

12.3 Factory Inspections

12.3.1 Overview

Article 26 of the Air Pollution Control Law requires smoke and soot emitting facilities to submit reports to the prefectural governor and also allows prefectural governors to conduct inspections of smoke and soot emitting facilities.

More precisely, necessary restrictions to enforce the Air Pollution Control Law provided to the prefectural governor in the same Article allow the governor to send his officials into factories and business establishments and conduct inspections of smoke and soot emitting facilities and smoke and soot controlling facilities. The enforcement regulations set forth in the Air Pollution Control Law are powers granted to the prefectural governors in order to guarantee that they are able to carry out such inspections, and competence inspections are conducted strictly as administrative measures necessary to see that this law is enforced. Judicial police authority to conduct criminal investigations is not recognized. Authority to conduct inspections is also granted in certain cases to municipal mayors, by the Cabinet Order set forth in Article 31 of the Air Pollution Control Law.

12.3.2 Items Targeted for Inspection

Items targeted for such inspections are listed as follows:

- ① Inspections, in the form of related reports requested from those who have established smoke and soot emitting facilities, of boilers, heating furnaces and other smoke and soot emitting facilities, dust collector, exhaust gas desulfurization equipment and other smoke and soot treatment facilities, and other related facilities, and inspections of fuel, raw materials and related account books utilized at the smoke and soot emitting facilities.
- ② Inspections, in the form of reports on the structure, operations, and management of the general dust emitting facilities requested from those who have established general dust emitting facilities, of the general dust emitting facilities and other related facilities and related account books.
- ③ Inspections, in the form of reports on the operations, management methods, dust scattering control methods, etc. used in specified dust emitting facilities requested from those who have established specified dust emitting facilities, of specified dust emitting and other related facilities and the raw materials and related account books used at specified dust emitting facilities.
- ④ Inspections, in the form of reports on accidents and measures to cope with accidents at specified facilities requested from those who have established specified facilities, of the specified facilities, other related facilities and related account books.

Furthermore, officials who carry out the above inspections must carry with them the form of personal identification shown in Fig. 12.3.1 and produce this to the competent persons.

Front

12 centimeters

No. _____

Personal Identification Card Stipulated in Article 26, Paragraph 2 of the Air Pollution Control Law

Job Title or Name

Date of Birth: (y/m/d)

Issue Date: (y/m/d)

Prefectural Governor / Mayor

Seal/Signature

8 centimeters

Back

Air Pollution Control Law Excerpt

Article 26: The local governments may, to the extent necessary for the implementation of this law and in accordance with the provisions of the Cabinet Order, require a smoke and soot emitting facility, an owner/operator of a specified facility, a person installing a general dust discharging facility or a specified dust emitting facility to report necessary matters, such as the conditions surrounding accidents at the specified facility, conditions of the general dust emitting facility, or conditions of the specified dust emitting facility, or he may have a competent official or officials of the prefectural government conduct an on-site inspection of an industrial plant or smoke and soot emitting business establishment, a specified facility or a general dust or specified dust emitting facility respectively to examine the said smoke and soot emitting facility, smoke and soot treating facility, specified facility, general dust or specified dust emitting facility or other related equipment.

2. The prefectural government official who conducts the inspection, under the provisions of the preceding paragraph, shall bring a personal identification card with him and present it to the personnel concerned in the industrial plant or business establishment.
3. Authority for on-site inspections, provided for in Paragraph 1, shall not be interpreted as that which has been recognized for the purposes of a criminal investigation.

Article 31: Administrative duties belonging to the governor of the prefecture, under the provisions of this law, may be delegated to the mayors of municipalities designated by the Cabinet Order in accordance with the provisions of the Cabinet Order.

Article 35: Any person who falls under any one of the following items shall be subject to a fine of not more than 100,000 yen.

3. Any person who fails to submit a report, under the provisions of Article 26, Paragraph 1, or who has filed a false report, or who refuses, obstructs or evades an inspection conducted under the provisions of the same paragraph.

Fig.12.3.1 Personal Identification Card Stipulated in Article 26, Paragraph 2 of the Air Pollution Control Law

12.3.3 Inspections

Inspections are normally carried out by two officials. These officials first gain an understanding of the general overview of the factory by confirming the manufacturing process and work contents, from the introduction of raw materials to the finished product, from the flow sheet. Then, on-site inspections are conducted on the basis of reports submitted by those who established the smoke and soot emitting facility. Items which need to be confirmed upon inspection are listed as follows:

- ① In the case of a facility targeted for inspection which contains boilers and other furnaces used in factories, the items to be inspected include the types, compositions, and volumes of use of fuel and raw materials, the types, constructions, sizes and abilities of furnaces, the organization, abilities, exhaust gas levels, concentrations of air pollutants within the exhaust gases from burners, the compositions of exhaust gases, the quality of materials used to build the exhaust stacks, stack heights, and in the case of exhaust gas treatment equipment, the treatment methods, the concentrations of air pollutants contained within the inlet pipes, the concentrations of air pollutants contained within the outlet pipes, the rate of air pollutant eliminations, waste treatment methods, etc. Moreover, in order to inspect the air pollutant emissions standards and the degree of conformity with fuel-use standards, inspectors need to measure the sulfur oxides, nitrogen oxides and smoke and soot concentrations within the exhaust gases and gather samples for fuel inspections. Inspecting officials do their utmost to ensure safety while these measurements are being carried out.
- ② In the case of a facility which is conducting work related to chemical reactions like the combination and disintegration of chemical substances, items to be inspected include the structures of the reaction vessels, reaction framework (reaction methods), reaction temperatures and pressures, the concentrations in the inlet and outlet pipes of poisonous gas treatment equipment, and the waste treatment methods.
- ③ In factories targeted for total emissions control, which have apparatus for measuring the concentrations of air pollutants in exhaust gases, these measurement figures are confirmed. Also, measurements are confirmed in the same way when the similar steps are required by conventions or agreements.
- ④ Inspectors listen to explanations regarding measures for times of accident or emergency, measures and policies to cope with and ensure safety within the factory, and other systems to enforce these measures and confirm the overall pollution control structure.