

# Working Environment Measurement Act

(Act No. 28 of May 1, 1975)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act, in conjunction with the Industrial Safety and Health Act (Act No. 57 of 1972), is to ensure a proper working environment and the safe and sanitary performance of work by workers by providing necessary matters concerning the qualifications of working environment measurement experts and working environment measurement agencies, etc. on the measurement of the working environment, thereby maintaining the health of workers in the workplace.

### (Definitions)

Article 2 For the purpose of this Act, the terms listed in the following items have the meaning stated in the respective items:

- (i) "Employer" means the employer specified in Article 2, item (iii) of the Industrial Safety and Health Act;
- (ii) "Working Environment Measurement" means the working environment measurement specified in Article 2, item (iv) of the Industrial Safety and Health Act;
- (iii) the term "individual exposure measurement" means work environment measurement conducted to assess the degree of exposure of workers to harmful factors in the work environment;

- (iv) the term "designated workplace" means a workplace specified by Cabinet Order among those referred to in Article 65, paragraph (1) of the Industrial Safety and Health Act, and a workplace specified by Cabinet Order among those carrying out working environment assessment pursuant to the provisions of Article 65-3, paragraphs (1) through (3) of that Act;
- (v) "working environment measurement expert" means Class-1 and Class-2 working environment measurement experts.
- (vi) "class-1 working environment measurement expert" means the person registered with the Minister of Health, Labour and Welfare, who performs working environment measurement services at designated workplaces and also performs, in the title of a class-1 working environment measurement expert, working environment measurement services at workplaces (Excluding designated workplaces; the same applies in the following item);
- (vii) "Class-2 Working Environment Measurement Expert" means the person registered with the Minister of Health, Labour and Welfare, who performs working environment measurement services (excluding analysis (including detailed analysis) services using the instruments and apparatuses specified by Order of the Ministry of Health, Labour and Welfare) at designated workplaces and also performs, in the title of a class-2 working environment measurement expert, working environment measurement services at workplaces.
- (viii) "working environment measurement agency" means the person registered with the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau, whose business is to conduct working environment measurements in workplaces at the request of others.

**(Implementation of Working Environment Measurement)**

- Article 3 (1) When an employer carries out working environment measurement at a designated workplace pursuant to the provisions of Article 65, paragraph (1) or Article 65-3, paragraphs (1) through (3) of the Industrial Safety and Health Act, the employer must have the working environment measurement expert employed by the employer carry out the measurement, as provided for by Order of the Ministry of Health, Labour and Welfare.
- (2) If incapable of performing the working environment measurement under the provisions of the preceding paragraph, the employer must entrust the working environment measurement to a working environment measurement agency, pursuant to Order of the Ministry of Health, Labour and Welfare. Provided, however, that this does not apply if it is entrusted to an agency of the national government or local governments, or other agencies designated by the Minister of Health, Labour and Welfare.

Article 4 (1) In implementing the working environment measurement under the provisions of Article 65, paragraph (1) or Article 65-3, paragraphs (1) through (3) of the Industrial Safety and Health Act, the working environment measurement expert must implement it in accordance with the working environment measurement standards referred to in Article 65, paragraph (2) of that Act.

(2) When a working environment measurement agency carries out working environment measurement pursuant to the provisions of Article 65, paragraph (1) or Article 65-3, paragraphs (1) through (3) of the Industrial Safety and Health Act at the request of other persons, it must do so in accordance with the working environment measurement standards referred to in Article 65, paragraph (2) of that Act.

(3) When a working environment measurement expert carries out the sampling or analytical work specified by Order of the Ministry of Health, Labour and Welfare among the personal exposure measurements, the working environment measurement expert may have a person specified by Order of the Ministry of Health, Labour and Welfare assist.

## **Chapter II Working Environment Measurement Expert, etc.**

### **Section 1 Working Environment Measurement Expert**

#### **(Qualification of Working Environment Measurement Expert)**

Article 5 A person who has passed the Working Environment Measurement Expert Examination (referred to below as the "Examination") and has completed the training provided by a person registered by the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau (referred to below as the "lectures"), and has the experience of being engaged in the practice of industrial health specified by Order of the Ministry of Health, Labour and Welfare, or a person who is found to have abilities equivalent or superior to those qualifications and is specified by Order of the Ministry of Health, Labour and Welfare, is qualified to become a working environment measurement expert.

#### **(Disqualification Provision)**

Article 6 Those who fall under any of the following items may not become a working environment measurement expert:

- (i) a person specified by Order of the Ministry of Health, Labour and Welfare as being unable to properly perform the services of a working environment measurement expert due to a mental or physical disorder;
- (ii) a person whose registration was revoked pursuant to the provisions of Article 12, paragraph (2), and for whom two years have not passed since the

date of revocation;

(iii) a person who, in violation of the provisions of this Act or the Industrial Safety and Health Act (including orders based on the Acts), has been sentenced to a fine or severer punishment and for whom two years have not passed since the date on which they have finished serving the sentence or ceased to be subject to the sentence. .

(Registration)

Article 7 In order for a person that has the qualification to become a working environment measurement expert to become a working environment measurement expert, the person, pursuant to the Order of the Ministry of Health, Labour and Welfare, must have the following items registered in the working environment measurement experts list:

- (i) registration date and registration number;
- (ii) name and date of birth;
- (iii) class of working environment measurement expert;
- (iv) any other matters provided by Order of the Ministry of Health, Labour and Welfare;

( Working Environment Measurement Experts List)

Article 8 (1) The working environment measurement experts list is kept at the Ministry of Health, Labour and Welfare.

(2) The Employer or other related persons may request to view the working environment measurement experts list.

(Procedure of Registration)

Article 9 (1) Those who intend to obtain registration under Article 7 must submit an application form indicating the items listed in items (ii) through (iv) of that Article to the Minister of Health, Labour and Welfare.

(2) The written application referred to in the preceding paragraph must be accompanied by documents evidencing the matters stated in Article 7, items (ii) through (iv) and other documents specified by Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) When an application form is submitted pursuant to the provisions of paragraph (1), if the Minister of Health, Labour and Welfare finds that the person who intends to be registered is able to become a working environment measurement expert, the Minister must register the person pursuant to Article 7, without delay, and if the Minister finds that the person who intends to be registered is not able to become a working environment measurement expert, the Minister must reject the registration.

