

Chapter 11 System of Air Quality Conservation Laws

11:1 Overview

The Basic Environment Law forms the foundation of the system of environmental laws in Japan. Led by the Air Pollution Control Law, the Law Concerning Special Measures to Reduce the Total Mass of Nitrogen Oxides Discharged by Motor Vehicles in Specified Areas (The Motor Vehicle NO_x Law), the Mine Safety Law, the Electricity Utility Industry Law, the Gas Utility Industry Law, the Road Traffic Law, the Road Transport and Motor Vehicle Law, and the “pollution control ordinances” issued by local governments make up the system of air quality conservation laws that control both the emission of air pollutants such as smoke, soot, injurious gases and dust arising from industrial plants or business establishments and motor vehicle exhaust gases. The government has furthermore been promoting offensive odor control regulations with the Offensive Odor Control Law. (Table 11.1.1)

In keeping with the increasing importance of the global environment issue, Japan has entered a number of international conventions and protocols for the prevention of global warming and the depletion of the ozone layer and has enacted domestic laws to enforce these measures. As can be seen here, the Japanese system of air quality conservation laws is complex. This chapter thus begins with the introduction of these basic items.

Table 11.1.1 Air Pollution Control Statutes and Contents

Law	Regulation Contents
○ Air Pollution Control Law (Law 97, 1968)	Regulates smoke, soot, injurious gas and dust emissions (emissions standards, etc.), sets maximum limits on vehicle exhaust emissions and fuels.
○ Motor Vehicle NO _x Law (Law 70, 1992)	Regulates the types of vehicles that can be used in specified areas.
○ Electricity Utility Industry Law (Law 170, 1964)	Sets technical standards for electric installations and issues orders to conform to technical standards.
○ Gas Utility Industry Law (Law 51, 1954)	Sets technical standards for gas installations and issues orders to conform to technical standards.
○ Mine Safety Law (Law 70, 1949)	Prevents mine pollution from gas, dust and smoke (smoke emissions standards, safety orders, etc.).
○ Quarry Law (Law 291, 1950)	Approves quarry plans and sets up preventative measures against disasters quarrying suspension orders, etc..
○ Road Transport and Motor Vehicle Law (Law 185, 1951)	Sets up vehicle exhaust emission controls (sets safety standards for road transportation vehicles).
○ Road Traffic Law (Law 105, 1960)	Sets up controls on poorly maintained vehicles (driving suspension orders and traffic control like road blockage, traffic signals, etc.).
○ Law Concerning Rational Use of Energy (Law 49, 1979)	Prevents gas emissions with a more efficient use of energy.

11.1.1 Laws and Ordinances

A “law” is a form of national legislation which is enacted, in principle, on passage by both Houses of the Diet, and it has the highest force after the Constitution and international conventions. An “ordinance” is local legislation enacted by a resolution of the local assembly for the purpose of managing the local governments administrative affairs based on the right of enactment guaranteed by the Constitution. An ordinance represents the fundamental administrative act of a local governments based on its own judgment.

11.1.2 Conventions, Protocols, and Declarations

A “convention”, in a broad sense, refers to a written agreement between states or international organizations, and it may be called a “charter”, a “convention”, an “agreement” (or arrangement), or a “protocol”. An agreement by convention can only be concluded between bodies with the power to sign a convention. In Japan, the Cabinet is vested with this power, and it is required to obtain the approval of the Diet. A “convention” takes precedence over domestic laws, and a domestic law is usually enacted in order to implement a convention.

A “protocol”, in a broad sense, is also a convention. The term “protocol” usually refers to an existing convention which has been modified or supplemented. An “agreement”, or “arrangement”, is often used to refer to a relatively technical or insignificant arrangement between states. A “declaration” refers to a document which has been prepared between international organizations, or to a written statement or mutual pact which has been signed between countries.