

Order on the Manufacture and Distribution in Commerce of Mercury-using Product Not Covered by Any Known Use

(Order of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 2 of December 7, 2015)

Under Article 13 and Article 14, paragraphs (1) and (2) of the Act on Preventing Mercury Pollution of the Environment (Act No. 42 of 2015), this order provides the manufacture and distribution, etc. in commerce of mercury-using product not covered by any known use as follows.

(Terms)

Article 1 The terms referred to in this Ministerial Order have the same meanings as the terms used in the Act on Preventing Mercury Pollution of the Environment (referred below to as "the Act").

(Mercury-using Products Used for Existing Purposes)

Article 2 The products provided by the Order of the competent ministry referred to in Article 13 of the Act are the followings:

- (i) mercury-using products listed in the left column of the appended table, which are used for the purposes listed in the right column of that table;
- (ii) mercury-using products manufactured by using the mercury-using products listed in items (1) through (51) in the left column of the appended table, as materials or components for the mercury-using products respective purposes listed in the right column of that table;
- (iii) mercury-using products listed in items (1) through (51) in the left column of the appended table or formulation of mercury or mercury compounds, used for calibration, testing, research or analysis; and
- (iv) beyond what is stated in the preceding three items, mercury-using products manufactured or imported before the day of enforcement of the Act and possess high historical or artistic value thus intended for display, appreciation, study, research, and other purposes.

(Evaluation methods for manufacture, etc. or Distribution in Commerce of mercury-using products not covered by any known use)

Article 3 Methods provided by the Order of the competent ministry referred to in Article 14, paragraph (1) of the Act are the followings, for the following mercury-using products not covered by any known use:

- (i) mercury-using products not covered by any known use, excluding those stated in the following items: the following methods:
 - (a) obtain the following information necessary for the evaluation under Article 14, paragraph (1) of the Act (referred to bellow as "self-evaluation");
 1. the structure, usage and other related information of said mercury-using products not covered by any known use;
 2. the quantity of estimated emissions of mercury or mercury compounds into the environment, through the manufacture, use, disposal, etc. of that mercury-used new products not covered by any known use;
 3. impacts of that mercury-using products not covered by any known use on the protection of human health or the conservation of the living environment;
 - (b) based on the information pursuant to item (i), (a), conduct objective and scientific verification, select appropriate evaluation items (referred to bellow as "evaluation items") and clarify the reasons of those selections, regarding the contribution and the adverse impacts (referred to bellow as "contribution and impacts, etc.") on the protection of human health and the living environment, from the use of the mercury-using products not covered by any known use;
 - (c) conduct a comprehensive evaluation on whether the use of mercury-using products not covered by any known use contributes to the protection of human health and the living environment or not, by establishing multiple proposals on the performance or the quantity of manufacture or distribution in commerce of that mercury-using products not covered by any known use, or the quantity of mercury or mercury compounds used in products (referred to bellow as "multiple proposals"), by examining, analyzing, organizing and comparing the degree of contribution and impacts, etc. of evaluation items of each of multiple proposals, and intercomparing the degree of the contribution and impacts, etc. of each of the multiple proposals;
 - (d) when it is possible to examine proposals including those prohibiting the use of mercury or mercury compounds as well as the manufacture or distribution in commerce of mercury-using products not covered by any known use, efforts are to be made to include those proposals when establishing multiple proposals referred to in item (i), (c), and the reasons are to be clarified when those proposals are not included;
 - (e) when measures are taken to avoid or lessen adverse impacts on human health and the living environment relating to the evaluation items as much

- as possible, consider the effects of the measures in the comprehensive evaluation process pursuant to item (i), (c); and
- (f) perform a quantitative study and analysis as much as possible, through calculations based on theories, quoting or analyzing cases, and other relevant means for self-evaluation, and obtain advice as necessary from experts and other persons with specific knowledge about the contribution and impacts of the mercury-using products not covered by any known use.
 - (ii) mercury-using products not covered by any known use, where notification is made under Article 14, paragraph (2) of the Act, and the competent minister designates that their use contributes to the protection of human health and the living environment: conduct evaluation on whether the manufacture or distribution in commerce of the mercury-using products not covered by any known use is within the scope of the quantity and other designated conditions or not by the competent minister for the manufacture and distribution in commerce of these products.