(4) When the Minister of Health, Labour and Welfare rejects the registration pursuant to the provisions of the preceding paragraph, the Minister must notify the applicant to that effect by giving the reason without delay.

(Registration Certificate)

Article 10 When the Minister of Health, Labour and Welfare conducts registration pursuant to Article 7, the Minister issues a working environment measurement expert registration certificate stating the matters specified in Article 7.

(Prohibition of Transfer of Registration Certificate)

Article 11 The working environment measurement expert must not transfer or lend the working environment measurement expert registration certificate to other persons.

(Revocation of Registration)

Article 12 (1) If a working environment measurement expert has fallen under Article 6, items (i) or (iii), or the decision of approval of the Examination is revoked pursuant to the provisions of Article 17, The Minister of Health, Labour and Welfare, must revoke the registration.

(2) If a working environment measurement expert has fallen under any of the following items, the Minister of Health, Labour and Welfare may revoke the registration, or order, for the specified period, the suspension of the working environment measurement services at designated workplaces or the suspension of the use of the title:

- (i) when there is a wrongful act regarding the registration;
- (ii) when there is a violation of the provisions of Article 4, paragraph (1), preceding Article, or Article 44, paragraph (4);
- (iii) when there is an indication of false results regarding the performance of the working environment measurement services;
- (iv) when there is a violation of the conditions referred to in Article 48, paragraph (1);
- (v) beyond what is listed in the preceding items, when there is a wrongful act regarding the service of working environment measurement (including services conducted by a working environment measurement agency in which the working environment measurement expert was engaged).

(Deletion of Registration)

Article 13 When the registration ceases to be effective or a working environment measurement expert discontinues working environment measurement services, the Minister of Health, Labour and Welfare must delete the registration.

**(Examination)**

Article 14 (1) The Examination is conducted by the Minister of Health, Labour and Welfare.

(2) The Examination comprises the Class-1 working environment measurement expert examination and the Class-2 working environment measurement expert examination, and pursuant to Order of the Ministry of Health, Labour and Welfare, the examination is conducted by a written and oral examination or only a written examination.

(3) Pursuant to Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare may exempt those who have the qualification provided by Order of the Ministry of Health, Labour and Welfare from the whole or part of the written examination or the oral examination under the preceding paragraph.

**(Qualifications to Take the Examination)**

Article 15 If a person does not fall under any of the following items, said person may not take the Examination:

- (i) a person who has graduated from a university or college of technology under the School Education Act (Act No. 26 of 1947) after completing a regular course in science (including a person who has completed the course and completed the first semester course of a professional university under that Act; referred to below as a "university, etc. graduate with a specialization related to science");
- (ii) a person who has completed and graduated from a regular science course of a high school or a secondary education school under the School Education Act;
- (iii) those provided for by Order of the Ministry of Health, Labour and Welfare who are considered to have the same or more competence than the persons stated in the preceding two items.

**(Lectures)**

Article 15-2 The lectures are conducted on the training course subjects listed in the lower column of Appended Table 1 for each of the segments listed in the upper column of the table.

**(Passing Certificate for Examination and Completion Certificate for Lectures)**

Article 16 (1) The Minister of Health, Labour and Welfare issues the passing certificate to those who have passed the Examination.

(2) The registered lectures agency provided for in Article 32, paragraph (3) issues the completion certificate of the training course to those who have completed

the lectures.

**(Revocation of Passing the Examination)**

Article 17 If a person has taken or intended to take the Examination employing a wrongful method, the Minister of Health, Labour and Welfare may revoke the decision concerning the passing of the person or prohibit the person from taking the Examination.

**(Restriction on Use of Title)**

Article 18 (1) Those who are not a working environment measurement expert must not use the term "working environment measurement expert" in their titles.

(2) The Class-2 Working Environment Measurement Expert must not use the title "Class-1 Working Environment Measurement Expert."

**(Delegation to Order of the Ministry of Health, Labour and Welfare)**

Article 19 Beyond what is provided for in this Section, subjects of the examination, application for registration and other necessary matters related to the examination, lectures and registration (including the working environment measurement expert registration certificate) are to be provided by Order of the Ministry of Health, Labour and Welfare.

## **Section 2 Designated Testing Agency**

**(Designation)**

Article 20 (1) The Minister of Health, Labour and Welfare has a person designated based on application conduct affairs related to the Examination (referred to below as "examination affairs").

(2) The person who receives the designation provided in the preceding paragraph (referred to below as "designation" in this section) (the person is referred to below as the "designated testing agency") may exercise the authority of the Minister of Health, Labour and Welfare provided in Article 17 in connection with implementing examination affairs.

(3) The Minister of Health, Labour and Welfare is not to implement examination affairs if the Minister has entrusted the examination affairs to the designated testing agency.

**(Criteria for Designation)**

Article 21 (1) When the Minister of Health, Labour and Welfare intends to make the designation, the Minister must do so after examining whether the application for designation satisfies the conditions prescribed in the following

items:

- (i) the implementation plan concerning examination affairs regarding staff, facilities, method of implementation of examination affairs and other matters is sufficient to properly and reliably implement the examination affairs;
- (ii) the financial and technical basis is sufficient to properly and reliably conduct the plan concerning the implementation of examination affairs.

(2) The Minister of Health, Labour and Welfare must not make any designation if the application for designation falls under any of the following items:

- (i) if another person has already been designated;
- (ii) if the applicant is other than a general incorporated association or a general incorporated foundation;
- (iii) if the applicant is likely to be unable to fairly conduct examination affairs due to a business conducted by the applicant other than examination affairs;
- (iv) if the applicant is a person whose designation was revoked pursuant to the provisions of Article 30, paragraph (1) and for whom two years have not passed since the date of revocation;
- (v) if there is a person among the officers of the applicant that falls under any of the following:

- (a) a person who has violated the provisions of this Act or the Industrial Safety and Health Act (including orders under the Acts), and has been sentenced to a fine or severer punishment and for whom two years have not passed since the date on which they have finished serving the sentence or ceased to be subject to the sentence.;
- (b) a person who was dismissed by orders under the provisions of Article 23, paragraph (2) and for whom two years have not passed since the date of the dismissal.

