

6. Laws and regulations

Excerpts from the "Law Concerning Reporting, etc. of Release to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management" and enforcement ordinances and regulations related to the contents of this manual (such as calculation of release) are listed below.

1) Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management

(Law No. 86 of 1999. Promulgated on July 13, 1999)

(Purpose)

Article 1.

The purpose of this Law is to promote the businesses' voluntary improvements in the management of specific chemical substances and to prevent any impediment of environmental protection, by requiring businesses handling such substances to report the release to the environment of chemical substances and to provide technical information on the properties and handling of such substances. While obtaining the understanding of businesses and the public, due attention shall be paid to trends in international cooperation on the management of chemical substances for environmental protection; to scientific knowledge relating to chemical substances; and to conditions relating to the manufacture, use and other handling of chemical substances.

(Definitions, etc.)

Article 2.

For the purpose of this Law, "Chemical Substances" mean both elements and compounds (excluding radioactive elements and compounds).

2. In this Law, "Class I Designated Chemical Substances" are those which fall under any of the following subparagraphs and are recognized to continuously exist in the environment over a considerably wide areas judging from their physical-chemical properties and/or the conditions relating to their manufacture, import, use or formation, etc., and which shall be specified by Cabinet Order:

1. Chemical Substances which may be hazardous to human health and/or may impair the life and growth of flora and fauna,

2. Chemical Substances which, though not covered in the preceding subparagraph, may easily form substances described in the preceding subparagraph by naturally-occurring chemical transformation,

3. Chemical Substances which may be hazardous to human health by depleting the ozone layer and consequently increasing the amount of solar ultraviolet radiation reaching the Earth.

5. In this Law, "Businesses Handling Class I Designated Chemicals, etc." are those falling under any of the following subparagraphs and are engaged in any of the business categories specified by Cabinet Order and meeting the conditions therein, which shall take account of the volume of Chemical Substances being handled, etc.:

1. Manufacturers of Class I Designated Chemical Substances, industrial users of Class I Designated Chemical Substances or products containing Class I Designated Chemical Substances which meet the conditions specified

by Cabinet Order (hereinafter referred to as "Class I Designated Chemicals, etc."), or other businesses handling Class I Designated Chemicals, etc.;

2. Businesses other than described in the preceding subparagraph, which may incidentally generate or release Class I Designated Chemical Substances in the course of business activities.

(Responsibilities of Businesses)

Article 4.

Businesses Handling Designated Chemicals, etc., shall be responsible to manage Designated Chemicals, etc. in manufacturing, using or otherwise handling them, with full awareness that Class I and Class II Designated Chemical Substances may be hazardous to human health, etc., as set forth in subparagraphs of Article 2-2 and with due attention to Chemical Management Guidelines, and to promote the public understanding about the conditions of management of those chemicals.

(Estimation and Report of Quantities Released, etc.)

Article 5.

Businesses Handling Class I Designated Chemicals, etc. shall estimate the quantities of the Class I Designated Chemical Substances released to the environment in business activities (in terms of the quantity released to the environment at the applicable premise, which is derived by the methods prescribed in the Competent Ministerial Order, such as the method based on the input and output amount of Class I Designated Chemical Substances in the process of manufacture, use or other handling in the business, as hereafter applicable to Article 5-2 and Article 9-1) and the quantity of the Class I Designated Chemical Substances transferred to other places (in terms of the quantity of Class I Designated Chemical Substances in the waste moved out from their premises for disposition elsewhere, derived by the method prescribed by the Competent Ministerial Order, as hereafter applicable to the following paragraph) in accordance with the Competent Ministerial Order.

(Provision of Information on Properties and Handling of Designated Chemical Substances, etc.)

Article 14.

Businesses Handling Designated Chemicals, etc. intending to transfer or supply Designated Chemicals, etc. to other parties shall provide information on the properties and handling of Designated Chemicals, etc. in writing, or on magnetic disks or other methods prescribed by the Order of the Ministry of International Trade and Industry to such parties prior to making the transfer or supply.

2) Cabinet Order for Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management

(Cabinet Order No. 138, March 29, 2000)

(Class I Designated Chemical Substances)

Article 1

"Class I Designated Chemical Substances" specified in Article 2, Section 2 of the Law Concerning Reporting, etc. of Releases to the Environment of Specific Chemical Substances and Promoting Improvements in Their Management (hereunder, referred to as "Law.") shall be those described in Attached list 1.

(Business Categories)

Article 3

Business categories specified by Cabinet Order described in Article 2-5 of the Law shall be as follows:

(Refer to 4-1-1, 4-1-2)

(Conditions for Businesses Handling Class I Designated Chemicals, etc.)

Article 4

The conditions specified by Cabinet Order in relation to the part other than conditions described in any subparagraphs in Article 2-5 of the Law shall be as follows.

