Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management
(Law No. 86 of 1999. Promulgated on July 13, 1999)
(Provisional translation)

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Chapter 1. General

(Purpose)

Article 1.
The purpose of this Law is to promote the businesses’ voluntary improvements in the management of specific chemical substances and to prevent any impediment of environmental protection, by requiring businesses handling such substances to report the release to the environment of chemical substances and to provide technical information on the properties and handling of such substances. While obtaining the understanding of businesses and the public, due attention shall be paid to trends in international cooperation on the management of chemical substances for environmental protection; to scientific knowledge relating to chemical substances; and to conditions relating to the manufacture, use and other handling of chemical substances.

(Definitions, etc.)

Article 2.
For the purpose of this Law, "Chemical Substances" mean both elements and compounds (excluding radioactive elements and compounds).

2. In this Law, "Class I Designated Chemical Substances" are those which fall under any of the following subparagraphs and are recognized to continuously exist in the environment over a considerably wide areas judging from their physical-chemical properties and/or the conditions relating to their manufacture, import, use or formation, etc., and which shall be specified by Cabinet Order:
   (1) Chemical Substances which may be hazardous to human health and/or may impair the life and growth of flora and fauna,
   (2) Chemical Substances which, though not covered in the preceding subparagraph, may easily form substances described in the preceding subparagraph by naturally-occurring chemical transformation,
   (3) Chemical Substances which may be hazardous to human health by depleting the ozone layer and consequently increasing the amount of solar ultraviolet radiation reaching the Earth.
3. In this Law, "Class II Designated Chemical Substances" are those which fall under any of the subparagraphs in Article 2-2, and are anticipated to continuously exist in the environment over considerably wide areas if there are increases in the amounts manufactured, imported or used, judging from their physical-chemical properties (excluding Class I Designated Chemical Substances), and which shall be specified by Cabinet Order.

4. The Cabinet Orders referred to in the preceding two Paragraphs shall be decided upon with the aims of preventing the damage to human health and the impediment to the life and growth of flora and fauna due to environmental pollution caused by chemical substances, with due attention paid to international trends in the management of chemical substances for environmental protection; to scientific knowledge relating to chemical substances; and to conditions relating to the manufacture, use and other handling of chemical substances.

5. In this Law, "Businesses Handling Class I Designated Chemicals, etc." are those falling under any of the following subparagraphs and are engaged in any of the business categories specified by Cabinet Order and meeting the conditions therein, which shall take account of the volume of Chemical Substances being handled, etc.:

   (1) Manufacturers of Class I Designated Chemical Substances, industrial users of Class I Designated Chemical Substances or products containing Class I Designated Chemical Substances which meet the conditions specified by Cabinet Order (hereinafter referred to as "Class I Designated Chemicals, etc.");

   (2) Businesses other than described in the preceding subparagraph, which may incidentally generate or release Class I Designated Chemical Substances in the course of business activities.

6. In this Law, "Businesses Handling Designated Chemicals, etc." are those falling under any of the subparagraphs in Article 2-5, and manufacturers of Class II Designated Chemical Substances, industrial users of Class II Designated Chemical Substances or products containing Class II Designated Chemical Substances which meet the conditions specified by Cabinet Order (hereinafter referred to as "Class II Designated Chemicals, etc."); or other businesses handling Class II Chemicals, etc.

7. In this Law, "Electronic Data Processing Systems" are the computers (hereinafter including input/output devices) designated by the Competent Ministers or prefectural governors, and other electronic data processing systems which are connected via telecommunications networks with the input/output devices used by those who file reports pursuant to the provisions of Article 5-2 or requests pursuant to the provisions of Article 6-1, Article 6-8, or Article 10-1.

(Guidelines on Management of Chemical Substances)

Article 3.

With the aims of promoting the voluntary improvement in management of chemical substances by businesses and preventing any impediment of environmental protection, the Competent Minister shall draw up guidelines on measures for the management of Class I Designated Chemicals, etc. and Class II Designated Chemicals, etc. (hereinafter referred to as "Designated Chemicals, etc.") by Businesses Handling Designated Chemicals, etc. (hereinafter referred to as "Chemical Management Guidelines"), taking into consideration scientific knowledge on physical-chemical properties of chemical substances and trends of technologies on manufacturing, using or otherwise handling them.

