

AGRICULTURAL LAND SOIL POLLUTION PREVENTION LAW

Law No. 139 of 1970
Amended by Law No. 88 of 1971.
Amended by Law No. 87 of 1978.
Amended by Law No. 92 of 1993.
Amended by Law No. 87 of 1999.
Amended by Law No. 160 of 1999.

MINISTRY OF the ENVIRONMENT
JAPAN

(Objects)

Article 1

The Law aims at the prevention of the production of agricultural crops and livestock which are feared to be harmful to human health or the prevention of the obstacle of the growth of agricultural crops and others to be helpful for the protection of national health or the preservation of a good living environment, by establishment of necessary policies which are useful for the prevention of agricultural land soil pollution caused by specific harmful substances or the elimination and which are useful for the rationalization of utilization of polluted agricultural land.

(Definitions)

Article 2

1. 'Agricultural land' in the Law means the land which is used for cultivation purposes, pasturage of domestic animals or grassland for domestic animal breeding.
2. 'Agricultural crops and others' in the Law means agricultural crops and forage plants excluding agricultural crops.
3. 'Specific harmful substances' in the Law means substances such as chemicals like cadmium, etc., contained in agricultural land soil, which are feared might become the source of the production of agricultural crops and livestock which are feared to be harmful to human health or the obstacle to the growth of agricultural crops and others (radiation substances are excluded), and is designated by the Cabinet Order.

(Designation of agricultural land soil pollution policy areas)

Article 3

1. In case, judging from the kinds and quantities of specific harmful substances contained in the agricultural land soil and agricultural crops and others grown in the agricultural lands in certain areas of each prefecture, the agricultural lands are understood to be used for the production of agricultural crops and livestock which are feared to be harmful to human health or the obstacle to the growth of agricultural crops and others in the said lands or where the fear thereof is understood to be conspicuous and the conditions fit that of the Cabinet Order, the governors of the prefectures can designate the said areas as agricultural land soil pollution policy areas (Hereinafter referred to as 'Policy Areas').
2. In case the Minister of the Environment intends to plan the establishment, the amendment or the abolishment of the Cabinet Order shown in the previous Paragraph, he is to consult the Central Environment Council.
3. In the governors of the prefectures intend to designate Policy Areas, they are to consult the council or any other body of council system set up under the provisions of the Article 43 of the Basic Environment Law (Law No. 91 of 1993) and the chiefs of the municipalities concerned.
4. In case the governors of the prefectures designate Policy Areas, they are to announce it publicly in accordance with the Ministerial Ordinance of the Ministry of the Environment, report to the Minister of the Environment and inform the chiefs of the municipalities concerned without delay.
5. The chiefs of the municipalities can request the governors of the prefectures to designate the areas, located in certain areas in the zones of the said municipalities, which comply with the conditions decided by the Cabinet Order in Paragraph 1 as Policy

Areas.

(Modification of the Policy Area zones and others)

Article 4

1. In case of need due to a change of the facts which might become conditions required for the designated of Policy Areas, the governors of the prefectures can modify the Policy Area zones or abolish the designation of the said Policy Areas.
2. The provisions of Paragraph 3 and 4 of the previous Article apply to the modification of the Policy Area zones or the abolishment of the designation of Policy Areas provided by the previous Paragraph.

(Agricultural land soil pollution policy projects)

Article 5

1. After the governors of the prefectures designate Policy Areas, they are to design, without delay, the establishment of policies for agricultural land soil pollution (Hereinafter referred to as Policy Projects), in order to prevent or eliminate the agricultural land soil pollution caused by specific harmful substances in the zones or to make the rationalization of utilization of polluted agricultural land (Hereinafter referred to as 'Polluted Agricultural Land').
2. In Policy Projects, the under-mentioned items are decided in accordance with the Ministerial Ordinances of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of the Environment.
 - (1) Fundamental policies concerning classification by utilization and the utilization of each agricultural area, decided by taking account of the degree of soil pollution caused by specific harmful substances, etc., on the agricultural land in the Policy Area zones.
 - (2) Items which are necessary for the following projects for the agricultural land in the Policy Area zones.
 - (a) New construction, control or changes of irrigation and drainage facilities and equipment etc., aimed at the prevention of agricultural land soil pollution caused by specific harmful substances.
 - (b) Soil dressing and other works aimed at the elimination of agricultural land soil pollution caused by specific harmful substances.
 - (c) Change of the use of land and other works aimed at the rationalization of utilization of Polluted Agricultural Land.
 - (3) Items concerning the survey and measurement of the conditions of agricultural land soil pollution caused by specific harmful substances in the Policy Area zones.
 - (4) Other necessary items.
3. The Policy Projects of Item (2) of the previous Paragraph should be those which are necessary and proper in order to achieve the objects provided by Paragraph 1, by taking account of the conditions of agricultural land soil pollution caused by specific harmful substances concerned with the said projects, the expenses for accomplishment of the projects, the results and degree of urgency of the projects and others.
4. In case the governors of the prefectures intend to decide Policy Projects, they are to consult the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment, and ask for their consent.
5. In case the governors of the prefectures intend to consult under the preceding Paragraph, they are to hear the opinions of the council or any other body of council

