

Outline of the Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management

(Provisional Translation)

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Environment Agency

Ministry of International Trade and Industry

1. Purpose of Establishing the Law

(1) The general public has been increasingly concerned about the prevention of environmental pollution caused by chemical substances.

(2) Therefore, we establish a new framework to improve and enhance management of chemical substances by businesses with the aim of protecting the environment from hazardous chemical substances regardless of the evidence about their hazardous effects on human health and/or the environment.

2. Outline of the Law

(1) Designating Chemical Substances

Chemical substances which may be hazardous to human health and/or ecosystems and which exist in the environment are designated (by Cabinet Orders).

* Chemical substances are designated by Cabinet Orders with due attention paid to actions taken by other countries and international organizations on chemical management for environmental protection, or scientific knowledge, etc. in order to prevent the damage to human health and ecosystems.

* Before designating chemical substances, the Director-General of the Environment Agency, the Minister of Health and Welfare, and the Minister of International Trade and Industry shall hear the opinions of their relating Councils as follows:

- the Central Environment Council (Environment Agency) ;
- the Living Environment Council (Ministry of Health and Welfare); and
- the Chemical Products Council (Ministry of International Trade and Industry).

(2) Requirement of Reporting Environmental Releases of Chemical Substances (PRTR System) (PRTR is an abbreviation for Pollutant Release and Transfer Register)

1) Businesses shall estimate the quantities of chemical substances both released to the environment and transferred in the waste, and report the data to the State government (the Competent Ministers overseeing the businesses) via the prefectural governments. (Obliged)

* The prefectural governments may add their opinions when forwarding such reports to the State government.

* In case of trade secrets, the data may be directly reported to the State government (the Competent Ministers overseeing the businesses). The prefectural governments may request the State government to explain such data.

2) The Environment Agency and the Ministry of International Trade and Industry will cooperate with each other in aggregating and sorting out the reported data; e.g. by types of industry and geographic regions. The results will be published and provided for prefectural governments.

* The prefectural government may aggregate data of individual facilities to meet local needs and publish the results.

3) The Environment Agency and the Ministry of International Trade and Industry will cooperate with each other in estimating the quantity of releases of chemical substances which are not included in the quantity reported under 1) above (such as chemical substances released from houses, farmland, automobiles, etc.) and publish the result with 2) above.

4) When requested by a citizen, the State government shall disclose data of individual businesses while keeping trade secrets.

5) Businesses are required to improve and enhance management of chemical substances while paying attention to the Technical Guidelines set by the State government and striving to increase interested parties' understanding about their releases and management of chemical substances.

(3) Research Conducted by the State

- The State government shall conduct the environment monitoring survey and study the effects on human health and ecosystems based on the aggregated results of the PRTR.

* The prefectural governments may express their opinions on the research to be conducted by the State government.

(4) Requirement of Distributing Material Safety Data Sheet (MSDS)

- When transferring or supplying designated chemical substances to other businesses, the transferring business shall provide the transferee with information on properties and handling of the chemical substances concerned. (Obliged)

(5) Supportive activities by the State and Local Governments

- 1) Increase the scientific knowledge on the hazardous properties of chemical substances.
- 2) Compile a database on the properties of chemical substances.
- 3) Give technical advice to businesses.
- 4) Assist in increasing public understanding about management, etc. of chemical substances.
- 5) Train persons to carry out the tasks described in 3) and 4) above.

* (Note) Roles of Local Governments (excerpt)

- 1) Accept reports from businesses and forward the reports and opinions to the State government.
- 2) Request the State government to explain trade secret data.
- 3) Aggregate data obtained from the Environment Agency and the Ministry of International Trade and Industry to meet the local needs and publish the results.
- 4) Express opinions about the environment monitoring survey and other study to be conducted by the State government.
- 5) Give technical advice to businesses.

- 6) Assist in increasing public understanding through education activities and public relations.
- 7) Train persons to carry out the tasks described in 5) and 6) above.

(6) Review Provision

The State government will review the circumstance of this Law when seven years have passed after enforcement, and will take appropriate measures depending upon the outcome of the review.

3. Background of the Establishment of the Law

(1) Increasing public concerns about management of chemical substances and environmental protection.

(2) The OECD recommended its Member countries to introduce the PRTR system in February 1996. The Member countries are required to report their status this year.

(3) Countries such as the US, Canada, UK, the Netherlands, Australia have already enforced PRTRs.

(4) The need to establish a law was suggested by the Chemical Products Council in September 1998 and by the Central Environment Council in November 1998.

(5) In implementing the system, the State government will cooperate with local governments, etc. to disseminate the aim and content of the system to broad type of businesses including small- and medium-sized enterprises.