2. Chemical Management Guidelines shall include provisions for:

   (1) Methods for management of Designated Chemicals etc., such as improvement of facilities for manufacturing, using or otherwise handling them;
(2) Rationalizing the use of Designated Chemicals etc., such as their recycle and reuse during manufacturing processes;
(3) Promoting the public understanding of management methods and rationalized use of Designated Chemicals, etc., and of the state of release of Class I Designated Chemical Substances; and
(4) Promoting effective use of information concerning the properties and handling of Designated Chemicals, etc.

3. The Competent Minister shall confer with the heads of the related competent authorities prior to adopting or amending Chemical Management Guidelines.

4. The Competent Minister shall publish without delay the Chemical Management Guidelines when they are adopted or amended.

(Responsibilities of Businesses)

Article 4.

Businesses Handling Designated Chemicals, etc., shall be responsible to manage Designated Chemicals, etc. in manufacturing, using or otherwise handling them, with full awareness that Class I and Class II Designated Chemical Substances may be hazardous to human health, etc., as set forth in subparagraphs of Article 2-2 and with due attention to Chemical Management Guidelines, and to promote the public understanding about the conditions of management of those chemicals.

Chapter 2. Reporting Quantities of Releases of Class I Designated Chemical Substances, etc.

(Estimation and Report of Quantities Released, etc.)

Article 5.

Businesses Handling Class I Designated Chemicals, etc. shall estimate the quantities of the Class I Designated Chemical Substances released to the environment in business activities (in terms of the quantity released to the environment at the applicable premise, which is derived by the methods prescribed in the Competent Ministerial Order, such as the method based on the input and output amount of Class I Designated Chemical Substances in the process of manufacture, use or other handling in the business, as hereafter applicable to Article 5-2 and Article 9-1) and the quantity of the Class I Designated Chemical Substances transferred to other places (in terms of the quantity of Class I Designated Chemical Substances in the waste moved out from their premises for disposition elsewhere, derived by the method prescribed by the Competent Ministerial Order, as hereafter applicable to the following paragraph) in accordance with the Competent Ministerial Order.

2. Businesses Handling Class I Designated Chemicals, etc. shall report to the Competent Minister, in each fiscal year, on the items prescribed by the Competent Ministerial Order related to the quantity of Class I Designated Chemical Substances released and transferred during the preceding fiscal year which have been estimated pursuant to the provisions of the preceding paragraph, for each Class I Designated Chemical Substance and each business premise, in accordance with the Competent Ministerial Order.

3. The reports prescribed in the preceding Paragraph (except that for the Class I Designated Chemical Substances for which requests are submitted pursuant to Article 6-1) shall be submitted via the governors of the prefectures where the reporting businesses are located. The prefectural governors may add their opinions to the matters in such reports.

(Change of Chemical Substance Name to Corresponding Category Name for Reporting Purposes)
Article 6.
If a Business Handling Class I Designated Chemicals, etc. believes that the information related to the use or other handling of a Class I Designated Chemical Substance in the report prescribed in Article 5-2 is commercially valuable one on technologies such as production methods, is kept in confidence and is not known publicly, it may request the Competent Minister to permit notification prescribed in Article 7-1 by using, in place of the name of the Class I Designated Chemical Substance, a category name (hereinafter referred to as “Corresponding Category Name”) to which the chemical substance belongs as prescribed by the Competent Ministerial Order.

2. The request to be made by the Business Handling Class I Designated Chemicals, etc. pursuant to the preceding Paragraph shall be in writing, accompanied by an explanation prepared in accordance with the Competent Ministerial Order along with the report on the matters prescribed in Article 5-2.

3. Upon receiving the request made according to Paragraph 1, the Competent Minister shall without delay notify the governor of the prefecture where the said Business Handling Class I Designated Chemicals, etc., is located (hereinafter referred to as “Competent Governor”) of the items related to the Class I Designated Chemical Substance covered by the request, out of all the items contained in the report submitted pursuant to Article 5-2, using the Corresponding Category Name for the said Class I Designated Chemical Substance.

4. Upon deciding to approve the request made according to Paragraph 1, the Competent Minister shall grant approval and so notify the Business Handling Class I Designated Chemicals, etc. making such a request.

