

Ordinance No. 1 of the Ministry of Internal Affairs and Communications; Ministry of Health, Labour and Welfare; Ministry of Economy, Trade and Industry; Ministry of Land, Infrastructure, Transport and Tourism; Ministry of the Environment; and Ministry of Defense, 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 item (iv) 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. (Act No. 202, 1974) by replacing terms pursuant to the provisions of paragraph (3) of Supplementary Provisions to said Enforcement Order, the Ministerial Ordinance to Provide for Technical Standards concerning Fire Extinguishers, Fire-Extinguishing Chemicals for Fire Extinguishers, and Fire Fighting Foam Pursuant to Item (iv) 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. as applied by Replacing Terms Pursuant to the Provisions of Paragraph (3) of the Supplementary Provisions of Said Order for Enforcement is established as follows.

September 3, 2010

Minister of Internal Affairs and Communications: Kazuhiro Haraguchi

Minister of Health, Labor and Welfare: Akira Nagatsuma

Minister of Economy, Trade, and Industry: Masayuki Naoshima

Minister of Land, Infrastructure, Transport and Tourism: Seiji Maehara

Minister of the Environment: Sakihito Ozawa

Minister of Defense: Toshimi Kitazawa

**Ministerial Ordinance to Provide for Technical Standards concerning Fire Extinguishers, Fire-Extinguishing Chemicals for Fire Extinguishers, and Fire Fighting Foam Pursuant to Item (iv) 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. as Applied by Replacing Terms Pursuant to the Provisions of Paragraph (3) of the Supplementary Provisions of Said Order for Enforcement**

**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) Fire extinguisher, etc. means a fire extinguisher, fire-extinguishing chemical for a fire extinguisher, or fire fighting foam.
- (ii) Fire fighting foam, etc. means a fire-extinguishing chemical for a fire extinguisher, or fire fighting foam.
- (iii) Handling business operator means a person who uses a fire extinguisher, etc. as his/her business, or a person who handles a fire extinguisher, etc. as his/her business.
- (iv) Pollutant means a waste liquid that contains PFOS or its salts, or a cloth or other unneeded item to which PFOS or its salts are attached.

**Article 2 (Storage of Fire-Fighting Foam, etc.)**

When a handling business operator stores a container (excluding a storage tank or fire extinguisher provided for the purpose of fire fighting; the same shall apply hereinafter) containing fire fighting foam, etc. or a pollutant, he/she shall store it in accordance with the following items:

- (i) Place fire fighting foam or a pollutant in 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.
- (ii) In order to prevent the runoff of fire fighting foam, etc. by rainwater or the like, store indoor a container containing fire fighting foam, etc. or a pollutant, and take measures to ensure the floor is concrete or coated with synthetic resin, etc.

**Article 3 (Indications for Containers, etc.)**

- (1) When a handling business operator stores a container containing fire fighting foam, etc., he/she shall, in conspicuous locations on the container and in locations where storing the container containing fire fighting foam, etc., indicate in the respective said locations and on the said container that fire fighting foam, etc. is being stored.
- (2) When a handling business operator stores a container containing a pollutant, he/she shall, in conspicuous locations on the container containing the pollutant, indicate that a pollutant is being stored in said container.

**Article 4 (Refill, etc. of Fire Fighting Foam, etc.)**

A handling business operator, when he/she refills fire fighting foam, etc., shall act in accordance with the provisions in the following items:

- (i) Use a pump or the like to refill the fire fighting foam, etc.
- (ii) Take necessary measures such as providing a tray for the container pertaining to the refill of fire fighting foam, etc., in order to minimize the amount of scattering or runoff of fire fighting

foam, etc.

- (iii) Prepare a cloth or the like to prepare for cases where fire fighting foam, etc., has scattered or run off.
- (iv) In order to prevent underground seepage of fire fighting foam, etc., endeavor to conduct the refill of fire fighting foam, etc. in a location where the floor is concrete or coated with synthetic resin or the like.
- (v) Wash or wipe with a cloth any pump, etc., used for refill of fire fighting foam, etc., or any empty container used for storage of fire fighting foam, etc.
- (vi) Place any water used for washing or any or cloth or the like used for wiping under the preceding item into a sealable container and store it.

#### **Article 5 (Inspection of Containers, etc.)**

- (1) A handling business operator shall regularly inspect the matters listed in the following items, regarding a container, etc. containing fire fighting foam, etc.
  - (i) That there is no leakage of fire fighting foam, etc. from the container.
  - (ii) That no damage or corrosion has occurred to the container.
  - (iii) That there is no crack or fissure in the floor, etc.
- (2) A handling business operator who as a result of an inspection prescribed in the preceding paragraph has identified an irregularity in a container, etc. containing fire fighting foam, etc. shall promptly make repairs and take other necessary measures.
- (3) A handling business operator shall prepare a record of the results of the inspection prescribed in paragraph (1) and retain it for five years from the date of preparing the record.

#### **Article 6 (Measures to Deal with Leakage)**

A handling business operator, where he/she stores a fire extinguisher, etc. or refills fire fighting foam, etc., shall take measures listed in the following items when fire fighting foam, etc. has leaked.

- (i) Promptly take necessary emergency measures in order to prevent the spread of leakage.
- (ii) Endeavor to recover leaked fire fighting foam, etc.
- (iii) Place any recovered fire fighting foam, etc. or a cloth or the like used to wipe up fire fighting foam, etc. into a sealable container and store it.
- (iv) In addition to matters listed in preceding three items, take measures considered necessary for the handling of leaked fire fighting foam, etc.

#### **Article 7 (Books)**

- (1) A handling business operator shall, for each place of business, prepare books recording the stored amount of fire fighting foam, 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 final entry.

**Article 8 (Measures for Training, etc.)**

(1) A handling business operator, where he/she uses a fire extinguisher, etc. in training or inspection, shall recover fire fighting foam, etc. that has been discharged.

(2) A handling business operator shall place into a sealable container and store the fire fighting foam, etc. recovered in the preceding paragraph or a cloth or the like used to wipe up the fire fighting foam.

**Supplementary Provision**

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