(1) The business shall fall under any of the following subparagraphs.

a. The business shall have a business premise where one ton or more of quantity of any of the Class I Designated Chemical Substances (including those contained in products handled in business activities in the respective fiscal year (which refers to the products specified in Subparagraph (1) of Article 2-5 of the Law, as hereinafter applicable to b.)), other than Specified Class I Designated Chemical Substances (which refers to Class I Designated Chemical Substances specified in Subparagraph (26), (42), (60), (69), (77), (179), (232), (252), (294), (295), (299) and (343) of Attached list 1, as hereinafter applicable to b.) is handled in business activities in the respective fiscal year, (when the Class I Designated Chemical Substance is any of the substances listed in the following items (i) to (xvi), quantity refers to the quantity of the substance specified in items (i) to (xvi) which is contained in the Class I Designated Chemical Substance. In the subsequent Article, this quantity is referred to as "Quantity of Class I Designated Chemical Substances"):

- (i) Class I Designated Chemical Substance specified in Subparagraph (1) of Attached list 1 Zinc;
- (ii) Class I Designated Chemical Substance specified in Subparagraph (25) of Attached list 1 Antimony;
- (iii) Class I Designated Chemical Substance specified in Subparagraph (64) of Attached list 1 Silver;
- (iv) Class I Designated Chemical Substance specified in Subparagraph (68) of Attached list 1 Chromium;
- (v) Class I Designated Chemical Substance specified in Subparagraph (100) of Attached list 1 Cobalt;
- (vi) Class I Designated Chemical Substance specified in Subparagraph (108) of Attached list 1 Cyanide;
- (vii) Class I Designated Chemical Substance specified in Subparagraph (175) of Attached list 1 Mercury;
- (viii) Class I Designated Chemical Substance specified in Subparagraph (176) of Attached list 1 Tin;
- (ix) Class I Designated Chemical Substance specified in Subparagraph (178) of Attached list 1 Selenium;
- (x) Class I Designated Chemical Substance specified in Subparagraph (207) of Attached list 1 Copper;
- (xi) Class I Designated Chemical Substance specified in Subparagraph (230) of Attached list 1 Lead;
- (xii) Class I Designated Chemical Substance specified in Subparagraph (243) of Attached list 1 Barium;
- (xiii) Class I Designated Chemical Substance specified in Subparagraph (283) of Attached list 1 Fluorine;
- (xiv) Class I Designated Chemical Substance specified in Subparagraph (304) of Attached list 1 Boron;
- (xv) Class I Designated Chemical Substance specified in Subparagraph (311) of Attached list 1 Manganese; and

(xvi) Class I Designated Chemical Substance specified in Subparagraph (346) of Attached list 1 Molybdenum.

b. The business shall have a business premise where 0.5 ton or more of quantity of any of the Specified Class I Designated Chemical Substances (including those contained in the products handled in business activities in the respective fiscal year) is handled in business activities in the respective fiscal year (when the Specified Class I Designated Chemical Substance is any of the substances listed in the following (i) to (v), quantity refers to the quantity of the substance specified in (i) to (v) which is contained in the Specified Class I Designated Chemical Substance. In the subsequent Article, this quantity is referred to as "Quantity of Specified Class I Designated Chemical Substances"):

- (i) Class I Designated Chemical Substance specified in Subparagraph (60) of Attached list 1 Cadmium;
- (ii) Class I Designated Chemical Substance specified in Subparagraph (69) of Attached list 1 Chromium;
- (iii) Class I Designated Chemical Substance specified in Subparagraph (232) of Attached list 1 Nickel;
- (iv) Class I Designated Chemical Substance specified in Subparagraph (252) of Attached list 1 Arsenic; and
- (v) Class I Designated Chemical Substance specified in Subparagraph (294) of Attached list 1 Beryllium

c. The business engaged in any of the business categories specified in Subparagraph (1) or (2) of the preceding Article shall have buildings, constructed facilities or other facilities specified in Article 8-1 of the Mining Safety Act (Law No. 70 of 1949).

d. The business engaged in any of the business categories specified in Subparagraph (7) of the preceding Article shall have a sewage treatment plant.

e. The business engaged in any of the business categories specified in Subparagraphs (20) or (21) of the preceding Article shall have a facility for disposal of household waste specified in Article 8-1 of the Law Concerning Disposal and Cleansing of Waste (Law No. 137 of 1970) or a facility for disposal of industrial waste specified in Article 15-1 of the same Law.

f. The business shall have a specific facility specified in Article 2-2 of the Law Concerning Special Measures Against Dioxins (Law No. 105, 1999).

(2) The business shall use 21 or more full-time employees.

(Conditions to be specified by Cabinet Order prescribed in Subparagraph (1) of Article 2-5 of the Law)
Article 5

The product which meets the conditions to be specified by Cabinet Order prescribed in Subparagraph (1) of Article 2-5 of the Law shall be the product in which the ratio of the quantity of any of the Class I Designated Chemical Substances to the quantity of the product is 1% or more, or in which the ratio of any of the Specified Class I Designated Chemical Substances is 0.1% or more that shall not fall under any of the following Subparagraphs:

(1) Product which does not become a state other than solid and does not become powder or granules either in the process of handling by the business;

(2) Product which is handled with Class I Designated Chemical Substances

enclosed;

(3) Product which is mainly supplied for general consumers to use in their daily life; and

(4) Resources for recycling (which refers to resources for recycling specified in Article 2-1 of the Law Concerning Promotion of Utilization of Resources for Recycling (Law No. 48, 1991), as hereinafter applicable to Subparagraph (4) of the subsequent Article.).