5. Upon deciding to disapprove the request made according to Paragraph 1, the Competent Minister shall immediately so notify the decision and the reason to the Business Handling Class I Designated Chemicals, etc. making such a request.

6. The decisions by the Competent Minister in the preceding two Paragraphs shall be made within thirty days of the submission of request by the Business concerned according to the provisions of Paragraph 1.

7. Notwithstanding the provisions of the preceding Paragraph, the Competent Minister may delay the decision by up to thirty days if the decision within the period prescribed in that Paragraph is difficult due to office workload or other justifiable reasons.

8. Each fiscal year, a Business Handling Class I Designated Chemicals, etc. that wishes to maintain the Corresponding Category Name recorded on file in the preceding fiscal year pursuant to Article 8-1, shall make a request to the Competent Minister as prescribed by the Competent Ministerial Order.

9. The provisions in Paragraphs 4 through 7 shall similarly apply to the request pursuant to the preceding Paragraph; provided, however, that "Paragraph 1" appearing in the provisions of Paragraphs 4 through 6 shall mean "Paragraph 8" in such instance.

(Notification, etc. of Reported Information)
Article 7.
Upon receiving the report pursuant to the provisions of Article 5-2, the Competent Minister shall without delay notify the Director-General of the Environment Agency and the Minister of International Trade and Industry of the items in the report received. However, if the information on Class I Designated Chemical Substances is received with a request pursuant to Paragraph 1 of the preceding Article, the name of the Class I Designated Chemical Substances shall be notified using the Corresponding Category Name.

2. If the Competent Minister makes a decision stipulated Article 6-5 (including the case of similar application as provided for in Article 6-9, as hereafter applicable in this Paragraph), the minister shall
notify the Director-General of the Environment Agency, the Minister of International Trade and Industry, and the Competent Governor concerned on the basis of the names of Class I Designated Chemical Substances. In such case, the notification by the Competent Minister shall be made as soon as possible after the fourteenth (14th) day of notifying the Business Handling Class I Designated Chemicals, etc. as set forth in Article 6-5.

3. In any fiscal year in which the Competent Minister does not receive the application pursuant to Paragraph 8 of the preceding Article following the fiscal year when a decision stipulated in Paragraph 4 of the same Article has been made by the Competent Minister (including the case of similar application under Paragraph 9 therewith), the Competent Minister shall notify the name of the subject Class I Designated Chemical Substances to the Director-General of the Environment Agency, the Minister of International Trade and Industry, and the Competent Governor concerned.

4. The Director-General of the Environment Agency may request the Competent Minister, if deemed necessary, to explain the matters reported by the Business pursuant to the provisions of Article 5-2, concerning the Class I Designated Chemical Substance in the notification to which the second sentence of Paragraph 1 herein is applicable.

5. The Competent Governor may request the Competent Minister, if deemed necessary, to explain according to the Competent Ministerial Orders the matters reported by the Business pursuant to the provisions of Article 5-2, concerning the Class I Designated Chemical Substance on which the Governor was given the notification pursuant to Article 6-3.

(Aggregation, etc. of Reported Information)
Article 8.
The Director-General of the Environment Agency and the Minister of International Trade and Industry shall record the information reported pursuant to the provisions of Paragraphs 1 through 3 of the preceding Article on files provided on computers in accordance with Orders of the Prime Minister's Office and the Ministry of International Trade and Industry.

2. After recording the information on files pursuant to the provisions of the preceding Paragraph, the Director-General of the Environment Agency and the Minister of International Trade and Industry shall without delay notify the items of information recorded on the files (hereinafter "File Records") related to business facilities to the relevant Competent Minister, and those related to business facilities located in prefectures to the relevant governors of such prefectures, according to Orders of the Prime Minister's Office and the Ministry of International Trade and Industry.

3. The Director-General of the Environment Agency and the Minister of International Trade and Industry shall aggregate the File Records without delay as required by the Orders of the Prime Minister's Office and the Ministry of International Trade and Industry.

4. The Director-General of the Environment Agency and the Minister of International Trade and Industry shall notify without delay the result of the aggregation of the preceding Paragraph to the Competent Minister and the prefectural governors, and publish it.

