

Ordinance No. 4 of the Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry, and Ministry of the Environment, 2010

In connection with the enforcement of the Cabinet Order for Partial Revision of the Order for Enforcement of the Act on the Evaluation of Chemical Substances and Regulation of their Manufacture, etc. (Cabinet Order No. 256, 2009), and based on the provisions in paragraph (2) of Article 17 of the Act on the Evaluation of Chemical Substances and Regulation of their Manufacture, etc. (Act No. 117 of 1973), as well as in order to implement Article 3-3 of the Order for Enforcement of the Act on the Evaluation of Chemical Substances and Regulation of their Manufacture, etc. (Act No. 202, 1974), the Ministerial Ordinance to Provide for Technical Standards concerning PFOS or Its Salts and Products Pursuant to Items (i) to (iii) of the Paragraph on PFOS or Its Salts in the Table in Article 3-3 of the Order for Enforcement of the Act on the Evaluation of Chemical Substances and Regulation of their Manufacture, etc. is established as follows.

May 26, 2010

Minister of Health, Labor and Welfare: Akira Nagatsuma

Minister of Economy, Trade, and Industry: Masayuki Naoshima

Minister of the Environment: Sakihito Ozawa

Ministerial Ordinance to Provide for Technical Standards concerning PFOS or Its Salts and Products set forth in Items (i) to (iii) of the Paragraph on PFOS or Its Salts in the Table in Article 3-3 of the Order for Enforcement of the Act on the Evaluation of Chemical Substances and Regulation of their Manufacture, etc.

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Chapter 1 General Provisions

Article 1 (Definitions)

In this Ministerial Ordinance, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

- (i) PFOS, etc. means PFOS or its salts, etching agents (limited to use for production of piezoelectric filters or compound-semi-conductor which makes it possible for the radio equipment to send and receive an equal to or more than 3 MHz frequency electric wave), and photo-resist for semiconductors
- (ii) Business operator handling PFOS, etc. means a permitted manufacturer, a person who uses PFOS, etc. as his/her business, or a person who handles PFOS, etc. as his/her business.
- (iii) Pollutant means waste liquid that contains PFOS or its salts, or a cloth or other unneeded item to which PFOS or its salts are attached.
- (iv) Refill, etc. of PFOS, etc. means work to refill, etc. that has the potential to scatter or run off PFOS, etc.
- (v) Piping, etc. means a pipe, joint, or valve through which waste liquid passes.
- (vi) A business operator handling photographic film for industry means a person who uses photographic film for industry as his/her business, or a person who handles photographic film for industry as his/her business.
- (vii) Photographic developing work means work pertaining to the developing of photographic film for industry.

Chapter 2 PFOS, etc.

Article 2 (Storage of PFOS, etc. and Pollutants)

Where a business operator handling PFOS, etc. stores PFOS, etc. or a pollutant, he/she shall store it in accordance with the following items:

- (i) Store in a location where no one but the relevant persons can easily enter.
- (ii) Use a sealed container of solid design from which PFOS, etc. or a pollutant is not likely to leak or spill, etc. and is made using material that is not likely to allow seepage.
- (iii) In order to prevent the runoff of PFOS, etc. by rainwater or the like, store indoor a container containing PFOS, etc. or a pollutant, and take measures to ensure the floor is concrete or coated with synthetic resin or the like.

Article 3 (Indication of Storage Location, etc. of PFOS, etc. and Pollutants)

- (1) When a business operator handling PFOS, etc. stores a container containing PFOS, etc., he/she shall, in a conspicuous location where storing the container containing PFOS, etc., indicate that PFOS, etc. is being stored in said location.
- (2) A business operator handling PFOS, etc. shall, in a conspicuous location on equipment that uses PFOS, etc., indicate that said equipment is equipment that uses PFOS, etc.
- (3) When a business operator handling PFOS, etc. stores a pollutant, he/she shall, in a conspicuous

location where storing a container containing a pollutant, indicate that a pollutant is being stored in said container.

Article 4 (Transport of PFOS, etc.)

- (1) When a business operator handling PFOS, etc. (excluding a transport operator to whom transport is entrusted) transports PFOS, etc. or entrusts the transport to another person, he/she shall take measures to prevent a container that stores PFOS, etc. from overturning or the like.
- (2) The container that stores PFOS, etc. prescribed in the preceding paragraph shall be one that can withstand the impact of overturning or the like.

Article 5 (Refill, etc. of PFOS, etc.)

A business operator handling PFOS, etc. shall, when he/she conducts the refill, etc. of PFOS, etc., act in accordance with the provisions in the following items:

- (i) Handle PFOS, etc. indoor.
- (ii) Make the minimum necessary number of refills of PFOS, etc.
- (iii) Take measures to minimize the amount of scattering or runoff of PFOS, etc.
- (iv) To prepare for a case where PFOS, etc. has scattered or run off, when conducting the refill, etc. of PFOS, etc., prepare a cloth or the like, and where necessary, provide a tray for equipment that uses PFOS, etc.
- (v) Where washing an item that was processed using PFOS, etc., endeavor to minimize the amount of PFOS, etc. mixing with washing liquid.
- (vi) Endeavor to prevent any PFOS, etc. from remaining in equipment that uses PFOS, etc.
- (vii) For waste water that contains PFOS, etc., take measures to recover it as much as possible.
- (viii) In addition to matters set listed in the preceding items, take measures considered necessary when conducting the refill, etc. of PFOS, etc.