#### (Public Notice of Designation)

Article 22 (1) When the Minister of Health, Labour and Welfare has made the designation, the Minister must publicly notify the name and address of the designated examining body, the location of the office where the examination affairs are to be conducted, and the date of commencement of the examination affairs, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) When the designated testing agency intends to change its name or address, or the address of the office where examination affairs are implemented, it must notify in advance the Minister of Health, Labour and Welfare to that effect.
- (3) Having received a notification referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must issue public notice of this pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Election and Dismissal of Officers)

Article 23 (1) Appointment and dismissal of the officers of the designated testing agency does not become effective unless it is approved by the Minister of Health, Labour and Welfare.

(2) When an officer of the designated testing agency violates this Act or the Industrial Safety and Health Act (including orders and dispositions under the Acts) or the rules of the examination affairs prescribed in Article 25, paragraph (1), or commits an extremely inappropriate act concerning the examination affairs, the Minister of Health, Labour and Welfare may order the designated testing agency to dismiss the officer.

(Examiner of Working Environment Measurement Expert)

Article 24 (1) When conducting examination affairs, the designated testing agency must assign the task of judging whether the applicant has the knowledge and capability required for a working environment measurement expert or not to an examiner of working environment measurement experts (referred to below as "examiner").

(2) The examiner must be appointed from persons satisfying the conditions specified in Order of the Ministry of Health, Labour and Welfare concerning the knowledge and experience regarding working environment measurement.

(3) When the designated testing agency appoints an examiner, it must notify the Minister of Health, Labour and Welfare to that effect within 15 days from the day of the selection. The same applies when there is a change in the appointment.

(4) If the examiner violates this Act or the Industrial Safety and Health Act (including orders and the dispositions based on the Acts) or the rules for examination affairs prescribed in paragraph (1) of the following Article, or commits an extremely inappropriate act concerning examination affairs, the Minister of Health, Labour and Welfare may order the designated testing agency to dismiss said examiner.

(5) A person who was dismissed from the post of examiner by an order under the provisions of the preceding paragraph and for whom two years have not passed since the date of the dismissal may not become an examiner.

(Rules for Examination Affairs)

Article 25 (1) The designated testing agency must establish rules concerning implementation of examination affairs (referred to below in this Section as the "rules for examination affairs"), and receive the approval of the Minister of Health, Labour and Welfare, before it starts the examination affairs. The same applies to any change in the rules.

- (2) The Minister of Health, Labour and Welfare may order that the rules for examination affairs be changed, when the Minister finds that the rules for examination affairs approved under the preceding paragraph have become inappropriate to properly and reliably implement examination affairs.
- (3) The matters to be prescribed in the rules for examination affairs are specified by Order of the Ministry of Health, Labour and Welfare.

**(Approval of a Business Plan)**

Article 26 (1) The designated testing agency must prepare a business plan and an income and expenditure budget for each business year, and receive the approval of the Minister of Health, Labour and Welfare before the commencement of the business year (or, without delay, after designation received in the business year to which the date of designation belongs). The same applies to any change in the plan or budget.

- (2) The designated testing agency must, within three months after the end of each business year, prepare a business report and a settlement of accounts statement for each business year, and submit them to the Minister of Health, Labour and Welfare.

**(Confidentiality Obligation)**

Article 27 (1) An officer or an employee (including an examiner) of the designated testing agency or persons who held such a post must not disclose any secret concerning the examination affairs that may have been learned.

(2) An officer or an employee (including an examiner) of the designated testing agency who is engaged in examination affairs, with regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, is deemed an official engaged in public service, pursuant to the laws and regulations,.

**(Supervision Orders)**

Article 28 The Minister of Health, Labour and Welfare may, when the Minister finds it necessary for the enforcement of this Act, issue an order necessary for the supervision of examination affairs to the designated testing agency.

**(Suspension or Discontinuance of the Examination Affairs)**

Article 29 (1) The designated testing agency must not suspend or discontinue the business related to examination affairs in whole or in part, unless the permission of the Minister of Health, Labour and Welfare is obtained.

(2) If the Minister of Health, Labour and Welfare grants the permission referred to in the preceding paragraph, the Minister must issue public notice of this pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

**(Revocation of Designation)**

Article 30 (1) If the designated testing agency has fallen under any of the following items, the Minister of Health, Labour and Welfare may order to revoke the designation, or to suspend, for a specified period of time, the whole or part of its business related to examination affairs:

- (i) if the agency conducted a wrongful act concerning the designation;
- (ii) if the agency violated the provisions of this Section;
- (iii) if the agency has fallen under Article 21, paragraph (2), item (v);
- (iv) if the agency violated orders pursuant to the provisions of Article 23, paragraph (2), Article 24, paragraph (4), Article 25, paragraph (2), or Article 28;
- (v) if the agency conducted examination affairs without following the rules for examination affairs approved pursuant to the provisions of Article 25, paragraph (1);
- (vi) if the agency violated the conditions referred to in Article 48, paragraph (1).

(2) If the Minister of Health, Labour and Welfare revokes the designation pursuant to the provisions of the preceding paragraph or orders the suspension of all or part of the business related to examination affairs, the Minister must give public notice to that effect as provided for by Order of the Ministry of Health, Labour and Welfare.

**(Implementation of Examination Affairs by the Minister of Health, Labour and Welfare)**

Article 31 (1) If the designated testing agency suspends the whole or part of business related to the examination affairs pursuant to the provisions of Article 29, paragraph (1), if the Minister of Health, Labour and Welfare orders the designated testing institution to suspend the whole or part of business related to examination affairs pursuant to the provisions of paragraph (1) of the preceding Article, or if it becomes difficult for the designated testing agency to implement the examination affairs by grounds of a natural disaster or other causes, when the Minister finds it necessary, the Minister is to on its initiative implement examination affairs.

