that facility, the prefectural governor may issue a recommendation that the person comply with the fuel usage standards by a specified deadline.
- (2) If a person that has received 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) The prefectural governor establishes the fuel usage standards referred to in paragraph (1) for each region prescribed by Cabinet Order which 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 hear the opinions of the relevant prefectural governors before seeking to propose the establishment, 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) The fuel usage standards stated in paragraph (1) refers to standards for a factory or place of business other than a specified factory or place of business, where a facility generating soot or smoke involving sulfur oxides has been installed, the prefectural governor establishes these fuel stage standards per each type of fuels prescribed by Order of the Ministry of the Environment and each designated region regarding sulfur oxides, in accordance with the standards established by the Minister of the Environment establishes for reducing the total amount of designated soot and smoke.
- (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 Amounts and Concentration Rates of Soot and Smoke)

Article 16 A person emitting soot or smoke must measure the amount or concentration rate of soot or smoke for their facility generating soot or smoke, and keep a record of the results of the measurement, pursuant to Order of the Ministry of the Environment.

(Measures in the Event of an Incident)

Article 17 (1) If a facility generating soot or smoke malfunctions, breaks, or is involved in any other incident and a large amount of soot or smoke is emitted into the atmosphere, the person that has the facility in place must immediately take emergency measures in response to the incident, and must promptly endeavor to restore things how they were before the incident; if a facility generating substances which are derived from the synthesis or decomposition of materials or any other chemical process and are specified by Cabinet Order as substances likely to harm human health or the living environment (the substances are referred to as the "specified substances" below) (this facility excludes a facility generating soot or smoke, and is referred to as a "specified facility" below) malfunctions, breaks, or is involved in any other incident and specified substances are emitted into the atmosphere in a large amount, the person that has the specified facility in place at a factory or place of business must immediately take emergency measures in response to the incident, and must promptly endeavor to restore things how they were before the incident.

- (2) In a case as referred to in the preceding paragraph, the person provided for in that paragraph must immediately report the status of the incident to the prefectural governor; provided, however, that this does not apply if the person has reported as provided for in 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 harm done 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 who is responsible for 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 the emission.

Chapter II-2 Regulation of Volatile Organic Compound Emission; Related Matters

(Guidelines for the Implementation of Policies and Other Measures)

Article 17-3 Policies related to controlling the emission and dispersal of volatile organic compounds and other 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.

(Emission Standards)

Article 17-4 Order of the Ministry of the Environment establishes emission standards for volatile organic compounds as the permissible limits per each type and size of facility regarding the amount of volatile organic compounds contained in emissions into the atmosphere from outlets of a facility emitting volatile organic compounds (referred to as the "concentration rate of volatile organic compounds" below).

(Filing a Notification of the Installation of a Facility Emitting Volatile Organic

Compounds)

Article 17-5 (1) If a person that will emit volatile organic compounds into the atmosphere seeks to install a facility emitting volatile organic compounds, the person must give notification of the following matters to 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 person is a corporation;
 - (ii) the name and locality of the factory or place of business;
 - (iii) the type of the facility emitting the volatile organic compounds;
 - (iv) the structure of the facility emitting the volatile organic compounds;
 - (v) the way in which the facility emitting the volatile organic compounds will be used; and
 - (vi) the way in which the volatile organic compounds will be processed.
- (2) The notification under the preceding paragraph must be accompanied by documents stating the concentration rate of volatile organic compounds, the way in which the volatile organic compounds will be emitted, and other matters prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 17-6 (1) A person that has in place a facility at the time of its designation as a facility emitting volatile organic compounds (this person includes a person doing work on the installation of a facility at the time in question) and will emit the volatile organic compounds into the atmosphere must give notification of the matters stated in each item of paragraph (1) of the preceding Article to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment, within 30 days of the date of the designation as a facility emitting volatile organic compounds.

- (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 Facility Emitting Volatile Organic Compounds)

Article 17-7 (1) If a person filing a notification under Article 17-5, paragraph (1) or under paragraph (1) of the preceding Article seeks to change any matter stated in Article 17-5, paragraph (1), items (iv) through (vi), 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 If a prefectural governor receives a notification under Article 17-5, paragraph (1) or under paragraph (1) of the preceding Article, and finds that the concentration rate of volatile organic compounds from the facility emitting volatile organic compounds as stated in the notification would fail to conform to the emission standards for the facility (meaning the emission standards referred to Article 17-4; referred to as the "emission standards" in this Chapter), the prefectural governor may order the person filing the notification to change the plan for the structure of the facility, the way in which the facility will be used, or the way in which the volatile organic compounds from the facility will be processed, as stated in the notification (or to discontinue the plan stated in the notification under paragraph (1) of the preceding Article), or may order the person to discontinue the plan to install the facility emitting volatile organic compounds as stated in the notification under Article 17-5, paragraph (1), only within 60 days of the date of the receipt of 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 facility emitting the volatile organic compounds stated in the notification until 60 days have passed since the date of the acceptance of the notification; and a person that has filed a notification under Article 17-7, paragraph (1) must not change the structure of the facility emitting the volatile organic compounds, the way in which that facility is used, or the way in which the volatile organic compounds from the facility are processed, as stated in the notification, until after 60 days have passed since the date of the acceptance of the notification.

(Obligation to Comply with Emission Standards)

Article 17-10 A person emitting volatile organic compounds into the atmosphere from a facility emitting volatile organic compounds (referred to as a "person emitting volatile organic compounds" below) must comply with the emission standards for the facility.

(Order for Improvement)

Article 17-11 A prefectural governor may order a person emitting volatile organic compounds to improve the structure of the facility emitting the volatile organic compounds, the way in which the facility is used, or the way in which the volatile organic compounds from the facility are processed by a specified deadline, or may order the person to temporarily suspend the use of the facility, if the prefectural governor finds that a concentration rate measured at the outlets of the facility regarding the volatile organic compounds emitted by the

person fails to comply with the emission standards.

(Measurement of the Concentration Rate of Volatile Organic Compounds)

Article 17-12 A person emitting volatile organic compounds must measure the concentration rate of the volatile organic compounds for their facility emitting the volatile organic compounds, and must keep a record of the results of the measurement 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 volatile organic compounds in a low amount.

Chapter II-3 Regulations Involving Particulates

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

Article 18 (1) A person seeking to install a facility generating ordinary particulates must give notification of the following matters to 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 the facility generating ordinary particulates;
 - (iv) the structure of the facility generating ordinary particulates; and
 - (v) the way in which the facility 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 facility generating ordinary particulates.
- (3) If a person having filed a notification under paragraph (1) or under paragraph (1) of the following Article seeks to change any matter stated in paragraph (1), item (iv) or (v) which was included in the notification, the person must give notification of this change to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

(Transitional Measures)

- Article 18-2 (1) A person that has in place a facility at the time of its designation as a facility generating ordinary particulates (this person includes a person doing work on the installation of a facility at the time in question) must give notification of the matters stated in each item of paragraph (1) of the preceding Article to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment within 30 days of the designation as a facility 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 facility 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 facility generating ordinary particulates.

(Order to Conform to Standards)

- Article 18-4 On finding that a person that has installed a facility 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 in that Article for the facility generating ordinary particulates by a specified deadline or to temporarily suspend the use of the facility generating ordinary particulates.

(Site Boundary Standards)

- Article 18-5 Order of the Ministry of the Environment establishes regulatory standards for a boundary line between the site of a facility generating specified

particulates and its adjacent land (referred to as "site boundary standards" below) per each type of specified particulates, as the permissible limits for an atmospheric concentration rate of the specified particulates measured at the boundary line of the site of a factory or place of business, which are generated or dispersed in connection with the business activities and emitted or dispersed into the atmosphere from the factory or place of business where the facility generating specified particulates has been installed.