system set up under the provisions of the Article 43 of the Basic Environment Law and the chiefs of the municipalities concerned.

6. In case the governors of the prefectures decide Policy Projects, they are to announce the outline thereof publicly and inform the chiefs of the municipalities concerned without delay.

(Modification of Policy Projects)

Article 6

1. In case of need due to a change of the Policy Area zones or a change in conditions of agricultural land soil pollution caused by specific harmful substances in the Policy Area zones and others, the governors of the prefectures can modify Policy Projects.

2. The provisions of Paragraphs 3 to 6 of the preceding Article apply accordingly to the modification of Policy Projects provided by the previous Paragraph (excluding slight changes by the Ministerial Ordinances of the Ministry of Agriculture, Forestry and Fisheries and the Ministry of the Environment).

(Measures for determination of the standard of drainage and others by the governors of the prefectures)

Article 7

In case the governors of the prefectures designate Policy Areas or modify the zones concerned, they are to undertake necessary policies to determine the standards of drainage concerning discharge of water flow into areas around public water ways which conduct water into the agricultural lands, or are to undertake necessary policies to determine the standards of smoke exhaustion concerning smoke come from equipment and facilities located in the areas contained all or a part of Policy Areas, or are to undertake necessary policies to modify the standards of drainage or the standards of smoke exhaustion decided by those provisions, under the provisions of Paragraph 3 of Article 3 of the Water Pollution Control Law (Law No.138 of 1970) or the provisions of Paragraph 1 of Article 4 of the Air Pollution Control Law (Law No.97 of 1968) , in those cases when they acknowledge to be necessary to prevent the production of agricultural crops and livestock which are feared to be harmful to human health or to prevent the obstacle of the growth of agricultural crops and others, by taking a general consideration of the conditions of agricultural land soil pollution caused by specific harmful substances in the Policy Area zones. , the contents of Policy Projects concerning the said Policy Areas and others.

(Designation of Special Areas and others)

Article 8

1. In case the agricultural lands which are acknowledges to be used for the production or agricultural crops and livestock which are feared to be harmful to human health due to utilization of the said agricultural lands, judging from the kinds and quantities of specific harmful substances contained in the agricultural land soil and agricultural crops and others grown in the said agricultural lands, and others, are found to exist in the Policy Area zones and the category of agricultural crops which are unsuitable for cultivation in the said lands or the category of plants excluding agricultural crops grown in the said agricultural lands which are unsuitable for forage crops (Hereinafter referred to as 'Designated Agricultural Crops and Others' in general) being decided, the

governors of the prefectures can designate the zones of the said agricultural lands as Special Areas.

2. In case the governors of the prefectures designate Special Areas, they are to announce it publicly in accordance with the Ministerial Ordinance of the Ministry of the Environment, report to the Minister of the Environment and inform the chiefs of the municipalities concerned without delay.

3. The chiefs of the municipalities can request the governors of the prefectures to designate agricultural lands in the zones of the said cities, towns and villages which comply with the conditions provided in Paragraph 1 as Special Areas.

(Modification of Special Area zones and others)

Article 9

1. In case of need due to a change of the facts which might become conditions required for the designation of Special Areas, the Prefectural Governors can modify the zones of the designated Special Areas or the category of Designated Agricultural Crops and Others grown in the said zones or can abolish the designation of the said Special Areas.

2. The provisions of Paragraph 2 of the previous Article apply to the modification of the Special Area zones or the category of Designated Agricultural Crops and others or the abolishment of the designation of Special Areas provided by the previous Paragraph.

(Recommendation concerning agricultural crops and other planting and others)

Article 10

In case farmers plant or going to plant Designated Agricultural Crops and Others concerning the said agricultural lands, or use or going to use the said Designated Agricultural Crops and Others grown in the said agricultural lands as feed, in the agricultural lands in the Special Area zones, the governors of the prefectures recommend them not planting the said Designated Agricultural Crops and Others in the said agricultural lands or not using the said Designated Agricultural Crops and Others grown in the said agricultural lands as feed.