(2) If the Minister of Health, Labour and Welfare personally administers the examination processes pursuant to the provisions of the preceding paragraph, or ceases to administer the examination processes that the Minister is on its initiative administering pursuant to the provisions of that paragraph, the Minister must issue public notice of this in advance, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) The succession of examination affairs and other necessary matters in the case where the Minister of Health, Labour and Welfare on its initiative administer

examination affairs pursuant to the provisions of paragraph (1), where the Minister permits discontinuance of the business related to examination affairs pursuant to the provisions of Article 29, paragraph (1), or where the Minister revokes the designation pursuant to the provisions of paragraph (1) of the preceding Article, are to be provided by Order of the Ministry of Health, Labour and Welfare.

### **Section 3 Registered Lectures Agency**

Article 32 (1) The registrations under the provisions of Article 5 or Article 44, paragraph (1) are made by application of the person who intends to conduct the lectures or training courses prescribed in that paragraph, as provided for by Order of the Ministry of Health, Labour and Welfare.

(2) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau must register the person who applied for registration pursuant to the provisions of the preceding paragraph if the person satisfies all of the requirements stated below;

- (i) the applicant conducts the lectures listed in the upper column of Appended Table 2 or the training courses prescribed in Article 44, paragraph (1) by using the machinery, equipment and other facilities listed in the lower column of said table;
- (ii) persons who have the knowledge and experience to satisfy any of the conditions listed in the conditions column of Appended Table 3 according to the subject of the lectures or the subject of the training courses listed in the subjects column of the table conduct the lectures or the training courses prescribed in Article 44, paragraph (1), and the number of these persons at each establishment is equal to or more than one
- (iii) a person to manage affairs of the lectures or the training courses prescribed in Article 44, paragraph (1) has been placed.

(3) The provisions of Article 46, paragraphs (2) and (4) of the Industrial Safety and Health Act apply mutatis mutandis to the registration referred to in paragraph (1), and the provisions of Articles 47-2 through 49, Article 50, paragraphs (1), (2) and (4), Article 52, Article 52-2, Article 53, paragraph (1) (excluding item (iv); the same applies below in this paragraph), and Article 53-2 of that Act apply mutatis mutandis to the person who conducts the lectures or the training courses prescribed in Article 44, paragraph (1) (referred to below as the "registered training agency") with the registration referred to in paragraph (1). In this case, the term "this Act or an order based on this Act" in Article 46, paragraph (2), item (i) of that Act is deemed to be replaced with "this Act, the Working Environment Measurement Act, or an order based on these," the term "the registry book of the registered manufacturing inspection,

etc. agencies" in paragraph (4) of that Article is deemed to be replaced with "the registry book of registered lectures agencies," the term "the classification referred to in paragraph (1)" in item (iv) of that paragraph is deemed to be replaced with "the lectures prescribed in Article 5 of the Working Environment Measurement Act or the type of training prescribed in Article 44, paragraph 1 of that Act," the term "Minister of Health, Labour and Welfare" in the provisions of Article 47-2, Article 48, paragraph (1), Article 49, Article 50, paragraph (4), Article 52, Article 52-2 and Article 53, paragraph (1) of that Act is deemed to be replaced with "Minister of Health, Labour and Welfare or Director of the Prefectural Labour Bureau," the term "conformity assessment" in Article 48, Article 49 and Article 50, paragraph (2) in that Act is deemed to be replaced with "lectures specified in Article 5 of the Working Environment Measurement Act or training courses specified in Article 44, paragraph (1) of the Act," the term "Article 123" in Article 52 of the Act is deemed to be replaced with "Article 57 of the Working Environment Measurement Act," the term "any of the items in Article 46, paragraph (3)" in Article 52 of that Act is deemed to be replaced with "any of the items in Article 32, paragraph (2) of the Working Environment Measurement Act," the term "Article 47" in Article 52-2 of that Act is deemed to be replaced with "Article 32, paragraphs (6) or (7) of the Working Environment Measurement Act," the term "conformity assessment" in that Article and Article 53, paragraph (1) and Article 53-2 of that Act is deemed to be replaced with "lectures specified in Article 5 of the Working Environment Measurement Act or training courses specified in Article 44, paragraph (1) of the Act," the term "for a period of up to 6 months" in that paragraph is deemed to be replaced with "or," the term "from Article 47 through Article 49, Article 50, paragraphs (1) or (4), or Article 32, paragraphs (6) or (7) or Article 43 of the Working Environment Measurement Act," the term "the items of Article 50, paragraphs (2) or (3)" is deemed to be replaced with "the items of Article 50, paragraph (2)."

- (4) A registration expires by lapse of time, unless it is renewed within every period of five to ten years specified by Cabinet Order.
- (5) The provisions of paragraph (2) and the provisions of Article 46, paragraphs (2) and (4) of the Industrial Safety and Health Act apply mutatis mutandis to the renewal stated in the preceding paragraph. In this case, the term "the registry book of the registered manufacturing inspection, etc. agencies" in paragraph (4) of that Article is deemed to be replaced with "the registry book of registered lectures agencies."
- (6) Unless there is just cause, a registered training agency must prepare a plan for each business year regarding the implementation of training courses or the lectures prescribed in Article 44, paragraph (1) pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, and conduct the lectures

or the training courses prescribed in that paragraph based on the plan.

(7) A registered lectures agency must conduct the lectures or training courses prescribed in Article 44, paragraph (1) fairly and in accordance with the provisions of Article 19 or Article 44, paragraph (6).

#### **Section 4 Designated Registration Agency**

Article 32-2 (1) The Minister of Health, Labour and Welfare has a person designated based on application conduct affairs related to the implementation of registration referred to in Article 7 (Except affairs related to orders and revocation of the registration under the provisions of Article 12. Referred to below as "registration affairs" in this Article, Article 45 and Article 55).

(2) The Minister of Health, Labour and Welfare is not to conduct registration affairs when the Minister has a person designated pursuant to the provisions of the preceding paragraph (referred to below as "designated registration agency.") conducting the registration affairs.