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

Article 18-6 (1) If a person that will emit or disperse specified particulates into the atmosphere seeks to install a facility generating specified particulates, the person must give notification of the following matters to 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 the facility generating specified particulates;
 - (iv) the structure of the facility generating specified particulates; and
 - (v) the way in which the facility 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 facility generating specified particulates and stating the way in which the specified particulates will be emitted and other matters specified by Order of the Ministry of the Environment.
- (3) If a person filing a notification under paragraph (1) above or under paragraph (1) of the following Article seeks to change any matter stated in paragraph (1), items (iv) through (vi) that is stated in the notification, that person must give notification of this change to 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 has in place a facility at the time of its designation as a facility generating specified particulates (this person includes a person doing work on the installation of a facility at the time in question) and will

emit or disperse the specified particulates into the atmosphere must give a notification of the matters stated in each item of paragraph (1) of the preceding Article to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment within 30 days of the date of the designation as a facility 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 If a prefectural governor receives a notification under Article 18-6, paragraph (1) or (3), and finds that the atmospheric concentration rate of specified particulates would fail to conform to site boundary standards regarding the boundary line of the site of the factory or place of business where the facility generating specified particulates as stated in the notification will be installed, the prefectural governor may order the person filing the notification to change the plan for the structure of the facility generating specified particulates, the way in which the facility is used, the way in which the specified particulates from the facility are processed, or the way of preventing their dispersal, as stated in the notification (or to discontinue the plan stated in a notification under paragraph (3) of that Article), or may order the person to discontinue the plan to install the facility generating specified particulates as stated in the notification under paragraph (1) of that Article, only within 60 days of the date of the receipt of 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 facility generating specified particulates as stated in that notification until after 60 days have passed since the date of the acceptance of the notification; and a person that has filed a notification under Article 18-6, paragraph (3) must not change the structure of the facility generating specified particulates, the way in which that facility is used, the way in which the specified particulates from that facility are processed, or the way of preventing their dispersal, as 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 emitting or dispersing specified particulates into the atmosphere from their factory or place of business, which are generated or dispersed in connection with the business activities at their factory or place of business where a facility generating specified particulates has been installed (referred to as a "person emitting specified particulates" below) must comply

with the site boundary standards.

(Order for Improvement)

Article 18-11 A prefectural governor may order a person emitting specified particulates to improve the structure of the facility generating specified particulates, the way in which the facility is used, or the way in which the specified particulates from the facility are processed, or the way of preventing dispersal of the specified particulates by a specified deadline, or may order the person to temporarily suspend the use of the facility, if the prefectural governor finds that an atmospheric concentration rate measured at the boundary line of the site of the factory or place of business fails to conform to the site boundary standards regarding the specified emitted or dispersed by the person.

(Measurement of the Concentration Rate of Specified Particulates)

Article 18-12 A person emitting specified particulates must measure the concentration rate of specified particulates in the atmosphere at the boundary lines of the site of their factory or place of business, and must keep a record of the results of the measurement, 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.

(Operational Standards for Tasks Which Cause the Emission or Dispersal of Specified Particulates)

Article 18-14 Order of the Ministry of the Environment establishes regulatory standards for tasks which cause the emission or dispersal of specified particulates (referred to as "operational standards" below) regarding the method for undertaking those tasks, for each type of specified particulates, each type of specified building materials, and each type of tasks which cause the emission or dispersal of specified particulates.

(Investigation and Explanation for Demolition Work Including Renovations or Repairs)

Article 18-15 (1) A general contractor of construction work which includes any task for demolishing, renovating, or repairing a building or other structure (referred to as the "demolition work including renovations or repairs" below) (the general contractor means a person contracted by the orderer to undertake the demolition work including renovations or repairs; the same applies below (the orderer means a person who orders the demolition work including renovations or repairs, and who has not been contracted by any other person to undertake the demolition work including renovations or repairs; the same applies below)) must conduct an investigation by checking the drawings and specifications or other documents, by conducting a visual inspection as to whether or not the specified building materials are used, or by using other methods prescribed by Order of the Ministry of the Environment to determine whether or not the demolition work including renovations or repairs falls under the specified construction work, and must give an explanation to the orderer of the demolition work including renovations or repairs by providing a document stating the following matters, pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the results of the investigation;
- (ii) the following matters related to the specified construction work, if the demolition work including renovations or repairs falls under the specified construction work (other than the instances referred to in the following items):
 - (a) the type of the specified building material which is used in the part of the building or other structure subject to the task which causes the emission or dispersal of specified particulates, as well as the locations and the size of the area where the specified building material is used;
 - (b) the type of the task which causes the emission or dispersal of specified particulates;
 - (c) the period for undertaking the task which causes the emission or dispersal of specified particulates;
 - (d) the method for undertaking the task which causes the emission or dispersal of specified particulates;
- (iii) the following matters related to that specified construction work subject to notification, if the demolition work including renovations or repairs falls under the specified construction work subject to notification as specified in Article 18-17, paragraph (1):
 - (a) the matters stated in the preceding items;
 - (b) the reason why the task which causes the emission or dispersal of specified particulates as stated in (d) above is undertaken in a way different from taking the measures stated in each item of Article 18-19 in a method designated under that item, if it is applicable; and

- (iv) the matters provided for by Order of the Ministry of the Environment, in addition to what is provided for in (i), (ii) and (iii) above.
- (2) The orderer of the demolition work including renovations or repairs must cooperate with the general contractor in conducting the investigation provided for in the preceding paragraph, by appropriately bearing the required costs of the investigation and taking other necessary measures connected with the investigation.
- (3) The general contractor of the demolition work including renovations or repairs must create records of the investigation under paragraph (1) and preserve those records and copies of the documents provided for in that paragraph, pursuant to the provisions of Order of the Ministry of the Environment.
- (4) The self-contractor of the demolition work including renovations or repairs (meaning a person undertaking the demolition work including renovations or repairs by themselves without a service contract with another person; the same applies below) must conduct an investigation by the method prescribed by the Order of the Ministry of the Environment referred to in paragraph (1), to determine whether or not the demolition work including renovations or repairs falls under the specified construction work, and must create and preserve records of the investigation pursuant to the provisions of the Order of the Ministry of the Environment referred to in the preceding paragraph.
- (5) When undertaking the demolition work including renovations or repairs which is subject to the investigation under paragraph (1) or the preceding paragraph, the general contractor or self-contractor of that work must keep copies of the records provided for in the preceding two paragraphs at the site of that work, and post the results of the investigation and other matters specified by Order of the Ministry of the Environment at the site of that work which is easy for the public to see, pursuant to the provisions of Order of the Ministry of the Environment.
- (6) After conducting the investigation under paragraphs (1) or (4), the general contractor or self-contractor of the demolition work including renovations or repairs must report the results of the investigation to the prefectural governor without delay, pursuant to the provisions of Order of the Ministry of the Environment.

(Due Care by the Orderer or Self-contractor of Specified Construction Work)

Article 18-16 (1) The orderer of the specified construction work must give due consideration not to impose on the general contractor any contractual terms which are likely to prevent their compliance with the operational standards in terms of the construction method, period, costs, or any other matters concerning the service contract for that work.

- (2) The provisions of the preceding paragraph apply mutatis mutandis if the general contractor of the specified construction work has subcontracted all or part of the specified construction work to another person (this work is limited to work including any task which causes the emission or dispersal of specified particulates; the same applies in this Article), or that person subcontracted by the general contractor further has subcontracted all or part of the specified construction work to another person accepting a contract for all or part of that specified construction work (if the specified construction subcontracted by the general contractor is further subcontracted via multiple contracts, the person directly subcontracted by the general contractor as mentioned above includes any further subcontractors who are any parties to the service contracts entered into afterwards; the person directly subcontracted the general contractor and any further subcontractors are collectively referred to as the "subcontractors" below).
- (3) If the general contractor or subcontractor of the specified construction work subcontracts all or part of the specified construction work to another person, they must explain to that person the method and other matters specified by Order of the Ministry of the Environment for undertaking any task which causes the emission or dispersal of specified particulates, included within the specified construction work which is subcontracted to that person.

(Filing a Notification for Undertaking Tasks Which Cause the Emission or Dispersal of Specified Particulates)

Article 18-17 (1) If the specified construction work includes a task which causes the emission or dispersal of specified particulates, and that task handles any materials specified by Cabinet Order as being the specified building materials from which the specified particulates are emitted or dispersed in a large amount (the specified construction work mentioned above is referred to as the "specified construction work subject to notification" in this Article and in Article 18-19), the orderer or self-contractor of the specified construction work (excluding the orderer or self-contractor provided for in the following paragraph) must file a notification of the following matters with the prefectural governor within 14 days before the date of commencement of the task which causes the emission or dispersal of the specified particulates, pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the names and addresses of both the orderer and the general contractor, or the name and address of the self-contractor of the specified construction work subject to notification, and if anyone of them is a corporation, the name of its representative;
- (ii) the location of that specified construction work subject to notification;
- (iii) the type of the specified building material specified by Cabinet Order

which is used in the part of the building or other structure subject to the task which causes the emission or dispersal of specified particulates, as well as the location and the size of the area of the part where the specified building material is used; and

- (iv) the matters stated in Article 18-15, paragraph (1), item (ii), (b) through (d), and item (iii), (b) regarding the specified construction work subject to notification.
- (2) If it is necessary to urgently undertake any task which causes the emission or dispersal of specified particulates as provided for in the preceding paragraph due to a disaster or other emergency situation, the orderer or self-contractor of the specified construction work subject to notification, which includes that task, must promptly file a notification of the matters stated in the items of that paragraph with the prefectural governor.
- (3) A notification under the preceding two paragraphs must be accompanied by documents showing a layout diagram of the building or other structure which is subject to any task which causes the emission or dispersal of specified particulates, and stating any other matters prescribed by Order of the Ministry of the Environment.

