

## 11.2 The Basic Environment Law

### 11.2.1 Overview

Basic Environment Law sets down the fundamental requirements for environmental administration, and it was enacted in 1993 in consideration of the importance of environmental pollution control, protection of the natural environment, and international cooperation. This law sets forth basic principles of environmental conservation and articulates the responsibilities to be borne by the state, the local governments, the enterprises and the nation's citizens. Its objectives are to determine the fundamental policies for environmental conservation measures, to comprehensively and systematically promote those policies to ensure healthy, secure and culturally rich living for the present and future generations of people, and thereby to contribute to the well-being of mankind. The Law defines "environmental impact", "global environmental conservation", and "environmental pollution" and calls for the needs to ensure that people can enjoy the blessings of the environment and pass these to future generations and to form a society with low environmental impact so that sustainable development is ensured, and to conserve the global environment through international cooperation. The Law designates an "Environment Day", makes provisions for the "basic environment plan", "environmental quality standards", "environmental pollution control programs", "environmental impact assessment", "environmental pollution controls", "protection of the natural environment", "economic measures", "improving and developing facilities", "environmental education and study", "provision of information", "implementation of surveys and investigations", "establishment of surveillance and monitoring systems", "promotion of science and technology", "settlement of environmental pollution disputes and relief to victims", "international cooperation for the environment", "measures for the local governments and private organizations", "measures by the local governments", and for the "bearing of costs and financial measures". The following sections outline specific provisions that affect air quality conservation.

### 11.2.2 Environmental Quality Standards

The provisions in the Basic Law on environmental quality standards read: "1. With regard to environmental conditions related to air pollution, water pollution, soil contamination and noise, the government shall respectively establish environmental quality standards which is desirable to maintain for the protection of human health and the conservation of the living environment, 2. (omitted), 3. With regard to the standards set forth in Paragraph 1, due scientific consideration shall always be given and such standards shall be revised whenever necessary, 4. The government shall make efforts to attain the standard provided for in Paragraph 1, by comprehensively and effectively implementing policies concerning environmental pollution control, which are set forth in this chapter (hereinafter referred to as "environmental pollution control policies)." Environmental quality standards serve as the target to be achieved by the environmental administration. The standards for sulfur dioxide (daily average of hourly values below 0.04 ppm) and nitrogen dioxide (daily average of hourly values between the range of 0.04 and 0.06 ppm) are set as the environmental quality targets in the regulation of total emission that will be touched on later and treated as key elements in pollution control programs and the environmental impact assessment system.

### 11.2.3 Environmental Pollution Control Programs

The Basic Law provides: "1. The Prime Minister shall instruct the prefectural governors concerned to formulate programs on measures for environmental pollution control (hereinafter referred to as the "Environmental Pollution Control Program"); concerning areas specified as either of the following categories; by presenting the basic directions of the environmental pollution control policies to be implemented in those areas: 1) areas where environmental pollution is currently serious and where it is recognized that it is very difficult to prevent environmental pollution unless the environmental pollution control policies are comprehensively implemented; 2) areas where environmental pollution is likely to become serious due to the rapidly increasing concentrations of population, industry, etc., and where it is recognized that it will be very difficult to prevent environmental pollution unless the environmental pollution control policies are comprehensively implemented, 2. The basic directions provided for in the preceding Paragraph shall be formulated on the basis of the Basic Environment Plan, 3. When the prefectural governor concerned has received the instruction provided for in Paragraph 1, he/she shall formulate an Environmental Pollution Control Program in accordance with the basic directions provided for in the same Paragraph and shall submit it to the Prime Minister for his/her approval, 4. Prior to issuing the instruction under Paragraph 1 or giving the approval required under the preceding Paragraph, the Prime Minister shall ask the Conference on Environmental Pollution Control for its decision, 5. Prior to issuing the instruction under Paragraph 1, the Prime Minister shall hear the opinions of the prefectural governors concerned." "The State and local governments shall make efforts to take measures necessary for the attainment of the Environmental Pollution Control Programs." Thirty-four regions across the country have formulated, or are reviewing, their respective environmental pollution control programs at present.

### 11.2.4 International Cooperation

The Basic Law provides that the State shall endeavor to attain international cooperation for global environmental conservation, take measures necessary for promoting international cooperation, and support environmental conservation in developing countries. The State is required to obtain international cooperation for surveillance; monitoring and observation, take steps to promote international cooperation conducted by local governments and private organizations, endeavor to take global environmental conservation into account whenever it engages in international cooperation activities, and provide information to enterprises and take other measures necessary for them to give proper consideration to global environmental conservation in their business activities that are carried out abroad.