(3) Regarding the application of the provisions of Article 8, paragraph (1) and Article 9, paragraph (1), when a designated registration agency conducts registration affairs, the terms "the Ministry of Health, Labour and Welfare" in Article 8, paragraph (1) and "the Minister of Health, Labour and Welfare" in Article 9, paragraph (1) are both replaced by "the designated registration agency prescribed in Article 32-2, paragraph (2)."

(4) The provisions of Section 2 (except Articles 20 and 24) apply mutatis mutandis to the designated registration agency. In this case, the term ", examination affairs" in Article 21, paragraph (1), item (i), is deemed to be replaced with "the business related to the conduct of the registration prescribed in Article 7 (except the business related to the revocation of the registration and issuance of the order under the provisions of Article 12; referred to below as "registration affairs")and," the term " examination affairs about" as " registration affairs concerning"; the term "properly and reliably implement the examination affairs" as "properly and reliably implement the registration affairs"; the term "examination affairs" in paragraph (1), item (ii), and paragraph (2), item (iii) of the Article, Article 22, paragraphs (1) and (2), Article 23, paragraph (2), Article 25, paragraphs (1) and (2), Article 27, Article 28, Article 29, paragraph (1), Article 30 and Article 31 as "registration affairs"; the term "rules of the examination affairs" in Article 23, paragraph (2), Article 25 and Article 30, paragraph (1), item (v) as "rules of the registration affairs"; the term "employee (including an Examiner)" in Article 27 as "employee"; the term "this Section" in Article 30, paragraph (1), item (ii) as "this Section (except Articles 20 and 24)"; and the term "Article 23, paragraph (2), and Article 24, paragraph (4)" in item (iv) of the paragraph as "Article 23,

paragraph (2)."

### **Chapter III Working Environment Measurement Agency**

(Working Environment Measurement Agency)

Article 33 (1) Any person intending to become a working environment measurement agency must be registered in the working environment measurement agencies list concerning the following matters, as provided for by Order of the Ministry of Health, Labour and Welfare;

- (i) registration date and registration number;
- (ii) name and address, and, if the applicant is a corporation, the name of the representative;
- (iii) any other matters specified by Order of the Ministry of Health, Labour and Welfare.

(2) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau must not register unless the application for registration of working environment measurement agency satisfies the standard specified by the Order of Ministry of Health, Labour and Welfare.

(Application, Mutatis Mutandis)

Article 34 (1) The provisions of Article 46, paragraph (2) of the Industrial Safety and Health Act apply mutatis mutandis to the registration referred to in paragraph (1) of the preceding Article, and the provisions of Article 47, paragraphs (1) and (2), Article 50, paragraph (4), and Article 54-5 of that Act apply mutatis mutandis to the working environment measurement agency. In this case, the term "this Act or an order based on this Act" in Article 46, paragraph (2), item (i) of the same Act is deemed to be replaced with "this Act, the working environment measurement Act, or an order based on these Acts," the term "Article 53, paragraph (1) or (2)" in item (ii) of the same paragraph is deemed to be replaced with "Article 35-3 of the Working Environment Measurement Act," the term "any of the preceding two items" in item (iii) of that paragraph is deemed to be replaced with "item (i)," the term "conformity assessment" in Article 47, paragraph (1) of that Act is deemed to be replaced with "working environment measurement under the provisions of Article 3, paragraph (2) of the Working Environment Measurement Act," the term "when conducting a conformity assessment, have an examiner conduct it and conduct a manufacturing inspection, etc," in paragraph (2) of that Article is deemed to be replaced with "work environment measurement at the request of others," the term "inspector" in the same paragraph is deemed to be replaced with "working environment measurement expert as specified by Order of the Ministry of Health, Labour and Welfare," the term "the profit and loss

statement or the statement of accounts and the business report prepared pursuant to the provisions of paragraph (1)" in Article 50, paragraph (4) of that Act is deemed to be replaced with "prepare a business report for the business year," and the term "the items of Article 54-3, paragraph (2)" in Article 54-5, paragraph (1) is deemed to be replaced with "the provisions of the items of Article 46, paragraph (2) as applied mutatis mutandis pursuant to Article 34, paragraph (1) of the Working Environment Measurement Act following the deemed replacement of terms."

(2) The provisions of Articles 8 through 10, Article 12, paragraph (2), Article 13 and Article 19 apply mutatis mutandis to the working environment measurement agency. In this case, the term "the list of working environment measurement experts" in Article 8 is deemed to be replaced with "the list of working environment measurement agencies", the term "the Ministry of Health, Labour and Welfare" in paragraph (1) of that Article is deemed to be replaced with "the Ministry of Health, Labour and Welfare or the Prefectural Labor Bureau", the term "Article 7" in Article 9, paragraphs (1) and (3) and Article 10 is deemed to be replaced with "Article 33, paragraph (1)", the term "through (iv)" in Article 9, paragraph (1) is deemed to be replaced with "and (iii)", the term "the Minister of Health, Labour and Welfare" in paragraphs (1), (3) and (4) of that Article, Article 10, Article 12, paragraph (2) and Article 13 is deemed to be replaced with "the Minister of Health, Labour and Welfare or the Director of the Prefectural Labor Bureau", the term "documents certifying the matters stated in Article 7, items (ii) through (iv) and other documents specified by Order of the Ministry of Health, Labour and Welfare" in Article 9, paragraph (2) is deemed to be replaced with "documents certifying the matters stated in Article 33, paragraph (1), items (ii) and (iii)", the term " Working Environment Measurement Expert Registration Certificate" in Article 10 is deemed to be replaced with " Working Environment Measurement Agency Registration Certificate", the term "suspension of the business of working environment measurement at designated workplaces or suspension of the use of their appellation" in the parts other than those listed in the items of Article 12, paragraph (2) is deemed to be replaced with "suspension of the whole or part of the business of working environment measurement", the term "Article 4, paragraph (1), the preceding Article or Article 44, paragraph (4)" in item (ii) of the same paragraph is deemed to be replaced with "Article 4, paragraph (2)", the term "the business of working environment measurement (including the business when the working environment measurement expert engages in the business of working environment measurement conducted by a working environment measurement agency)" in item (v) of the same paragraph is deemed to be replaced with "the business of working environment measurement," the term "Beyond what is provided for in this Section, the

examination subjects, the application for the registration, and other necessary matters concerning the examination, lectures and registration (including the Working Environment Measurement Expert Registration Certificate)," are deemed to be replaced with "the application for registration and other necessary matters concerning the registration (including the Working Environment Measurement Agency Registration Certificate."