(Order to Change a Plan)

Article 18-18 (1) If a prefectural governor receives a notification under paragraph (1) of the preceding Article (limited to a notification containing the matters stated in Article 18-15, paragraph (1), item (iii) (b)) and finds that the task which causes the emission or dispersal of specified particulates as stated in the notification does not fall under the situation specified in the proviso of the following Article, the prefectural governor is to order the person filing the notification to take the measures stated in the items of that Article in relation to that task by a method stated in the relevant item within 14 days of the date of the receipt of the notification.

- (2) In addition to the cases provided for in the preceding paragraph, if a prefectural governor receives a notification under paragraph (1) of the preceding Article and finds that the method of undertaking the task which causes the emission or dispersal of specified particulates as stated in the notification fails to conform to the operational standards, the prefectural governor may order the person filing the notification to change the plan for the method of undertaking that task, only within 14 days of the date of the receipt of the notification.

(Methods of Removing the Specified Building Material)

Article 18-19 The general contractor, subcontractor, or self-contractor of the specified construction work subject to notification must take the measures

stated in one of the following items (the measures stated in (ii) are limited to cases of renovations or repairs of buildings or other structures; the same applies in this Article) by a method stated in the relevant items, in relation to any task which causes the emission or dispersal of specified particulates, which is included within that specified construction work, when involving any specified building material provided for in Cabinet Order as referred to in Article 18-17, paragraph (1); provided, however, that this does not apply when the building or other structure is at risk of collapse, or in other situations in which it is significantly difficult in terms of any technical aspects concerning the specified construction work to take the measures stated in one of the following items by a method stated in the relevant item:

- (i) removing the specified building materials from a building or other structure in a method as follows:
 - (a) taking away the specified building materials as they are, from the building or other structure without scraping off, cutting through, or crushing the specified building materials;
 - (b) sealing off the location where the specified building materials are being removed, and using dust collection and exhaust equipment prescribed by Order of the Ministry of the Environment in the sealed-off location while carrying out the removal; or
 - (c) using a method prescribed by Order of the Ministry of the Environment as being equivalent to (b);
- (ii) carrying out the procedure to prevent dispersal of specified particulates from the specified building materials, in a method prescribed by Order of the Ministry of the Environment which enables the specified building materials to be covered up, or enables any substances included in the specified building materials, which fall under the specified particulates, to be affixed to and become inseparable from the specified building materials.

(Obligation to Comply with Operational Standards)

Article 18-20 The general contractor, subcontractor, or self-contractor of the specified construction work must comply with the operational standards regarding any task which causes the emission or dispersal of specified particulates, which is included within that specified construction work.

(Order to Conform to Operational Standards)

Article 18-21 A prefectural governor may order the general contractor, subcontractor, or self-contractor of the specified construction work to comply with the operational standards by a specified deadline in relation to any task which causes the emission or dispersal of specified particulates, which is included within that specified construction work, or may order them to

temporarily suspend that task, if the prefectural governor finds that they are not in compliance with the operational standards while undertaking that task.

(General Contractor's Instructions to Subcontractors)

Article 18-22 The general contractor of the specified construction work must endeavor to provide instructions to all subcontractors, depending on the allocation of the specified construction work to them, so that they can appropriately undertake any task which causes the emission or dispersal of specified particulates, which is included within the specified construction work.

(Reporting Results of Tasks Which Cause the Emission or Dispersal of Specified Particulates)

Article 18-23 (1) The general contractor of the specified construction work must submit a written report to the orderer without delay regarding the results of the tasks which cause the emission or dispersal of specified particulates, which are included in that specified construction work, and must also create records of those tasks and preserve those records and copies of that written report pursuant to the provisions of Order of the Ministry of the Environment, upon completion of the tasks which cause the emission or dispersal of the specified particulates.

(2) The self-contractor of the specified construction work must create and preserve records of the tasks which cause the emission or dispersal of the specified particulates, which are included within the specified construction work, pursuant to the provisions of Order of the Ministry of the Environment, upon completion of the tasks which cause the emission or dispersal of the specified particulates.

(Policies of the National Government)

Article 18-24 The national government must endeavor to collect, organize, and provide the information necessary to ascertain whether or not specified building materials are used in buildings or other structures, and must also attempt to implement policies related to controlling the emission and dispersal of specified particulates involved with specified construction work or other works

(Policies of Local Governments)

Article 18-25 Local governments must endeavor to ensure the dissemination of knowledge among the owners, managers, or occupants of buildings about specified building materials and about ascertaining whether or not the specified building materials are used in the buildings or other structures, and must endeavor to take the measures necessary to control the emission and

dispersal of specified particulates involved in specified construction work or any other work, in combination with the policies of the national government and in corresponding to the circumstances of the region concerned.

Chapter II-4 Regulation of Emission of Mercury and Its Compounds; Related Matters

(Guidelines for the Implementation of Policies)

Article 18-26 Policies related to controlling the emission of mercury and mercury compounds and other related measures must be implemented with the aim to effectively control the emission of mercury and its 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 its compounds as prescribed in this Chapter and the voluntary efforts of businesses to control the emission of mercury and its compounds.

(Emission Standards)

Article 18-27 Order of the Ministry of the Environment establishes emission standards for mercury and its compounds as the permissible limits for each type and size of facility, regarding the amount of mercury and its compounds contained in emissions into the atmosphere from outlets of a facility emitting mercury (referred to as the "concentration rate of mercury" below) in consideration of the level of technology for reducing the emission of mercury and its compounds into the atmosphere and how economically it is done, so that the emission is reduced as much as possible.

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

Article 18-28 (1) If a person that will emit mercury or its mercury compounds into the atmosphere seeks to install a facility emitting mercury, the person must give notification of the following matters to 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 the facility emitting mercury;
- (iv) the structure of the facility emitting mercury;
- (v) the way in which the facility emitting mercury will be used; and
- (vi) the way in which the mercury or its compounds will be processed.

(2) The notification under the preceding paragraph must be accompanied by documents stating the concentration rate of mercury, the way in which the

mercury or its compounds will be emitted into the atmosphere, and any other matters prescribed by Order of the Ministry of the Environment.

(Transitional Measures)

Article 18-29 (1) A person that has in place a facility at the time of its designation as a facility emitting mercury (this person includes a person doing work on the installation of a facility at the time in question) and will emit the mercury or its compounds into the atmosphere must give notification of the matters stated in the items of paragraph (1) of the preceding Article to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment within 30 days of the date of the designation as a facility 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 Facility Emitting Mercury)

Article 18-30 (1) If a person that has filed a notification under Article 18-28, paragraph (1) or paragraph (1) of the preceding Article seeks to change any of the matters stated under Article 18-28, paragraph (1), items (iv) through (vi), the person must give notification of this to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.

(2) The provisions of Article 18-28, paragraph (2) apply *mutatis mutandis* to a notification under the preceding paragraph.

(Order to Change a Plan)

Article 18-31 If a prefectural governor receives a notification under Article 18-28, paragraph (1) or under paragraph (1) of the preceding Article, and finds that the concentration rate of mercury coming from the facility emitting mercury as stated in the notification would fail to conform to the emission standards referred to in Article 18-27 for the facility (referred to as the "emission standards" in this Chapter), the prefectural governor may order the person filing the notification to change the plan for the structure of the facility, the way in which that facility will be used, or the way in which the mercury or its compounds from that facility will be processed, as stated in the notification (or to discontinue the plan stated in the notification under paragraph (1) of the preceding Article) or may order the person to discontinue the plan to install the facility emitting mercury as stated in the notification under Article 18-28, paragraph (1), only within 60 days of the date of the receipt of the notification.

(Restrictions on Implementation)

Article 18-32 A person that has filed a notification under Article 18-28, paragraph (1) must not install the facility emitting mercury stated in the notification until after 60 days have passed since the date of the acceptance of the notification; and a person that has filed a notification under Article 18-30, paragraph (1) must not change the structure of the facility emitting mercury, the way in which the facility is used, or the way in which the mercury or its compounds from the facility are processed, as stated in the notification until after 60 days have passed since the date of the acceptance of the notification.