(Request for measures concerning the prevention of agricultural land soil pollution)

Article 11

In case the Minister of the Environment especially acknowledges the necessity of the prevention of agricultural land soil pollution caused by specific harmful substances contained in water, smoke and others discharged from factories or workshops, he is to request the chiefs of administrative organizations concerned or recommend the chiefs of regional public organizations concerned to take measures which are necessary to prevent the pollution under the provisions of the Mine Safety Law (Law No.70 of 1949) and other laws.

(Continuous Monitoring)

Article 11-2

1. The governors of the prefectures are to continuously monitor the conditions of agricultural land soil pollution caused by specific harmful substances.

2. The governors of the prefectures are to report the results of the continuous monitoring under the preceding Paragraph to the Minister of the Environment.

(Survey and measurement concerning agricultural land soil pollution and others)

Article 12

The governors of the prefectures are to survey and measure the conditions of agricultural land soil pollution caused by specific harmful substances in the zones of the said prefecture and are to announce the results thereof publicly.

(Entry surveys and others)

Article 13

1. In case the survey and measurement of the conditions of agricultural land soil pollution caused by specific harmful substances are necessary, the Minister of Agriculture, Forestry and Fisheries, the Minister of the Environment or the governors of the prefectures have the authority to have the staff members enter the agricultural lands so that they can survey and measure the polluted conditions of soil and agricultural crops and others, and have the authority to have them collect the least quantity of soil and agricultural crops and others which are necessary for survey and measurement purposes within the narrowest limits possible free of charge.
2. The staff members who enter the land under the provisions of the previous Paragraph have to carry their identification cards indicating their official status and have to show the identification cards when required by the people concerned.

(Cooperation of administrative organizations and others concerned)

Article 14

1. The Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment can request the chiefs of the administrative organizations concerned or the chiefs of regional public organizations concerned to offer necessary materials or information and to supply opinions, and can request other cooperation in case the necessity thereof is required to achieve the objects of the law.
2. The governors of the prefectures can request the chiefs of the administrative organizations and the chiefs of regional public organizations concerned to offer necessary materials and other cooperation or can give opinions concerning the prevention of agricultural land soil pollution caused by specific harmful substances in case the necessity thereof is required to achieve the objects of the law.

(Directions of the Government)

Article 14-2

1. The Minister of the Environment may, when he deems it urgently necessary for preventing the production of agricultural and livestock products feared to be harmful to human health due to the agricultural land soil pollution caused by specific harmful substances, give the governors of the prefectures necessary directions on the duties listed below:
 - (1) The duties on the designations under the provisions of Paragraph 1 of Article 3 and Paragraph 1 of Article 8;
 - (2) The duties on the modifications or abolitions under the provisions of Paragraph 1 of Article 4 and Paragraph 1 of Article 9;
 - (3) The duties on the measures under the provisions of Article 7.
2. The Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment may, when they deem it urgently necessary for preventing the production

of agricultural and livestock products feared to be harmful to human health due to the agricultural land soil pollution caused by specific harmful substances, give the governors of the prefectures necessary directions on the duties listed below:

- (1) The duties on the recommendations under the provisions of Article 10;
- (2) The duties on the request for cooperation or the statement of opinions under the provisions of Paragraph 2 of the preceding Article.

(Assistance by the Government and Prefectures)

Article 15

The Government and Prefectures are to give necessary financial assistance, guidance and other assistance to achieve Policy Projects.

(Promotion in research and others)

Article 16

The Government and Prefectures are to promote research in techniques concerning the prevention and elimination of agricultural land soil Pollution caused by specific harmful substances and influence thereof on agricultural crops and others and to extend the results of the research.

(Classification of Duties)

Article 16-2

The duties to be performed by the Prefectures under the provisions of Article 11-2 shall be the first legally assigned duties prescribed in the Article 2, Paragraph 9, Subparagraph 1, of the Local Government Law (Law No. 67 of 1947).

(Punishment)

Article 17

1. Those who refuse, prevent or evade the survey and measurement under the provisions of Paragraph 1 of Article 13 are to be imposed of a fine of ¥30,000 or under.
- 2 In case a representative of a juridical person or an agent of a juridical person or of a private person or an employee of a juridical person or of a private person or other worker of a juridical person or of a private person violate the previous Paragraph, not only the violater but also the juridical person and the private person are imposed with the punishment of the said Paragraph.

SUPPLEMENTS

(Date of enforcement)

The Law is to be enacted from date decided by the Cabinet Order, within six months from the promulgation date.