(Operational Rules)

Article 34-2 (1) The working environment measurement Agency must establish rules concerning the business related to working environment measurement (referred to below as "operational rules" in this Article), and, without delay, notify them to the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies to any change to the rules.

(2) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau may order to change the operational rules, if they find that the operational rules notified pursuant to the preceding paragraph are inappropriate to fairly implement working environment measurements.

(3) The matters to be prescribed in the operational rules are specified by Order of the Ministry of Health, Labour and Welfare.

(Duty of Confidentiality)

Article 35 An officer and an employee (including working environment measurement experts who are working environment measurement agencies) of a working environment measurement agency and persons who held such a post must not disclose or misappropriate any secret concerning the working environment measurement service that may have been learned.

(Notification for Suspension or Abolition of Service)

Article 35-2 When a working environment measurement agency discontinues the business of working environment measurement or suspends the whole or part of it, the agency must, without delay, notify the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies when resuming the whole or part of the business of working environment measurement that has been suspended.

(Revocation of Registration)

Article 35-3 (1) If a working environment measurement agency has fallen under the provisions of Article 46, paragraph (2), item (i) or (iii) of the Industrial

Safety and Health Act as applied mutatis mutandis pursuant to Article 34, paragraph (1), the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau must revoke the registration.

(2) If a working environment measurement agency has fallen under any of the following items, the Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau may either revoke the agency's registration or fix a period of time and order it to suspend the whole or part of its business of working environment measurement:

- (i) if a working environment measurement agency no longer satisfies the standards referred to in Article 33, paragraph (2);
- (ii) if a working environment measurement agency violates the provisions of Article 47, paragraph (1) or (2), or Article 50, as applied mutatis mutandis pursuant to the preceding Article or Article 34, paragraph (1) of the Industrial Safety and Health Act, ;
- (iii) if a working environment measurement agency has conducted working environment measurement without following the operational rules notified pursuant to the provisions of Article 34-2, paragraph (1); or
- (iv) if a working environment measurement agency violates orders under the provisions of Article 34-2, paragraph (2).

**(Japan Association for Working Environment Measurement)**

Article 36 (1) A general incorporated association whose official title includes the term "Japan Association for Working Environment Measurement" may only be established if it has articles of incorporation prescribing working environment measurement experts and working environment measurement agencies as its members, and if the purpose of the association is to contribute to maintain the quality of working environment measurement experts, and to contribute to the progress and improvement of the service provided by working environment measurement experts and working environment measurement agencies nationwide, by conducting business concerning guidance and liaison for its members on a nationwide basis.

(2) The designation of the articles of incorporation prescribed in the preceding paragraph may not be changed.

(3) When the general incorporated association referred to in paragraph (1) (referred to below as an "association") is incorporated, it must notify the Minister of Health, Labour and Welfare to that effect within two weeks from the date of incorporation, by attaching copies of the certificate of registered information and the articles of incorporation.

(4) The business of an association is subject to the supervision of the Minister of Health, Labour and Welfare.

(5) Whenever the Minister of Health, Labour and Welfare finds it to be necessary

for ensuring the proper implementation of the services of an association, the Minister may inspect the status of those services and the property of the association, or may issue an order to the association as necessary for the supervision of those services.

(Restriction on Use of Name)

Article 37 (1) A person who is not a working environment measurement agency must not use the name of " working environment measurement agency" or any other similar title.

(2) A person other than an association must not use the characters "Japan Association for Working Environment Measurement."

#### **Chapter IV Miscellaneous Provisions**

(Directors of Labor Standards Offices and Labor Standards Inspectors)

Article 38 The directors of labor standards offices and labor standards inspectors take charge of affairs concerning the enforcement of this Act pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Authority of Labor Standards Inspectors)

Article 39 (1) On finding it to be necessary to do so in order to bring this Act into effect, a labor standards inspector may enter a workplace, question related persons, and inspect items such as books and documents.

(2) In the case referred to in the preceding paragraph, a labor standards inspector must carry identification and present it to the related persons.

(3) The authority to conduct an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

Article 40 A labor standards inspector performs the duties of a judicial police officer under the provisions of the Code of Criminal Procedure (Act No. 131 of 1948) with regard to a crime of violating the provisions of this Act.

(Authority of the Minister of Health, Labour and Welfare)

Article 41 (1) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau may, when they find it necessary for securing the proper operation of the business of the working environment measurement agency, the designated testing agency, the registered training agency or the designated registration agency, have their employees enter the offices, question the related persons, inspect the books, documents and other objects related to the business, or remove samples and other objects related to the business of

the working environment measurement agency without compensation within the limit necessary for the inspection.

(2) The provisions of Article 39, paragraphs (2) and (3) apply mutatis mutandis to the on-site inspection under the provisions of the preceding paragraph.

**(Reports)**

Article 42 (1) On finding it to be necessary to do so for enforcing this Act, the Minister of Health, Labour and Welfare, the Director of the Prefectural Labor Bureau, the Director of the Labor Standards Office, or a labor standards inspector may have an employer report the necessary matters or order an employer to appear, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) The Minister of Health, Labour and Welfare, the Director of the Prefectural Labour Bureau, or the Chief of the Labour Standard Inspection Offices may, when they find it necessary for the enforcement of this Act, have the working environment measurement agency, designated testing agency, registered training agency, designated registered agency, or working environment measurement expert report necessary matters, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

**(Preservation of Documents)**

Article 43 The working environment measurement agency, the designated testing agency, the registered training agency or the designated registration agency must, as provided for by Order of the Ministry of Health, Labour and Welfare, prepare and keep the books and documents describing the matters related to the working environment measurement, the examination, the lectures or the training course referred to in paragraph (1) of the following Article, or the registration referred to in Article 7 which are specified by Order of the Ministry of Health, Labour and Welfare.