(Obligation to Comply with Emission Standards)

Article 18-33 A person emitting mercury or its compounds into the atmosphere from a facility emitting mercury (referred to as a "person emitting mercury" below) must comply with the emission standards for the facility.

(Improvement Recommendations and Improvement Orders)

Article 18-34 (1) A prefectural governor may recommend that a person emitting mercury improve the structure of the facility emitting mercury, the way in which the facility is used, or the way in which the mercury or its compounds are processed, or may recommend that the person temporarily suspend the operation of the facility or take other measures to reduce the mercury or its compounds emitted into the atmosphere by a specified deadline, if the prefectural governor finds that the person continues emitting mercury or its compounds into the atmosphere in a concentration rate measured at the outlets of the facility, which fails to conform to the emission standards.

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

(Measurement of the Concentration Rate of Mercury)

Article 18-35 A person emitting mercury must measure the concentration rate of mercury for their facility emitting mercury, and keep a record of the measurement, pursuant to the provisions of Order of the Ministry of the Environment.

(Application of Provisions)

Article 18-36 (1) The provisions of Article 10, paragraph (2) apply mutatis mutandis to restrictions on implementation under Article 18-32.

(2) The provisions of Articles 11 and 12 apply mutatis mutandis to a person that has filed a notification under Article 18-28, paragraph (1) or Article 18-29, paragraph (1).

(3) The provisions of Article 13, paragraph (2) apply mutatis mutandis to a recommendation under Article 18-34, paragraph (1) and an order under paragraph (2) of that Article.

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

Article 18-37 A person that has in place at a factory or place of business a facility which emits mercury or its compounds into the atmosphere (other than the facility emitting mercury as defined in Article 2, paragraph (14) of this Act) in a considerably large amount so that Cabinet Order specifies that it is appropriate to control its emissions (referred to as a "facility requiring emissions control" below) must independently or jointly establish its own standards to be complied with for emitting mercury or its compounds into the atmosphere from their facilities, must measure the concentration rate of mercury and preserve records of the results of the measurement, must take any other measures necessary to control the emission of mercury and its compounds into the atmosphere, and must release the implementation status and evaluation of those measures.

(Responsibility of Businesses)

Article 18-38 In addition to what is prescribed in the preceding Article, a business must assess the status of the emission of mercury and its compounds into the atmosphere that is associated with its business activities, take the necessary measures to control their emission, and cooperate with the national government implementing the policies to control the emission of mercury and its compounds into the atmosphere.

(Policies of the National Government)

Article 18-39 The national government must endeavor to assess the status of the emission of mercury and its compounds into the atmosphere in Japan and disclose the results of the assessment, collect and organize data connected with technologies for controlling the emission of mercury and its compounds into the atmosphere and ensure the prevalence of the products of this, or otherwise implement policies related to controlling the emission of mercury and its compounds into the atmosphere.

(Policies of Local Governments)

Article 18-40 Local governments must endeavor to provide the necessary information to businesses to promote them to undertake the necessary measures to control the emission of mercury and its compounds into the atmosphere, and must endeavor to ensure the dissemination of knowledge

relating to the control of the emission of mercury and its compounds into the atmosphere among their residents.

Chapter II-5 Furtherance of Measures Against Hazardous Air Pollutants

(Guidelines for the Implementation of Policies)

Article 18-41 Policies related to preventing the pollution of the air by hazardous air pollutants and other measures must be implemented with the aim of preventing future harm to human health while making full use of scientific knowledge.

(Responsibility of Business)

Article 18-42 A business must assess the status of the emission and dispersal of hazardous air pollutants into the atmosphere associated with its business activities, and must take necessary measures to control the emission and dispersal.

(Policies of the National Government)

Article 18-43 (1) The national government must endeavor to conduct studies in collaboration with local governments 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 the use of scientific knowledge referred to in that paragraph proceeds, the national government must evaluate the degree of risk that air pollution will harm human health for each hazardous air pollutant, and must periodically release the outcome of these evaluations.

(3) In order to promote businesses to undertake the measures referred to in the preceding Article and in order to contribute to the furtherance of policies by local governments under the following Article, the national government must endeavor to collect and organize data connected with technologies for controlling the emission and dispersal of hazardous air pollutants, and undertake dissemination of their outcome.

(Policies of Local Governments)

Article 18-44 (1) Local governments must endeavor to conduct studies to assess the status of the pollution of the air by hazardous air pollutants in their districts.

(2) Local governments must endeavor to provide the necessary information to businesses to promote them to undertake the measures referred to in Article

18-37, and must endeavor to ensure the dissemination of knowledge about preventing the pollution of the air by hazardous air pollutants among their residents.

(Efforts by the People)

Article 18-45 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 amount of automobile exhaust contained in the emissions which are generated and emitted into the atmosphere when an automobile runs under certain conditions.

(2) When establishing the necessary matters in connection with regulating the emission of automobile exhaust by 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 which secures the permissible limit referred to in the preceding paragraph and which will contribute to securing the permissible limit referred to in paragraph (1) of the following Article.

(3) The Minister of the Environment must provide permissible limits for the amount of exhaust from non-road vehicles (meaning exhaust 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) which is included in emissions generated and released into the atmosphere when non-road vehicles (meaning non-road vehicles as provided in Article 2, paragraph (1) of the Act) 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 referred to in that Article in order to prevent the pollution of the air by exhaust from non-road vehicles, the competent minister must be mindful of establishing them in a way which secures the permissible limit referred to in the preceding paragraph.

Article 19-2 (1) If the Minister of the Environment finds it to be necessary to do so in order to prevent the pollution of the air by automobile exhaust at the time when the Minister provides the permissible limits referred to in paragraph (1)

of the preceding Article, the Minister must provide permissible limits in connection with automobile fuel properties or permissible limits for the amount of substances contained in automobile fuel.

- (2) When prescribing the necessary matters 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) in order to prevent the pollution of the air by automobile exhaust, the Minister of Economy, Trade and Industry must be mindful of establishing them in a way which secures the permissible limit referred to in the preceding paragraph.

(Measurement of the Concentration Rate of Automobile Exhaust)

Article 20 The prefectural governor is to measure the concentration rate of automobile exhaust in the atmosphere on a section of road and its surrounding area, 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 things.

(Demands Based on Measurements)

Article 21 (1) If a prefectural governor has taken a measurement as referred to in the preceding Article, and has found that the pollution of the air on the section of road or its surrounding area 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 organization regarding improvements in the structure of the applicable section of road or other matters conducive to reducing the automobile exhaust concentration rate.

(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) A prefectural governor must continuously monitor the air pollution status (other than air pollution that is caused by radioactive materials the same applies in Article 24, paragraph (1)) pursuant to the provisions of Order of the Ministry of the Environment.

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

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

(Emergency Measures)

Article 23 (1) If the present situation falls under the category specified by Cabinet Order in which there is a risk of air pollution becoming hazardous and human health or living environment being harmed, the prefectural governor must make the situation known to the general public, and must seek cooperation from a person found likely to worsen the air pollution, in terms of reducing the amount of soot and smoke emissions if that person is emitting soot or smoke, or in terms of reducing the amount of volatile organic compounds emitted or dispersed if that person is emitting or dispersing volatile organic compounds, or in terms of voluntary reduction in the usage of automobiles if the person is a user or driver of an automobile.

(2) If the present situation falls under the category specified by Cabinet Order in which weather conditions cause a sudden increase in air pollution, and the human health or the living environment is harmed, the prefectural governor is to order a person emitting soot or smoke or emitting volatile organic compounds to reduce the amount or concentration rate of soot or smoke or the concentration rate of the volatile organic compounds, to restrict the use of facilities generating soot and smoke or emitting the volatile organic compounds, or to take other necessary measures, pursuant to the provisions of Order of the Ministry of the Environment, if the cause of the situation is soot or smoke or volatile organic compounds; or the prefectural governor is to demand that the prefectural public safety commission take measures under the provisions of the Road Traffic Act, if the cause of the situation is automobile exhaust.

(Release)

Article 24 (1) A prefectural governor must release 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 release the status of the pollution of the air by radioactive materials pursuant to the provisions of Order of the Ministry of the Environment.

Chapter IV-2 Compensation for Loss or Damage

(Strict Liability)

Article 25 (1) If substances harmful to human health (meaning soot or smoke, designated substances, or particulates, other than the substances specified by Cabinet Order likely to damage only the living environment; the same applies in this Chapter) are emitted into the atmosphere in line with business activities at a factory or place of business (the emission includes dispersal of the substances; the same applies in this Chapter), and this causes harm to human life or limbs, the business causing the emissions is liable for the loss or damage arising from the emission.