5. The Competent Minister and prefectural governors, upon receiving the notification made pursuant to Paragraph 2 herein, may aggregate the notified items and publish the result.

(Calculation, etc. of Releases Other than Reported Ones)
Article 9.
The Director-General of the Environment Agency and the Minister of International Trade and Industry, with the cooperation of related competent authorities, shall calculate the quantity of Class I Designated Chemical Substances assumed to have been released to the environment, which is not
included in the quantity reported pursuant to the provisions of Article 5-2, such as releases from the activities of businesses which are not Businesses Handling Class I Designated Chemicals, etc., for the items stipulated by the Orders of the Prime Minister's Office and the Ministry of International Trade and Industry.

2. The Director-General of the Environment Agency and the Minister of International Trade and Industry shall aggregate the quantity calculated pursuant to the provisions of the preceding Paragraph according to the Orders of the Prime Minister's Office and the Ministry of International Trade and Industry, and shall publish the result along with the result aggregated under Paragraph 4 of the preceding Article.

(Right of Request for Disclosure)

Article 10.
After publication is made pursuant to the provisions of Article 8-4, any person may request the Competent Minister to disclose the File Records which are aggregated to the published result and retained by the Competent Minister.

2. The following information shall be provided in making the request pursuant to the preceding Paragraph (hereinafter referred to as "Request for Disclosure");
   (1) Name or trade name and address or location of the party making a Request for Disclosure, and the name of the representative if such party is a corporation or organization;
   (2) Identification of the business premise requested for disclosure, such as its trade name and address.

(Obligation of Disclosing Released Quantity, etc.)

Article 11.
Upon receiving the Request for Disclosure, the Competent Minister shall promptly disclose the information requested out of the File Records to the requesting party.

(Carrying out Research, etc.)

Article 12.
The State government shall carry out research designed to capture environmental state related to Class I Designated Chemical Substances and to gather scientific findings concerning the effect of Class I Designated Chemical Substances on human health and/or the life and growth of flora and fauna in comprehensive and effective manners, in light of the results shown under Article 8-4 and Article 9-2 and of the domestic and international trends of safety assessment of Class I Designated Chemical Substances, and publish the results.

(Requests for Provision of Information, etc.)

Article 13.
Prefectural governors may request the heads of the competent authorities carrying out the research of the preceding Article in the prefectures in their jurisdiction to provide information which they require related to such research, and express their opinions on the research.

Chapter 3. Provision of Information by Businesses Handling Designated Chemical Substances, etc.

(Provision of Information on Properties and Handling of Designated Chemical Substances, etc.)
Article 14.
Businesses Handling Designated Chemicals, etc. intending to transfer or supply Designated Chemicals, etc. to other parties shall provide information on the properties and handling of Designated Chemicals, etc. in writing, or on magnetic disks or other methods prescribed by the Order of the Ministry of International Trade and Industry to such parties prior to making the transfer or supply.

2. If any change is required in the information on properties and handling of Designated Chemicals, etc. given pursuant to the provisions of the preceding Paragraph, Businesses Handling Designated Chemicals, etc. should make an effort to provide amended information as quickly as possible to the recipient parties in writing, or on magnetic disks or other methods prescribed by the Order of the Ministry of International Trade and Industry.

3. Other matters of technicality related to the provision of information pursuant to the preceding two Paragraphs shall be prescribed by the Orders of the Ministry of International Trade and Industry.

(Urging Reporting, and Publicizing Violations)
Article 15.
In case any Businesses Handling Designated Chemicals, etc. defaults on the provisions of Paragraph 1 of the preceding Article, the Minister of International Trade and Industry may urge them to provide the information required under that Paragraph.

2. If the Businesses Handling Designated Chemicals, etc. does not obey such urging, the Minister of International Trade and Industry may publicize the fact of violation.

(Collection of Reports)
Article 16.
To the extent necessary to enforce the provisions of this Chapter, the Minister of International Trade and Industry may order Businesses Handling Designated Chemicals, etc. to report on information on the properties and handling of the Designated Chemicals, etc. which they handle.