**(Instructions for Training)**

Article 44 (1) The Director of the Prefectural Labour Bureau may, when they find it necessary to ensure the proper implementation of working environment measurements, instruct a working environment measurement expert to take a training course provided by the Minister of Health, Labour and Welfare or a person registered by the Director of the Prefectural Labour Bureau (referred to below as "training course") for a specified period.

(2) When a working environment measurement expert is employed by an employer or a working environment measurement agency, the instruction referred to in the preceding paragraph is to be given to the employer or the working environment measurement agency.

- (3) The employer or the working environment measurement agency that has received the instruction referred to in the preceding paragraph must have the working environment measurement expert take the training course within the period related to the instruction.
- (4) A working environment measurement expert who has been instructed to take the training course pursuant to the provisions of paragraph (1) or (2) must take the training course within the period related to the instruction.
- (5) The training course is conducted on the subjects of training listed in Appended Table 4.
- (6) Beyond what is provided for in the preceding paragraphs, the procedures for participating in the training course and other necessary matters concerning the training course are provided for by Order of the Ministry of Health, Labour and Welfare.

**(Request for Examination Related to Dispositions Made by a Designated Examining Body)**

**Article 45** A request for administrative review may be made to the Minister of Health, Labour and Welfare with regard to a disposition or inaction related to the examination affairs conducted by a designated examining agency or the registration affairs conducted by a designated registration agency. In this case, with regard to the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014), the Minister of Health, Labour and Welfare is deemed to be the higher administrative agency of the designated examining agency or the designated registration agency.

**Article 46 Deleted**

**(Government Assistance)**

**Article 47** To improve the quality of working environment measurement experts and ensure the proper operation of working environment measurement agencies and registered lectures agencies, the government is to endeavor to provide materials, develop measurement methods, disseminate the results, and provide other necessary assistance.

**(Conditions for Registration)**

**Article 48** (1) Conditions may be attached to registration (excluding registration under the provisions of Article 5 or Article 44, paragraph (1); the same applies in the following paragraph), designation, or permission under the provisions of this Act, and the conditions may be changed.

(2) The conditions referred to in the preceding paragraph are limited to the minimum necessary for ensuring the implementation of the matters concerning the registration, designation, or permission, and must not impose any unreasonable obligation on the person who is to obtain the registration, designation, or permission.

(Fees)

Article 49 (1) Pursuant to the provisions of Cabinet Order, the following persons must pay a fee in the amount specified by Cabinet Order in consideration of the actual cost to the national government (to the designated testing institution in the case of a person who intends to take the examination conducted by the designated testing agency or to obtain re-issuance of the certificate of passing from the designated testing agency, or to the designated registration agency in the case of a person who intends to obtain the registration conducted by the designated registration agency or to obtain re-issuance or renewal of the working environment measurement expert registration certificate from the designated registration agency):

- (i) a person who intends to take the examination;
- (ii) a person that seeks to renew the registration referred to in Article 5 or Article 44, paragraph (1);
- (iii) a person who intends to receive a lecture or take a training course (limited to the lecture or training course conducted by the Director of the Prefectural Labour Bureau);
- (iv) a person who intends to obtain registration under Article 7;
- (v) a person who intends to obtain reissuance or renewal of the working environment measurement expert registration certificate or the working environment measurement agency registration certificate;
- (vi) a person who intends to obtain reissuance of a certificate of passing or completion certificate of a lecture (limited to reissuance of completion certificate of a lecture by the Director of the Prefectural Labour Bureau).

(2) The fees paid to the designated examining agency or the designated registration agency pursuant to the provisions of the preceding paragraph are the income of the designated examining body or the designated registration agency, respectively.

(Public Notice)

Article 49-2 The Minister of Health, Labour and Welfare or the Director of the Prefectural Labour Bureau must give public notice to that effect as provided for by Order of the Ministry of Health, Labour and Welfare in the following cases:

- (i) when the Minister has made a registration under the provisions of Article 5

or Article 44, paragraph (1);

(ii) when a notification under the provisions of Article 47-2 or Article 49 of the Industrial Safety and Health Act, as applied mutatis mutandis pursuant to Article 32, paragraph (3), has been made;

(iii) when the Minister has ordered to revoke the registration or ordered to suspend in whole or in part of the business of lectures or training courses pursuant to the provisions of Article 53, paragraph (1) of the Industrial Safety and Health Act as applied mutatis mutandis pursuant to Article 32, paragraph (3);

(iv) when the Director of the Prefectural Labour Bureau has decided to on its initiative conduct the business of lectures or training courses pursuant to the provisions of Article 53-2 of the Industrial Safety and Health Act as applied mutatis mutandis pursuant to Article 32, paragraph (3), or when the Director of the Prefectural Labour Bureau has decided not to conduct the business of lectures or training courses that the Director of the Prefectural Labour Bureau had been on its initiative conducting.

(Transitional measures)

**Article 50** When enacting, revising or abolishing an order pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be specified by the order to the extent considered reasonably necessary for the enactment, revision or abolition.

(Delegation to the Order of the Ministry of Health, Labour and Welfare)

**Article 51** Beyond what is provided for in this Act, necessary matters concerning the enforcement of this Act are prescribed by Order of the Ministry of Health, Labour and Welfare.

## **Chapter V Penal Provisions**

**Article 52** A person who has violated the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 32-2, paragraph (4)) or Article 35 is punished by imprisonment for not more than one year or a fine of not more than one million yen.

**Article 53** In the event of violation of the order of suspension of business under the provisions of Article 30, paragraph (1) (including as applied mutatis mutandis pursuant to Article 32-2, paragraph (4)), Article 53, paragraph (1) (excluding item (iv)) of the Industrial Safety and Health Act as applied mutatis mutandis pursuant to Article 32, paragraph (3), Article 12, paragraph (2) as applied mutatis mutandis pursuant to Article 34, paragraph (2), or Article 35-3,

paragraph (2), the officer or employee of the designated testing agency, registered training institution or designated registration agency, or the officer or employee of the working environment measurement agency (including the working environment measurement expert who is a working environment measurement agency) who has committed the violation is punished by imprisonment for not more than one year or a fine of not more than one million yen.