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

Article 25-2 If the 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 be insignificantly attributable to causing the loss or damage, the court may take the circumstances into consideration in deciding the amount of compensation for the loss or damage which the person is to be liable for.

(Considerations to be Given in Deciding Compensation)

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

(Extinctive Prescription)

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

- (i) 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 liable for

- them; or
- (ii) twenty years have elapsed from the time of the initial loss or damage suffered.

(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 require a report on the status of facilities generating soot or smoke, the status of incidents at specified facilities, the status of facilities emitting volatile organic compounds, the status of facilities generating ordinary particulates, the status of facilities generating specified particulates, the status of buildings and other structures connected with demolition work including renovations or repairs, the status of tasks which cause the emission or dispersal of specified particulates, the status of facilities emitting mercury, or any other matters from persons that have in place facilities generating soot or smoke, persons that have installed specified facilities in a factory or place of business, persons that have in place facilities emitting volatile organic compounds, persons that have in place facilities generating ordinary particulates, persons emitting specified particulates, orderers, general contractors, self-contractors, and subcontractors of demolition work including renovations or repairs, or persons that have in place facilities emitting mercury; or the Minister or governor may have their employees enter factories or places of business of persons that have in place facilities generating soot or smoke, persons that have installed specified facilities in a factory or place of business, persons that have in place facilities emitting volatile organic compounds, persons that have in place facilities generating ordinary particulates, or persons emitting specified particulates emitters, or enter buildings or other structures subject to demolition work including renovations or repairs, sites of that demolition work, business locations, offices, or other places of business of general contractors,

self-contractors or subcontractors of that demolition work, or factories or places of business of persons that have in place facilities emitting mercury, and have them inspect the facilities generating soot or smoke, the soot or smoke processing facilities, the specified facilities, the facilities emitting volatile organic compounds, the facilities generating ordinary particulates, the facilities generating specified particulates, the buildings or other structures subject to that demolition work, the facilities emitting mercury, or any other related items.

- (2) The Minister of the Environment is to require reports or their employees are to conduct on-site inspections pursuant to the provisions of the preceding paragraph only if there is found to be an urgent need to do so to prevent air pollution from harming human health or the living environment.
- (3) An employee 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 emitting or dispersing soot or smoke, specified substances, volatile organic compounds, ordinary particulates, specified particulates, or mercury or mercury compounds (referred to as "soot, smoke, or any other prescribed pollutant" below) which come from a facility generating soot or smoke, specified facility, facility emitting volatile organic compounds, facility generating ordinary particulates, facility generating specified particulates, or facility emitting mercury, if the facility mentioned above falls under an electrical facility specified by the provisions of Article 2, paragraph (1), item (xviii) of the Electricity Business Act (Act No. 170 of 1964), a gas facility specified by the provisions of Article 2, paragraph (13) of the Gas Business Act (Act No. 51 of 1954), or a facility specified by Order of the Ministry of Economy, Trade and Industry as referred to in Article 13, paragraph (1) of the Mine Safety Act (Act No. 70 of 1949) (the facility mentioned above is referred to as a "facility generating soot or smoke or any other prescribed facility" below); and the corresponding provisions of the

Electricity Business Act, the Gas Business Act, or the Mine Safety Act apply to the person.

- (2) If the head of the national government administrative organ having authority under any of the Acts specified in the preceding paragraph (referred to as the "head of an administrative organization" in this Article) receives an application or notification for permission or approval regarding a facility generating soot or smoke or any other prescribed facility specified in the preceding paragraph, which is submitted pursuant to the provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act which correspond to Article 6, Article 8, Article 11 or Article 12, paragraph (3) (including as applied *mutatis mutandis* pursuant 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 of this Act, the head is to notify the prefectural governor having jurisdiction in the locality of the applicable facility of the matters stated in the application or notification, of which the prefectural governor is to be notified pursuant to the Articles mentioned above.
- (3) If the prefectural governor finds that there is a risk that air pollution caused by soot, smoke, or any other prescribed pollutant generated or dispersed at a facility generating soot or smoke or any other prescribed facility provided for in paragraph (1) will harm human health or the living environment, the prefectural governor may demand that the head of an administrative organization take measures under the provisions of the Electricity Business Act, the Gas Business Act, or the Mine Safety Act which correspond to Article 9, Article 9-2, Article 17-8, Article 18-8, or Article 18-26 of this Act.
- (4) If a demand under the preceding paragraph has been made, the head of the administrative organization is to notify the relevant prefectural governor of the measures taken.
- (5) 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) regarding a facility generating soot or smoke or any other prescribed facility specified in paragraph (1) of this Article, the prefectural governor must first deliberate with the head of the administrative organization.

(Demands for the Submission of Materials)

- Article 28 (1) If the Minister of the Environment finds it to be necessary to do so in order to achieve the purpose of this Act, the Minister may demand that the heads of relevant local governments submit the necessary documents and provide explanations.
- (2) If the prefectural governor finds 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 organizations or heads of relevant local governments to send materials concerning things such as the status of facilities generating soot and smoke, facilities emitting volatile organic compounds, facilities generating ordinary particulates, facilities generating specified particulates, tasks which cause the emission or dispersal of specified particulates, or facility emitting mercury or to provide other cooperation, or may state an opinion concerning the prevention of air pollution from soot or smoke, volatile organic compounds, particulates, or mercury or its compounds.

(Instructions from the Minister of the Environment)

Article 28-2 If the Minister of the Environment finds it to be urgently necessary to do so in order to prevent air pollution from harming human health, the Minister may issue the necessary instructions in connection with the administrative functions stated below to prefectural governors or to mayors of the cities (including special wards) specified by Cabinet Order as provided for in 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 stating opinions under Article 21, paragraph (3);
- (v) administrative functions related to making the situation in question known and seeking cooperation under Article 23, paragraph (1); and
- (vi) administrative functions related to seeking cooperation or stating opinions under paragraph (2) of the preceding Article.

(Assistance by the National Government)

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

(Furtherance of Research)

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

(Transitional Measures)

Article 30-2 When an order is established, 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 which is determined to be reasonably necessary as a function of its establishment, 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 below) specified by Cabinet Order may conduct part of the administrative functions which fall under the authority of prefectural governors pursuant to this Act.
(2) The mayors of the cities specified by Cabinet Order as referred to in the preceding paragraph must notify the prefectural governor of the matters specified by Order of the Ministry of the Environment of which the prefectural governor needs to be notified in order to enforce this Act.

(Classification of Administrative Functions)

Article 31-2 Among the administrative functions which the prefectures are to handle pursuant to the provisions of this Act, administrative functions which 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 amount of designated soot and smoke) and those which 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) statutorily 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 governments from formulating necessary regulations by means of ordinances regarding the following matters: emitting substances other than soot or smoke into the atmosphere from facilities generating soot and smoke; emitting soot or smoke into the atmosphere from facilities which generate and emit soot or smoke, but do not fall under the category of constitute facilities generating soot or smoke as prescribed in this Act; emitting substances other than volatile organic compounds into the atmosphere from facilities emitting volatile organic compounds; emitting volatile organic compounds into the atmosphere from facilities which emit volatile organic compounds, but do not fall under the category of facilities emitting volatile organic compounds as prescribed in this Act; emitting or dispersing ordinary particulates into the atmosphere from facilities which generate and emit or disperse ordinary particulates, but do not fall under the category of facilities generating ordinary particulates as prescribed in this Act; emitting or dispersing substances other than specified particulates into the atmosphere from facilities generating specified particulates; emitting or dispersing specified particulates into the atmosphere from facilities which generate and emit or disperse specified particulates, but do not fall under the category of facilities emitting specified particulates as prescribed in this Act; emitting or dispersing substances other than specified particulates into the atmosphere, which are generated or dispersed in connection with tasks which cause the emission or dispersal of specified particulates; emitting or dispersing specified particulates into the atmosphere, which are generated or dispersed in connection with tasks for demolishing, renovating, or repairing a building or other structure, which do not fall under the category of tasks which cause the emission or dispersal of specified particulates as prescribed in this Act; emitting substances other than mercury or its compounds into the atmosphere from facilities emitting mercury; or emitting mercury or its compounds into the atmosphere from facilities which emit mercury or its compounds, but do not fall under the category of facilities emitting mercury as prescribed in this Act.