Chapter 4. Miscellaneous

(Measures taken by the State and Local Governments)
Article 17.
The State shall make efforts to increase the scientific knowledge on the properties of chemical substances and develop testing methods and other technologies for safety assessment of chemical substances, with due attention to the international trends concerning such assessment.

2. The State shall make efforts to compile, and promote the use of a database (a systematic body of information in the form of thesis, values and figures stored in a computer system in such a way that it can be easily searched for and retrieved) containing information on the properties and handling of Chemical Substances.

3. The State and local governments shall make efforts to give technical advice and take up other measures to promote the voluntary improvement of management of Designated Chemicals, etc. by Businesses Handling Designated Chemicals, etc.

4. The State and local governments shall make efforts to increase the public understanding of the properties and management of Designated Chemicals, etc. and the state of release of Class I Designated Chemical Substances through education activities and public relations, etc.
5. The State and local governments shall make efforts to train persons with talent to carry out the tasks described in the preceding two Paragraphs.

(Hearing Advisory Councils)
Article 18.
The Prime Minister, the Minister of Health and Welfare and the Minister of International Trade and Industry shall ask the opinions of advisory councils when making plans to establish or amend the Cabinet Orders prescribed in Articles 2-2 or 2-3 in advance.

(Fees)
Article 19.
Persons who receive disclosure of File Records shall pay a fee, according to Cabinet Order, the amount of which shall be within the range of expenses actually incurred for the disclosure and shall be determined by Cabinet Order.

(Use of Electronic Data Processing Systems, etc.)
Article 20.
The Competent Minister may allow businesses, in accordance with Cabinet Order, to use Electronic Data Processing Systems or magnetic disks (hereinafter including other devices to securely record certain items of information by similar methods) in submitting reports pursuant to the provisions of Article 5-2, or requests pursuant to the provisions of Article 6-1 or 6-8.

2. The Competent Minister may use Electronic Data Processing Systems or magnetic disks in serving notifications pursuant to the provisions of Article 6-4 or 6-5 (including cases in which these provisions are similarly applied as provided for in Paragraph 9 therein) in accordance with Cabinet Order.

3. Of the reports made pursuant to the provisions of Article 5-2, or requests made pursuant to the provisions of Article 6-1 or 6-8 by using Electronic Data Processing Systems under the provisions of Paragraph 1, the reports made via the Competent Governor pursuant to Article 5-3 shall be deemed to have reached the Competent Governor when such reports or requests are recorded on files provided in the computers specified by the Competent Governor, and the reports related to the Class I Designated Chemical Substances for which the request was made pursuant to Article 6-1 and the requests set forth in Article 6-1 or 6-8 shall be deemed to have reached the Competent Minister when such reports or requests are recorded on files provided in the computers specified by the Competent Minister respectively.

4. The notifications served pursuant to the provisions of Article 6-4 or 6-5 (including cases in which these provisions are similarly applied as provided for in Paragraph 9 therein) by using Electronic Data Processing Systems under the provisions of Paragraph 2 shall be assumed to have reached the businesses which submitted the requests pursuant to the provisions of Article 6-1 or 6-8 when reasonable time required to retrieve the notifications has elapsed after such notifications are recorded on files provided in the input/output devices used by such businesses.

5. The Competent Minister may allow persons to use, or may use Electronic Data Processing Systems or magnetic disks, to information pursuant to Article 10-1 or to disclose information pursuant to Article 11 in accordance with Cabinet Order.

(Interim Measures)
Article 21.
In enacting a new order or amending or abolishing existing orders pursuant to the provisions of this Law, the State may adopt certain interim measures (including those concerning penalties) if they are reasonably deemed necessary.

(Competent Minister(s), etc.)

Article 22.

For the purpose of this Law, the Competent Minister(s) shall be:

(1) The Director-General of the Environment Agency, the Minister of International Trade and Industry or the minister having jurisdiction over the business carried out by Businesses Handling Class I Designated Chemicals, etc. concerned, for making the specifications pursuant to Article 2-7, accepting the requests made pursuant to Article 10-1 and making the disclosures pursuant Article 11, and the decision pursuant to Article 20-5.

(2) The Director-General of the Environment Agency and the Minister of International Trade and Industry for drawing up Chemical Management Guidelines pursuant to Article 3-1, for having conferences pursuant to Article 3-3 and for publishing Chemical Management Guidelines pursuant to Article 3-4 (excluding the matter set forth in Subparagraph (4) of Article 3-2).