**Article 54** A person who falls under any of the following items is punished by a fine of not more than 500000 yen:

- (i) a person who has violated the provisions of Article 3, Article 18, Article 37, or Article 44, paragraph (3);
- (ii) a person who has violated an order under the provisions of Article 12, paragraph (2);
- (iii) a person who has refused, obstructed, or evaded the entry or inspection under the provisions of Article 39, paragraph (1), or who has failed to make a statement or made a false statement in response to a question under the provisions of that paragraph;
- (iv) a person who has failed to make a report under the provisions of Article 42, paragraph (1), who has made a false report, or who has failed to appear.

**Article 55** When falling under any of the following items, the officer or employee of the designated testing agency, registered training agency or designated registration agency, or the officer or employee of the working environment measurement agency (including the working environment measurement expert who is a working environment measurement agency) who has committed the violation is punished by a fine of not more than 500000 yen:

- (i) when the person has abolished the whole of the business related to examination affairs without obtaining permission referred to in Article 29, paragraph (1);
- (ii) when the person has failed to make a notification under the provisions of Article 49 of the Industrial Safety and Health Act as applied mutatis mutandis pursuant to Article 32, paragraph (3), or has given a false notification;
- (iii) when the person has discontinued the whole of the businesses related to registration affairs without obtaining the permission referred to in Article 29, paragraph (1), as applied mutatis mutandis pursuant to Article 32-2, paragraph (4);
- (iv) when the person has discontinued the whole of the business of working environment measurement, and has failed to make a notification under the provisions of Article 35-2 or has made a false notification;

- (v) when the person has refused, obstructed, or evaded an entry, inspection, or removal under the provisions of Article 41, paragraph (1), or failed to make a statement or made a false statement in response to a question under the provisions of that paragraph;
- (vi) when the person has failed to make a report under the provisions of Article 42, paragraph (2) or has made a false report;
- (vii) when the person has failed to keep or preserve books or documents under the provisions of Article 43, or has made a false entry in the books or documents stated in that Article.

**Article 56** If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 54 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the fine referred to in that Article is also imposed on the corporation or individual.

**Article 56-2** When falling under any of the following items, the director, auditor, or liquidator of an association who has committed the violation is punished by a civil fine of not more than 500,000 yen:

- (i) if the person has failed to make a notification under the provisions of Article 36, paragraph (3) or has made a false notification;
- (ii) if the person has refused, obstructed, or evaded an inspection under the provisions of Article 36, paragraph (5), or has violated an order under the provisions of that paragraph.

**Article 57** A person who has, in violation of Article 50, paragraph (1) of the Industrial Safety and Health Act as applied mutatis mutandis pursuant to Article 32, paragraph (3), failed to keep financial statements, etc., failed to state the necessary matters in the financial statements, etc., or made false statements, or refused the request made under Article 50, paragraph (2) of that Act as applied mutatis mutandis pursuant to Article 32, paragraph (3), without justifiable grounds, is punished by a civil fine of not more than 200000 yen.

Appended Table 1 (Related to Article 15-2)

Training Course	Subjects of training course
Class-1 Working Environment Measurement Expert Training Course	<ul style="list-style-type: none"> <li>(i) Practice of industrial health management</li> <li>(ii) Practice of designing and sampling to be made for working environments</li> <li>(iii) Practice of analyses (including analytical research; the same applies hereinafter) to be made for working environments of designated workplaces</li> </ul>

Class-2 Working Environment Measurement Expert Training Course	(i) Practice of industrial health management (ii) Practice of designing and sampling to be made for working environments
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Appended Table 2 (Related to Article 32)

Training Course or Training	Machinery, equipment, and other facilities
Class-1 Working Environment Measurement Expert Training Course & Training	(i) Sampler, particle-size separator, relative concentration measuring instrument, and gas detector tube (ii) Any of the machinery, equipment, and other facilities listed as follows: (a) X-ray diffractometer, phase-contrast microscope, and crystalline silica content measuring instrument with gravimetric analysis (b) Radiological monitor and radiation spectrometer (c) Spectrophotometer, gas chromatograph, and atomic absorption photometer
Class-2 Working Environment Measurement Expert Training Course	Sampler, particle-size separator, relative concentration measuring instrument, and gas detector tube

Appended Table 3 (Related to Article 32)

(i) Class-1 Working Environment Measurement Expert Training.

Subject	Conditions
Practice of industrial health management	(i) Graduate from a University, etc. after Completing a Regular Course of Science who has at least three years of experience thereafter in the practice of industrial health management. (ii) A person possessing knowledge and experience equivalent to or superseding those of the person listed in the preceding item.
Practice of designing and sampling to be made for the working environment	(i) Graduate from a University, etc. after Completing a Regular Course of Science who has at least five years of experience thereafter in the practice of working environment measurement. (ii) A person possessing knowledge and experience equivalent to or superseding those of the person listed in the preceding item.
Practice of analyses to be made on the working environment at the designated workplace	(i) Graduate from a University, etc. after Completing a Regular Course of Science who has at least five years of experience thereafter in the practice of working environment measurement at the designated workplace. (ii) A person possessing knowledge and experience equivalent to or superseding those of the person listed in the preceding item.

(ii) Class-2 Working Environment Measurement Expert Training.

Subject	Conditions
Practice of industrial health management	<p>(i) Graduate from a university, etc. after completing a regular course of science who later has at least three years of experience thereafter in the practice of industrial health management.</p> <p>(ii) A person possessing knowledge and experience equivalent to or exceeding those of the person listed in the preceding item.</p>
Practice of designing and sampling to be conducted made for the working environment	<p>(i) Graduate from a university, etc. after completing a regular course of science who later has at least five years of experience thereafter in the practice of working environment measurement.</p> <p>(ii) A person possessing knowledge and experience equivalent to or exceeding those of the person listed in the preceding item.</p>

Appended Table 4 (Related to Article 44)

- (i) the practice of industrial health management;
- (ii) the practice of designing and sampling the working environment;
- (iii) the practice of analyses conducted on the working environments of designated workplaces.