Chapter VI Penal Provisions

Article 33 Any person in violation of 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 18-31, or Article 18-34, paragraph (2) is punishable by imprisonment of up to one year or a fine of not more than one million yen.

Article 33-2 (1) Any person in violation of one of the following items is punishable by imprisonment of up to six months or a fine of not more than five hundred thousand yen:

- (i) violating the provisions of Article 13, paragraph (1), or Article 13-2, paragraph (1); or
 - (ii) violating an order under Article 17, paragraph (3), Article 18-4, Article 18-18, Article 18-21, or Article 23, paragraph (2).
- (2) A person committing an offense referred to in item (i) of the preceding paragraph through negligence is punishable by imprisonment for up to three months or a fine of not more than three hundred thousand yen.

Article 34 Any person in violation of one of the following items is punishable by imprisonment of up to three months or a fine of not more than three hundred thousand yen:

- (i) failing to give 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 18-17, paragraph (1), Article 18-28, paragraph (1), or Article 18-30, paragraph (1) or filing a false notification;
- (ii) violating an order under Article 15, paragraph (2), or Article 15-2, paragraph (2); or
- (iii) violating the provisions of Article 18-19.

Article 35 Any person in violation of one of the following items is punishable by a fine of not more than three hundred thousand yen:

- (i) failing to give 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 18-29, paragraph (1) or filing a false notification;
- (ii) violating the provisions of Article 10, paragraph (1), Article 17-9, Article 18-9, or Article 18-32;
- (iii) failing to make a record, making a false record, or failing to keep a record, in violating the provisions of Article 16 or 18-35;
- (iv) failing to submit a report under Article 18-15, paragraph (6), or submitting a false report; or
- (v) failing to submit a report under Article 26, paragraph (1) or 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 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 give notification or filing a false notification in violation of 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 punishable by 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 specified 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; referred to as the "former Act" below) 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 as of the effective date of this Act, the phrase "the date of the acceptance of the notification" in Article 10 is deemed to be replaced with "the date of the acceptance of the notification 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 phrase "the date of the acceptance of the notification" in Article 11, paragraph (1) is deemed to be replaced with "the date of the acceptance of the notification 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 facility generating soot or smoke, which has been specified by Article 16, paragraph (3) of the former Act as of the effective date of this Act, as one which is not subject to the

application of Article 16, paragraph (1) or (2) of the former Act, the phrase "the date the region became a designated region as provided for in the paragraph, or the date the facility became a facility generating soot or smoke as provided for in the paragraph" in Article 14, paragraph (3) is deemed to be replaced with "the date the region became a designated region as provided for in Article 9, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke, or the date the facility became a facility generating soot or smoke as provided for in that paragraph".

- (5) To apply the proviso to Article 14, paragraph (3) to the facility generating soot or smoke as stated in a notification under Article 9, paragraph (1) of the former Act, if the person filing the notification submitted it before the effective date of this Act, and it was within a period not exceeding 60 days before the effective date of this Act, the phrase "the date of the acceptance of the notification" in the proviso to Article 14, paragraph (3) is deemed to be replaced with "the date of the acceptance of the notification under Article 10, paragraph (1) of the former Act on the Regulation of the Emission of Soot and Smoke".
- (6) A mediator candidate that has been commissioned pursuant to the provisions of Article 23, paragraph (1) of the former Act as of the effective date of this Act is deemed to have been commissioned pursuant to the provisions of Article 23, paragraph (1); a mediator that has been appointed pursuant to the provisions of Article 24, paragraph (1) of the former Act as of the effective date of this Act is deemed to have been appointed pursuant to the provisions of Article 24, paragraph (1).
- (7) Beyond what is provided for in the preceding paragraph, the administrative measures, procedures, and other actions carried out based on the former Act are deemed to have been carried out based on this Act if this Act includes any equivalent provisions.
- (8) Prior laws and regulations continue to govern the applicability of penal provisions to actions taken before this Act comes into effect.

(Standards for Controlling Designated Substances)

- (9) If the Minister of the Environment finds it to be necessary to do so in order to prevent harm to human health by air pollution caused by hazardous air pollutants, until otherwise provided by law, the Minister is to establish and release standards for controlling the emission or dispersal, for each type of the hazardous air pollutants specified by Cabinet Order as substances whose emission or dispersal must be urgently controlled in order to prevent harm to human health (referred to as "designated substances" below) and for each type of the facilities (but only those installed in a factory or place of business) specified by Cabinet Order which emit or disperse designated substances into

the atmosphere (referred to as "facilities emitting designated substances") (the standards mentioned above are referred to as the "standards for controlling designated substances").

(Recommendations)

- (10) If standards for controlling designated substances have been established and the prefectural governor finds it necessary to prevent harm to human health by the pollution of the air by designated substances in the prefectural area, the prefectural governor may issue any necessary recommendations to a person that has in place a facility emitting designated substances, regarding the control of the emission or dispersal from that facility, in consideration of those standards.

(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 facility emitting designated substances and on other necessary matters, from a person provided for in the preceding paragraph.
- (12) If the Minister of the Environment finds it urgently necessary to prevent harm to human health by the pollution of the air by designated substances, the Minister may issue the necessary instructions to the prefectural governor or the mayor of a city 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 facility emitting designated substances and on other necessary matters, from a person that has the facility in place.

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.
- (7) Even after this Act comes into effect, prior laws and regulations continue to govern mediation of a settlement for which a petition has been filed before the

effective date of this Act 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) If, as of the effective date of this Act, a person has already had in place a facility generating soot or smoke as specified in Article 2, paragraph (3) before the amendment by this Act within a region other than a designated region provided for in Article 2, paragraph (2) before the amendment by this Act (the person includes a person doing work on the installation of the facility at the time in question), and emits the soot or smoke provided for in Article 2, paragraph (1) before the amendment by this Act into the atmosphere, the person must give notification of the matters stated in each item of Article 6, paragraph (1) as amended by this Act, to the prefectural governor together with the documents specified in Article 6, paragraph (2) as amended by this Act, 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 amended by this Act; provided, however, that this does not apply if the relevant facility generating soot or smoke falls under a facility generating soot or smoke as prescribed in Article 27 before the amendment by this Act.
- (3) A person having filed a notification under the preceding paragraph is deemed to have filed a notification under Article 7, paragraph (1) as amended by this Act.
- (4) To apply the provisions of Article 13, paragraph (2) as amended by this Act (including as applied mutatis mutandis pursuant to Article 14 paragraph (2) as amended) regarding the persons specified in paragraph (2), the phrase "at the time of its designation as a facility generating soot or smoke" in Article 13, paragraph (2) as amended by this Act is deemed to be replaced with "at the time that the Act Partially Amending the Air Pollution Control Act (Act No. 134 of 1970) comes into effect", and the phrase "the date on which the facility became a facility generating soot or smoke" is deemed to be replaced with "the effective date of the Act Partially Amending the Air Pollution Control Act".
- (5) A person failing to give a notification under paragraph (2) or filing a false notification is punishable by a fine of not more than fifty thousand yen.
- (6) If the representative of a corporation or the agent, employee, or other 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) If, as of the effective date of this Act, it has been provided by Article 14, paragraph (3) before the amendment by this Act that the provisions of Article 14, paragraphs (1) and (2) of that Article are not applicable to a facility generating soot or smoke, the provisions of Article 13, paragraph (1) and Article 14, paragraph (1) as amended by this Act do not apply to that facility from the effective date of this Act until the last day of the period during which paragraphs (1) and (2) of that Article before the amendment are not applicable, or for six months from the effective date of this Act (or for one year, if the facility falls under a facility as specified by Cabinet Order), whichever is shorter.
- (8) If, before the effective date of this Act, a person has already filed a notification under Article 16, paragraph (2) before the amendment by this Act, and is engaging in reconstruction work following the incident stated in the notification on the effective date of this Act, the provisions of Article 13, paragraph (1) and Article 14, paragraph (1) as amended by this Act do not apply to that person during the period which is found to be necessary for undertaking the reconstruction work.
- (9) Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged 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) If, as of the effective date of this Act, a national government organization has already taken any administrative disposition such as issuing a permission, authorization, or designation, or taken any action such as issuing a notice pursuant to the provisions of the Protection and Control of Wild Birds and Mammals and Hunting Management Act, the Agricultural Chemicals Regulation Act, the Hot Spring Act, the Industrial Water Act, the Natural Parks Act, the Act on Regulation of Extraction of Groundwater for Use in Buildings, the Environmental Pollution Control Service Corporation Act, the Air Pollution Control Act, the Noise Regulation Act, the Act Concerning Special Measures for Relief of Pollution-related Patients, the Water Pollution Prevention Act, or the Act to Prevent Soil Contamination on Agricultural Land

before the amendment by this Act (collectively referred to as the "Acts subject to adjustment" below), the administrative disposition or action is deemed to have been taken by the corresponding national government organization based on the corresponding provisions of the Acts subject to adjustment as amended by this Act.