(Notifications on Evaluations Relating to the Manufacture or Distribution in Commerce of mercury-using products not covered by any known use)

- Article 4 (1) A person intending to conduct evaluations under Article 14, paragraph (1) of the Act and provide notifications under Article 14, paragraph (2) of that Act, must submit a written form using the appended form to the competent minister, relating to the notification, forty-five days before the day of business commencement on the manufacture or distribution in commerce of mercury-using products not covered by any known use.
- (2) In the case of a corporation, the articles of incorporation and a certificate of registered matters of the corporation must be attached with the notification referred to in the preceding paragraph.

(Notification Matters)

Article 5 The matters provided by Ordinance of the competent ministry referred to in Article 14, paragraph (2) of the Act are to be the following matters:

- (i) the name, address, and, in the case of a corporation, the name of the representative;
- (ii) the types and intended uses of mercury-using products not covered by any known use, of which their manufacture or distribution in commerce is intended for business;
- (iii) the names and models of the mercury-using products not covered by any known use of which their manufacture or distribution in commerce is intended for business;
- (iv) the quantity of mercury or mercury compounds per unit of mercury-using products not covered by any known use, of which their manufacture or

- distribution in commerce is intended for business, and the quantity of their manufacture or distribution in commerce within a certain period of time;
- (v) the structure, usage and other related information of mercury-using products not covered by any known use, of which their manufacture or distribution in commerce is intended for business;
- (vi) the results of self-evaluation; and
- (vii) the methods used for the study and analysis of the self-evaluation.

Supplementary Provisions

This order comes into effect on the date on which the Act comes into effect

Supplementary Provisions [Ordinance of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 1, April 28, 2017]

This order comes into effect on the date of promulgation.

Supplementary Provisions [Order of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 4, December 3, 2018]

This order comes into effect on the date of promulgation, applied from August 16, 2017.

Supplementary Provisions [Order of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 2, June 28, 2019]

This order comes into effect on the date of promulgation. However, the section that renames the Japanese Industrial Standards from Nihon Kōgyō Kikaku to Nihon Sangyō Kikaku comes into effect on the date on which the Act Partially Amending the Japanese Unfair Competition Prevention Act and Other Related Laws comes into effect (July 1, 2019).

Supplementary Provisions [Ordinance of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 9, December 28, 2020]

(Date of enforcement)
Article 1 The order comes into effect on the date of promulgation.

(Transitional Measures)
Article 2 (1) A document that is used in accordance with the format before the amendment by this order (referred to as the "former format" in the following paragraph) and that exists at the time of enforcement of this order is deemed to be a document in accordance with the format as amended by this order.
(2) A form following the former format that existed before the enforcement of this order may be used by making amendments to the relevant sections of the form until otherwise provided for by law.

Supplementary Provisions [Order of the Cabinet Office, the Ministry of Internal Affairs and Communications, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Economy, Trade and Industry, the Ministry of Land, Infrastructure, Transport and Tourism, and the Ministry of the Environment No. 4, April 26, 2024]

This order comes into effect on the date of promulgation, and the Order on the Manufacture and Distribution in Commerce of Mercury-using products not covered by any known use after the amendment by this order applies on August 16, 2017.

Appended Table (related to Article 2)

Mercury using Products	Use
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1. Primary batteries (limited to: alkaline button batteries, mercury batteries, zinc-air batteries, button zinc silver oxide batteries, manganese dry-cell batteries, and alkaline dry-cell batteries)	Power source for small electronics and other devices
2. Standard batteries cell	Standards for electromotive force measurements
3. Switch and relay	1. Switching signals, etc. in electronic circuits
	2. Detecting electrical currents
	3. Sensing temperatures
	4. Sensing inclinations, vibrations, and shocks
4. Fluorescent lamp (including cold cathode fluorescent lamp- CCFL, and external electrode fluorescent lamp- EEFL. The same applies bellowhereinafter.)	1. Ensuring illumination
	2. Creating visual effects or demonstrating the colors/ , emphasizing the true colors of arts, crafts and other goods, in their display, filming, and staging
	3. Displaying figures, letters, and graphics on in electronic devices
	4. Scanning documents and graphics
	5. Information S signal transduction transmission
	6. Appraisement, detection, screening, or conducting measurements
	7. Photosensitization
	8. Producing fluorescence
	9. Fostering growth of living organisms
	10. Harvesting, capturing, or controlling organisms
	11. Producing suntan
	12. Sterilization
5. High-intensity discharge (HID) lamp	1. Ensuring illumination
	2. Stage and other production
	3. Creating visual effects or demonstrating / and emphasizing the true colors of arts, crafts and other goods, through their display, filming and staging
	4. Screening figures, letters, and graphics on the projector
	5. Signal transduction
	6. Appraisement, detection, screening, or measurements
	7. Exposure to light