(3) The Minister of International Trade and Industry for drawing up Chemical Management Guidelines pursuant to Article 3-1, for having conferences pursuant to Article 3-3 and for publishing Chemical Management Guidelines pursuant to Article 3-4 (limited to the matter set forth in Subparagraph (4) of Article 3-2).

(4) The minister having jurisdiction over the business carried out by Businesses Handling Class I Designated Chemicals, etc. concerned, for accepting the reports submitted pursuant to Article 5-2, accepting the requests made pursuant to Article 6-1, making the decisions and notifications pursuant to Articles 6-4 and 6-5 (including cases when the provisions therewith are similarly applied under Article 6-9), extending the period pursuant to Article 6-7 (including cases when the provisions therewith are similarly applied under Article 6-9), accepting the requests submitted pursuant to Article 6-8, making notifications pursuant to Article 7-1 through 7-3, providing explanation pursuant to Articles 7-4 and 7-5, making the notifications pursuant to Article 8-2 and 8-4, the aggregation and publication pursuant to Article 8-5, and making decisions pursuant to Articles 20-1 and 20-2.

2. In this Law, Competent Ministerial Orders shall be those issued by the Prime Minister, the Minister of International Trade and Industry and the minister having jurisdiction over the business carried out by Businesses Handling Class I Designated Chemicals, etc. concerned.

(Classification of Office Work)

Article 23.

The office work assigned to the prefectures by the provisions in the first sentence of Article 5-3 shall be classified as No. 1 Legally Assigned Office Work provided for in Article 2-9(1) of the Local Autonomy Law (Law No. 67 of 1947).

Chapter 5. Penalties

Article 24.

A civil fine of up to 200,000 yen shall be imposed on businesses which:

(1) Do not submit reports pursuant to the provisions of Article 5-2 or submit false reports; or

(2) Do not submit reports pursuant to the provisions of Article 16 or submit false reports.
Appendix

(Date of Enforcement)

Article 1.
This Law shall enter into force on the day stipulated by Cabinet Order within 9 months following the promulgation of this Law, except,
(1) Article 18, which shall enter into force on the day of promulgation;
(2) Chapter 3 and Article 24 (except Subparagraph (1)), which shall enter into force on the day stipulated by Cabinet Order within one year and six months following the promulgation of this Law; and
(3) Chapter 2, Articles 19, 20, and 24 (only Subparagraph (1)) and the Article immediately following this one, which shall enter into force on the day stipulated by Cabinet Order within two years and six months following the promulgation of this Law.
(4) Article 23 and Article 4 of the Appendix, which shall enter into force on April 1, 2000 or the day stipulated in the preceding Paragraph, whichever comes later.

(Interim Measures)

Article 2.
If the date stipulated in Article 6-6 belongs to the fiscal year following the year in which the provisions enter into force as stipulated in Subparagraph (3) of the preceding Article, the period of "thirty days" shall be replaced by "five months."

(Review)

Article 3.
The State government shall review the circumstances of this Law being enforced when seven years have passed after enforcement, and shall take appropriate measures depending upon the outcome of the review.

(Partial Amendment of the Local Autonomy Law)

Article 4.
The Local Autonomy Law shall be partially amended by adding the following passage to its Attached List 1:
The office work assigned to the Prefectures pursuant to the provisions of the first sentence of Article 5-3 of the Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management (Law No. 86 of 1999).

(Partial Amendment of the Law for Founding the Environment Agency)

Article 5.
The Law for Founding the Environment Agency (Law No. 88 of 1971) shall be partially amended by inserting the following item after Item 6-3 of Article 4:
Item 6-4. Execute the office work assigned to the Agency related to the implementation of the Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management (Law No. 86 of 1999).

(Partial Amendment of the Law for Founding the Ministry of International Trade and Industry)
Article 6.
The Law for Founding the Ministry of International Trade and Industry (Law No. 275 of 1952) shall be partially amended by inserting the following item after Item 63-2 of Article 4:
Item 63-3. Execute the office work assigned to the Ministry related to the implementation of the Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management (Law No. 86 of 1999).