- (2) If, as of the effective date of this Act, an application, notification or any other action has already been made to a national government organization pursuant to any of the Acts subject to adjustment before the amendment by this Act, the application, notification or any other action is deemed to have been made to the corresponding national government organization based on the corresponding provisions of the Acts subject to adjustment as amended 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 amended by Article 1 of this Act, and the provisions of Chapter 4 of the Water Pollution Prevention Act amended by Article 2 of this Act apply to any loss or damage arising after the effective date of this Act; provided, however, that prior laws and regulations continue to govern that loss or damage if it has been caused before the effective date of this Act by the emission of substances harmful to health (including their dispersal) as provided for in Article 25, paragraph (1) of the Air Pollution Control Act amended by Article 1 of this Act, or has been caused before the effective date of this Act by the emission of harmful substances (including their permeation into the ground) as provided for in Article 3, paragraph (2) of the Water Pollution Prevention Act, and the business causing the emission (including dispersal or permeation into the ground) has proved the cause.

(Reviews)

- (3) The government is to review systems for guaranteeing compensation for loss or 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) If a notification has been filed before the effective date of this Act regarding a facility generating particulates pursuant to 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) before the amendment by this Act, the notification is deemed to have been filed regarding a facility generating ordinary particulates pursuant to 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 amended by this Act, respectively.
- (3) If an application or notification for permission or approval has been filed before the effective date of this Act regarding a facility generating particulates pursuant to the corresponding provisions of the Electricity Business Act (Act of No. 170 of 1964) or the Gas Business Act (Act No. 51 of 1954) which are specified in Article 27, paragraph (2) before the amendment by this Act, the application or notification is deemed to have been filed regarding a facility generating ordinary particulates, pursuant to the corresponding provisions of the Electricity Business Act or the Gas Business Act which are specified in Article 27, paragraph (2) as amended by this Act, respectively.
- (4) Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged before the effective date of this Act and to actions engaged after the effective date of this Act in connection with an order under Article 18-4 before the amendment by this Act.

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

This Act comes into effect on the date of promulgation; provided, however, that the provisions in Article 6 which amend the Table 7, item (i) in the Local Autonomy Act Appended, the provisions in Article 10 which amend Article 5-3, paragraph (2) of the Air Pollution Control Act, the provisions in Article 12 which amend Article 20 of the Act on Entrepreneurs' Bearing of the Cost of Public Pollution Control Works, the provisions of Article 14, the provisions in Article 15

which amend Article 21 of the Water Pollution Prevention Act, and the provisions in Article 16 which Article 3, paragraph (3) and Article 5, paragraph (5) of the Act to Prevent Soil Contamination on Agricultural Land come into effect on the date specified in the proviso to 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, that the provisions amending the table of contents and the amending provisions which 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 and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect.

(Reviews)

(3) Approximately three years after the effective date of this Act, the government is to review systems for the furtherance of measures against hazardous air pollutants specified in Chapter 2-3 and paragraphs (9) through (11) of the Supplementary Provisions as amended by this Act, and is to take the necessary

measures to prevent harm to human health 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 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 to come into effect.

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 stated in the items below come into effect on the dates specified in those items:

(i) omitted;

(ii) the provisions of Article 2 of this Act, the provisions of Articles 8 through 10 and Article 19 of the Supplementary Provisions of this Act (the provisions of Article 19 are limited to the provisions amending Article 20-6, paragraph (1), item (iii) and Article 57-8, paragraph (1), item (iii) of the Special Taxation Measures Act (Act No. 26 of 1957)), the provisions of Article 25 of the Supplementary Provisions of this Act (limited to the part of the provisions amending Article 27, paragraph (2) of the Air Pollution Control Act (Act No. 97 of 1968), which changes the phrase "Article 2, paragraph (10)" into "Article 2, paragraph (12)"), the provisions of Article 26 of the Supplementary Provisions of this Act (limited to the part of the provisions amending Article 21, paragraph (1) of the Noise Regulation Act (Act No. 98 of 1968), which changes the phrase "Article 2, paragraph (10)" into "Article 2, paragraph (12)"), the provisions of Article 30 and Article 31 of the

Supplementary Provisions of this Act (the provisions of Article 31 are limited to the part of the provisions amending Article 18, paragraph (1) of the Vibration Regulation Act (Act No. 64 of 1976), which changes the phrase "Article 2, paragraph (10)" into "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 and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect (or for the provisions stated in Article 1, item (ii) of the Supplementary Provisions, before the applicable provisions come into effect).

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

(Effective Date)

Article 1 This Act comes into effect on April 1, 2000; provided, however, that the provisions stated in the items below come into effect on the date specified in those items:

(i) the amending provisions in Article 1 of this Act, which add five Articles, a Section name, and two Subsections and Subsection names directly after Article 250 of the Local Autonomy Act (limited to the part related to Article 250-9, paragraph (1) of the Local Autonomy Act (limited to the part related to obtaining consent from both Diet chambers)), the provisions in Article 40 of this Act, which amend paragraphs (9) and (10) of the Supplementary Provisions of the Natural Parks Act (limited to the part related to paragraph (10) of the Supplementary Provisions of the Natural Parks Act), the provisions of Article 244 of this Act (excluding the part related to the provisions amending Article 14-3 of the Agricultural Improvement Promotion Act), the provisions of Article 472 of this Act (excluding the part related to the provisions amending 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 to 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 of this Act: 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 before the amendment by Article 41 of this Act (including as

applied *mutatis mutandis* pursuant to the provisions of Article 5-3, paragraph (7)) has been submitted before the effective date of this Act, a plan for reducing the total amount of designated soot and smoke referred to in Article 5-2, paragraph (1) of the Air Pollution Control Act before the amendment by Article 41 of this Act, which is stated in the report, is deemed to be a plan for reducing the total amount of designated soot and smoke referred to in Article 5-2, paragraph (1) of the Air Pollution Control Act as amended by Article 41 of this Act for which the relevant person has obtained the consent under Article 5-3, paragraph (3) of the Air Pollution Control Act as amended by Article 41 of this Act (including as applied *mutatis mutandis* pursuant to the provisions of Article 5-3, paragraph (6)).

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

Article 159 Beyond what is prescribed in each of the relevant Acts before the amendment by this Act, if an organization of a local government has managed or performed the administrative functions of the national government, other local governments or any other public entities before the effective date of this Act pursuant to an Act or a Cabinet Order based on an Act (the administrative functions mentioned above are referred to as the "administrative functions of the national government or other public entities" in Article 161 of the Supplementary Provisions), the local government is to carry out those administrative functions as assigned to them pursuant to an Act or a Cabinet Order based on an Act after the effective date of this Act.

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

Article 160 (1) Except for what is prescribed in Article 2 of the Supplementary Provisions through the preceding Article or prescribed in the provisions regarding the transitional measures included in the relevant Acts amended by this Act (including orders under the relevant Acts), if a disposition regarding something such as permission or any other action (referred to as a "disposition or other action" in this Article) has been undertaken before the effective date of this Act (for the provisions stated in the items of Article 1 of the Supplementary Provisions, before the effective date of those provisions; the same applies in this Article and Article 163 of the Supplementary Provisions) pursuant to any of the relevant Acts before the amendment, or an application regarding something such as permission or any other action (referred to as an "application or other action" below) has been undertaken as of the effective date of this Act pursuant to any of the relevant Acts before the amendment, and if a different person has started to carry out an administrative function involved in those actions on the effective date of this Act, the disposition or

other action or the application or other action is deemed to have been undertaken pursuant to the corresponding provisions of the relevant Acts amended by this Act, regarding application of the relevant Acts amended this Act on or after the effective date of this Act.

- (2) Unless otherwise provided for in this Act or Cabinet Order on this Act, if, before the effective date of this Act, it was provided by the relevant Acts before the amendment by this Act that procedures such as making a report, filing a notice, or submitting a document to an organization of the national government or a local government must be carried out regarding specific matters, but any of those procedures has not been carried out for those specific matters as of the effective date of this Act, it is deemed that procedures such as making a report, filing a notice, submitting a document to the corresponding organization of the national government or a local government have been required to be carried out pursuant to the corresponding provisions of the relevant Acts amended by this Act regarding those specific matters, but have not been carried out so far, and those relevant Acts amended by this Act apply to those specific matters.