Article 6 (Measures Pertaining to Equipment, etc. that Uses PFOS, etc.)

A business operator handling PFOS, etc. shall take measures listed in the following items for equipment, etc. that uses PFOS, etc.:

- (i) For equipment, etc. that uses PFOS, etc. use material that is not likely to corrode, or take effective measures to prevent corrosion.
- (ii) For equipment, etc. that uses PFOS, etc., endeavor to not use the equipment for work other than work that uses PFOS, etc.
- (iii) For a floor on which equipment, etc. that uses PFOS, etc. is placed, in order to prevent underground seepage of PFOS, etc., take measures to coat the surface with concrete, or to coat it with synthetic resin or the like.

- (iv) Where scattering of PFOS, etc. is expected, install local ventilation equipment, and in order to prevent releases into the atmosphere, install a dust collector, a scrubber or equipment with a similar function.
- (v) For piping, etc., from equipment, etc. that uses PFOS, etc., use material that is not likely to corrode, or take effective measures or the like to prevent corrosion.
- (vi) For waste water that contains PFOS, etc., use discharge pipes or drainage ditches made of material that can prevent underground seepage.
- (vii) In addition to matters listed in the preceding items, take measures considered necessary for equipment, etc. that uses PFOS, etc.

Article 7 (Inspection of Containers that Store PFOS, etc. and Equipment, etc. that Uses PFOS, etc.)

(1) A business operator handling PFOS, etc. shall regularly inspect the matters listed in the following items, regarding a container containing PFOS, etc. or equipment, etc. that uses PFOS, etc.:

- (i) That there is no leakage or scattering of PFOS, etc. from a container, equipment, or piping, etc.
- (ii) That no damage or corrosion has occurred to a container, equipment, or piping, etc.
- (iii) That there is no crack or fissure in the floor, etc.
- (iv) In addition to matters listed in the preceding three items, that no irregularities can be identified in a container that stores PFOS, etc., or in equipment, etc. that uses PFOS, etc.

(2) A business operator handling PFOS, etc. who as a result of an inspection prescribed in the preceding paragraph has identified an irregularity in a container containing PFOS, etc. or in equipment, etc. that uses PFOS, etc. shall promptly make repairs and take other necessary measures.

(3) A business operator handling PFOS, etc. shall prepare a record of the results of the inspection in paragraph (1) and retain it for five years from the date of preparing the record.

Article 8 (Measures to Deal with Leakage Where a Container Is Storing PFOS, etc. or Where Conducting the Refill, etc. of PFOS, etc.)

A business operator handling PFOS, etc. shall, where he/she stores PFOS, etc. or conducts the refill, etc. of PFOS, etc., take measures listed in the following items when PFOS, etc. has leaked:

- (i) Notify the custodian prescribed in Article 11 about the leakage of PFOS, etc. and promptly take emergency measures in order to prevent the spread of the leakage.
- (ii) Endeavor to recover leaked PFOS, etc.
- (iii) Place in a sealable container and store recovered PFOS, etc. or a cloth or the like used to wipe up PFOS, etc.

- (iv) In addition to matters listed in the preceding three items, take measures considered necessary for the handling of leaked PFOS, etc.

Article 9 (Confirmation, etc. of Release Amounts)

(1) A business operator handling PFOS, etc. shall, when he/she conducts refills, etc. of PFOS, etc., once each year and for each place of business, confirm the amount of release of PFOS or its salts, by conducting sampling and analysis suitable for confirmation of the amount of discharge water from the place of business. Provided, however, that where the confirmation of release amounts of PFOS or its salts by sampling and analysis is technically difficult, he/she may estimate the release amount using the usage amount or the like of PFOS, etc.

(2) A business operator handling PFOS, etc., where PFOS, etc. is released when conducting the refill, etc. of PFOS, etc., shall endeavor to take measures pertaining to the reduction of the release amount of PFOS, etc., based on the results of sampling and analysis, etc. prescribed in the preceding paragraph.

(3) A business operator handling PFOS, etc. shall, when he/she conducts sampling and analysis, etc. pursuant to paragraph (1), prepare books recording the results thereof.

(4) The books set forth in the preceding paragraph shall be kept for each place of business, and be retained for five years from the date of the closure of each place of business.

Article 10 (Books)

(1) A business operator handling PFOS, etc. (excluding a permitted manufacturer or notifying user) shall, for each place of business, prepare books recording stored amount of PFOS, etc. or the amount pertaining to PFOS, etc. refilled, etc.

(2) The books set forth in the preceding paragraph shall be kept for each place of business, and be retained for five years from the date of the closure of each place of business.