	8. Producing fluorescence
	9. Fostering growth of living organisms
	10. Capturing, harvesting, or controlling organisms
	11. Producing suntan
	12. Sterilization
6. Discharge lamp (excluding fluorescent lamps and HID lamps)	1. Signal transduction
	2. Appraisalment, detection, screening, or measurements
	3. Photosensitization
	4. Fostering growth of living organisms
	5. Sterilization
7. Cosmetic products	Applying, spreading, or using other similar means for the purpose of cleansing people's bodies, enhancing beauty and attractiveness, changing appearance, or maintaining healthy skin and hair
8. Agricultural chemicals	Controlling viruses, bacteria, nematodes, termites, insects, mice, or other animals and / plants that harm crops agricultural products (including trees and agriculture, forestry farm/forest products)
9. Pesticide, biocide, topical antiseptics (excluding pharmaceutical products and agricultural chemicals)	Controlling animals, plants or viruses
10. Barometer	Measuring atmospheric pressure
11. Hygrometer	Measuring the moisture content of gas
12. Liquid column manometer	Measuring the gauge pressure of gas
13. Elastic manometer (limited to diaphragm type)	Measuring the gauge pressure of liquids
14. Pressure transmitter (limited to diaphragm type)	Measuring the gauge pressure of liquids
15. Vacuum gauge	Measuring the absolute pressure of gas
16. Glass thermometer	Measuring temperature of gas, liquids, or solids
17. Mercury-filled pressure thermometer	Measuring temperature of gas or liquids
18. Mercury clinical thermometer	Measuring body temperature
19. Mercury sphygmomanometer	Measuring blood pressure
20. Temperature fixed-point cell	Achieving fixed point temperature
21. Rubber	Fixing small home appliances
22. Pigment	Coloring items

23. Perfume	Providing scents in cosmetic products
24. Detonator	Explosion
25. Fireworks	Entertainment
26. Paint	1. Coloring, polishing, or coating
	2. Preventing the adhesion of shellfish, algae, and other aquatic organisms
	3. Measuring or monitoring the surface temperature of items
27. Daguerreotype	Entertainment
28. Mercury alloy pellets and mercury powder	Enclosing mercury inside fluorescent lamps (including CCFL and EEFL), HID lamps, and discharge lamps (excluding fluorescent lamps and HID lamps).
29. Boiler (limited to those used in a two phase fluid cycle)	Generating steam
30. Rotating lens assembly of a lighthouse	Floating lens
31. Diffusion pump	Reducing pressure and maintaining such state
32. Pressure relief device	Reducing pressure
33. Damper	Reducing the impact from vibration and shock
34. X-ray tube	Generating X-ray
35. Mercury-based prototype for resistance	Standard for electrical resistance
36. Rotary connector	Supplying electricity or extracting signal through the rotating body
37. Infrared detection element	Detecting infrared and converting it into electrical signals
38. Float type densitometer	Measuring the density of liquids
39. Frequency standard	Standard for frequency and time
40. Radiation detector	Radiation d Detecting
41. Detector tube	Detecting gas or measuring its concentration
42. Elapsed time indicator	Measuring the accumulated time of which the devices are used
43. Strain gauge type sensor	Measuring strains
44. Coulometer	Measuring the magnitude of an electric charge
45. Reference electrode	Standard for measuring or controlling electric potential
46. Gyrocompass	Determining the course and geographical direction
47. Mirror	Reflecting light
48. Grip dynamometer	Measuring the strength of one's grip

49. Pharmaceutical products	Diagnosis, treatment, or prevention of diseases for human beings or other animals
50. Polishing agent	Polishing
51. Arts and crafts	Entertainment
52. Formulation of mercury	Dental treatment
53. Formulation of mercury (I) chloride	Manufacturing ceramic products
54. Formulation of mercury (II) chloride	1. Leather tanning
	2. Fireproofing wood
	3. Sensitizing photographs
	4. Cleaning acetylene gas
	5. Cleaning gas for semiconductor materials
55. Formulation of mercury (II) iodide	Sensitizing photographs
56. Formulation of mercury (I) nitrate	Processing felt in hat manufacturing
57. Formulation of mercury (II) nitrate	Processing felt in hat manufacturing
58. Formulation of mercury (II) thiocyanate	Sensitizing photographs
59. Formulation of phenylmercury (II) acetate	1. Leather tanning or paper manufacturing
	2. Softener for fiber