(Transitional Measures for Appeals)

Article 161 (1) If an administrative agency answering to a higher administrative agency as prescribed in the Administrative Appeal Act before the effective date of this Act (referred to as the "higher administrative agency" in this Article) has taken a disposition in connection with an administrative function of the national government or another public entity before the effective date of this Act (the agency undertaking the disposition is referred to in this Article as the "undertaking agency" in this Article) and if an appeal under the Administrative Appeal Act has been filed regarding the disposition, the undertaking agency is deemed to continue to answer to any higher administrative agency as it were even after the effective date, and the provisions of the Administrative Appeal Act apply to the appeal. In that case, an agency deemed to be the higher administrative agency after the effective date is the higher administrative agency to which the undertaking agency was answerable before the effective date.

- (2) In a case as referred to in the preceding paragraph, if the agency deemed to be the higher administrative agency is an organization of a local government, the administrative functions to be handled by the organization pursuant to the Administrative Appeals Act are the 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 and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 164 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures (including transitional measures for penal provisions) necessitated by this Act coming into effect.

(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 stated in Appended Table 1 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.

Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect on January 6, 2001; provided, however, that the provisions stated 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 provisions amending 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 stated in the items below come into effect on the dates specified in those items:

(i) and (ii) omitted;

(iii) the provisions of Article 2 of this Act, 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 changing the phrase "Article 2, paragraph (12)" into "Article 2, paragraph (13)"), Article 52, and Article 53 of the Supplementary Provisions of this Act: April 1, 2004

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

(Effective Date)

Article 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 provisions amending Article 28-2, item (iv) of the Air Pollution Control Act come into effect on the date of promulgation.

(Reviews)

Article 2 Upon five years having elapsed since the effective date of this Act, if the government finds it to be necessary to do so in consideration of the status of enforcement of this Act, the government 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 Actions)

Article 26 Unless otherwise provided in these Supplementary Provisions, if a disposition, process, or other action has been undertaken before the effective date of this Act pursuant to the provisions of the relevant Acts before the

amendment by this Act (including orders based on the relevant Acts; the same applies in this Article), and those relevant Acts mended by this Act include any provisions corresponding to those provisions before the amendment by this Act, that disposition, process, or other action is deemed to have been undertaken pursuant to the corresponding provisions included in the relevant Acts amended by this Act.

(Transitional Measures for Application of Penal Provisions)

Article 27 Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged 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 coming 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 established, amended, or repealed pursuant to the provisions of the relevant Act amended by this Act, the order may provide for the necessary transitional measures (including transitional measures for penal provisions) to the extent which is determined to be reasonably necessary for the establishment, amendment, or repeal of the order.

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 Upon five years having elapsed 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 Articles 1, 3 and 4, or other factors, 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 within a period not exceeding one year from the date of promulgation; provided, however, that the following provisions come into effect on the date on which three months have elapsed from the date of promulgation: the provisions of Article 1 (excluding the provisions amending Article 14, paragraphs (1) and (3), and Article 16 of the Air Pollution Control Act, and the provisions amending Article 35 of that Act (excluding the part related to items (i) and (ii) of that Article)); the provisions in Article 2 of this Act, which amend the table of contents of the Water Pollution Prevention Act; the amending provisions which change Chapter 2-2, Article 14-10 in the Water Pollution Prevention Act into Article 14-11 and increment the numbering of each of Articles 14-4 through Article 14-9 by one Article; the amending provisions which add one Article immediately after Article 14-3 in Chapter 2 of the Water Pollution Prevention Act; the provisions amending Article 28, paragraph (1) of the Water Pollution Prevention Act; and the provisions of Articles 3 and 9 of the Supplementary Provisions of this Act.

(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 coming into effect.

(Reviews)

Article 4 Upon five years having elapsed 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 Air Pollution Control Act amended by Article 1 of this Act, and the status of enforcement of the Water Pollution Prevention Act amended by Article 2 of this Act, the government is to review the provisions of the amended Air Pollution Control Act and the amended Water Pollution Prevention Act, 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 If an application for consultation has been filed as of the effective date of this Act pursuant to Article 5-3, paragraph (3) of the Air Pollution Control Act (including as applied mutatis mutandis pursuant to Article 5-3, paragraph (6) of the Air Pollution Control Act) before the amendment by Article 39 of this Act, the application is deemed to have been filed pursuant to the provisions of Article 5-3, paragraph (3) of the Air Pollution Control Act (including as applied mutatis mutandis pursuant to Article 5-3, paragraph (6) of the Air Pollution Control Act) as amended by Article 39 of this Act.

(Transitional Measures for Penal Provisions)

Article 23 Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect (or for the provisions stated in each item of Article 1 of the Supplementary Provisions, before the applicable provisions come into effect).

(Delegation to Cabinet Order)

Article 24 Beyond what is provided for in Articles 2 through 23 of the Supplementary Provisions, and Article 36 of the Supplementary Provisions, Cabinet Order prescribes the transitional measures which are necessary in connection with this Act coming into effect.

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 and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect (or for the provisions stated in the items of Article 1 of the Supplementary Provisions, before the applicable provisions come into effect; the same applies in this Article), and to actions engaged after this Act comes into effect if the Supplementary Provisions provide that the prior laws and regulations continue to govern the situation.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions,

Cabinet Order prescribes the transitional measures which are necessary in connection with this Act coming 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 as amended by this Act do not apply to any task which causes the emission or dispersal of specified particulates for which a notification under Article 18-15, paragraph (1) or (2) of this Act before the amendment by this Act has been filed before the effective date of this Act.

(2) Prior laws and regulations continue to govern orders on changes in plans related to the method of undertaking any task which causes the emission or dispersal of specified particulates for which a notification under Article 18-15, paragraph (1) before the amendment by this Act has been filed before the effective date of this Act.

(Transitional Measures on Penal Provisions)

Article 3 Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect, and to actions engaged after this Act comes into effect if the provisions of paragraph (2) of the preceding Article provides that prior laws and regulations continue to govern the situation.

(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 coming into effect.

(Reviews)

Article 5 Upon five years having elapsed 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.

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 coming into effect.

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

(Reviews)

Article 2 Upon five years having passed 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.

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.

Supplementary Provisions [Act No. 39 of June 5, 2020]

(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 stated in the items below come into effect on the dates specified in those items:

- (i) the provisions of Article 4 of the Supplementary Provisions: the date of promulgation; or
- (ii) the amending provisions Articles 18-15 through 18-20 of the Air Pollution Control Act (limited to the parts related to Article 18-15, paragraph (6) of that Act), the provisions amending Article 35 of that Act (limited to the part changing item (iv) of that Article to item (v), and adding item (i) after item (iii) of that Article), and provisions of paragraph (2) of the following Article: the date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

(Transitional Measures)

- Article 2 (1) The provisions of Article 18-15 (excluding paragraph (6)) and Articles 18-16 through 18-23 of the Air Pollution Control Act amended by this Act (referred to as the "new Act" in the following paragraph) apply to construction work which starts on or after the final day in the 14-day period which commences on the effective date of this Act (this construction work excludes any construction work which includes a task which causes the emission or dispersal of specified particulates, if a notification under Article 18-15, paragraph (1) or (2) of the Air Pollution Control Act before the amendment by this Act has already been filed for that task, but the construction work has not started before the final day mentioned above (this construction work is referred to as the "upcoming construction work with the notification given" in this paragraph)), and prior laws and regulations continue to govern construction work started before the final date mentioned above (including the upcoming construction work with the notification given).
- (2) The provisions of Article 18-15, paragraph (6) of the new Act apply to construction work commenced after the date the provisions stated in item (ii) of the preceding Article come into effect.

(Transitional Measures for Penal Provisions)

Article 3 Prior laws and regulations continue to govern the applicability of penal provisions to actions engaged before this Act comes into effect, and to actions engaged after this Act comes into effect if the provisions of paragraph (1) of the preceding Article provides that prior laws and regulations continue to govern the situation.

(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 coming into effect.

(Reviews)

Article 5 Upon five years having elapsed since the effective date of this Act, the government is to review the provisions amended by this Act in consideration of the status of their enforcement, and take the necessary measures based on the findings if the government finds it to be necessary.

Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]

(Effective Date)

- (1) This Act comes into effect on the date on which the Act Partially Amending the Penal Code and Related Acts comes into effect; provided, however, that the provisions stated in the items below come into effect on the dates specified in those items:
 - (i) the provisions of Article 509: the date of promulgation.