Article 11 (Custodian)

A business operator handling PFOS, etc. shall, for each place of business that stores PFOS, etc. or conducts the refill, etc. of PFOS, etc., appoint a custodian from among persons who possess knowledge about management of said work, and have that person manage work listed in the following items:

- (i) Matters pertaining to the indication of the storage or storage location, etc. of PFOS, etc. and pollutants
- (ii) Matters pertaining to the transport of PFOS, etc.
- (iii) Matters pertaining to the refill, etc. of PFOS, etc.
- (iv) Matters pertaining to measures relating to equipment, etc. that uses PFOS, etc.

- (v) Matters pertaining to the inspection of containers or equipment, etc. that are used for the handling of PFOS, etc.
- (vi) Matters pertaining to measures to deal with leakage relating to the handling of PFOS, etc.
- (vii) Matters pertaining to the confirmation, etc. of release amounts of PFOS, etc.
- (viii) Matters pertaining to the recording and retaining of books about PFOS, etc.

Chapter 3 Photographic Film for Industry

Article 12 (Measures Pertaining to Photographic Developing Work)

A business operator handling photographic film for industry shall, when conducting photographic developing work, take measures listed in the following items:

- (i) Recover used developing solution and fixing solution.
- (ii) Prepare a cloth or the like to prepare for cases where developing solution and fixing solution has scattered or run off.
- (iii) In addition to matters listed in the preceding two items, take measures considered necessary when conducting photographic developing work.

Article 13 (Measures Pertaining to Equipment, etc. that Develops Photographic Film for Industry)

A business operator handling photographic film for industry shall take measures listed in the following items for equipment, etc. that develops photographic film for Industry:

- (i) For a floor on which equipment that develops photographic film for industry is placed, in order to prevent underground seepage of PFOS or its salts, take measures to coat the surface with concrete, or to coat it with synthetic resin or the like.
- (ii) For piping, etc. from equipment that develops photographic film for industry, use material that is not likely to corrode, or take effective measures or the like to prevent corrosion.
- (iii) For waste water that contains PFOS or its salts, use discharge pipes or drainage ditches made of material that can prevent underground seepage.

Article 14 (Storage of Pollutants Pertaining to Photographic developing work)

Where a business operator handling photographic film for industry stores a pollutant pertaining to photographic developing work, he/she shall store it in accordance with the following items:

- (i) Store it in a location where no one but the relevant persons can easily enter.
- (ii) Place the pollutant pertaining to photographic developing work into a sealed container of solid design that is not likely to leak or spill, etc. and is made using material that is not likely to allow seepage.

- (iii) In order to prevent the runoff of waste liquid containing PFOS or its salts due to rainwater or the like, store indoor the container containing a pollutant pertaining to photographic developing work, and take measures to ensure the floor is concrete or coated with synthetic resin or the like.

Article 15 (Indication of a Container that Stores Pollutants Pertaining to Photographic Developing Work)

When a business operator handling photographic film for industry stores a pollutant pertaining to photographic developing work, he/she shall, in a conspicuous location where storing a container containing a pollutant, indicate that a pollutant is being stored in said container.

Article 16 (Amount of Photographic Film for Industry Pertaining to Photographic Developing)

A business operator handling photographic film for industry (excluding a notifying user) shall, for each place of business, endeavor to confirm the amount of developing conducted of photographic film for industry.

Article 17 (Inspection of Equipment, etc. Pertaining to Photographic Developing Work)

(1) A business operator handling photographic film for industry shall regularly inspect the matters listed in the following items, regarding equipment, etc. pertaining to photographic developing work:

- (i) That there is no leakage of waste liquid containing PFOS or its salts from equipment or piping, etc.
- (ii) That no damage or corrosion has occurred to equipment or piping, etc.
- (iii) That there is no crack or fissure in the floor, etc.
- (iv) In addition to the preceding three items, that no irregularities are identified in equipment, etc. pertaining to photographic developing work relating to the handling of waste liquid containing PFOS or its salts.

(2) A business operator handling photographic film for industry who as a result of an inspection prescribed in the preceding paragraph has identified an irregularity shall promptly make repairs and take other necessary measures.

(3) A business operator handling photographic film for industry shall prepare a record of the results of the inspection in paragraph (1) and retain it for five years from the date of preparing the record.

Article 18 (Measures to Deal with Leakage Pertaining to Photographic Developing Work)

A business operator handling photographic film for industry shall, where conducting photographic developing work, take measures listed in the following items when waste liquid containing PFOS or

its salts has leaked:

- (i) Promptly take necessary emergency measures in order to prevent the spread of leakage.
- (ii) Endeavor to recover leaked waste liquid containing PFOS or its salts.
- (iii) Place in a sealable container and store the recovered waste liquid containing PFOS or its salts, or a cloth or the like used to wipe up the waste liquid, and store it in a sealed container.
- (iv) In addition to matters listed in the preceding three items, take measures considered necessary for the handling of leaked waste liquid containing PFOS or its salts.

Supplementary Provision

This Ministerial Ordinance shall enter into force on October 1, 2010.