

POLLUTION-RELATED HEALTH DAMAGE COMPENSATION LAW

Law No. 111, 5 October, 1973

**ENVIRONMENT AGENCY
JAPAN**

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- (4) Lump compensation payment for survivors
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2. The compensation benefits of (2), (3) and (5) of the preceding paragraph shall accrue monthly and be paid at regular intervals.

(Certification, etc.)

Article 4

The governor of prefecture within which a class 1 region lies entirely or in part shall on the basis of application by one of the following categories of persons who are recognized to be suffering from a disease which has been designated for the class 1 region, in accordance with Article 2, Paragraph 3, certify that the disease is due to air pollution in the region. In so doing, he shall consult the Pollution-related Health Damage Certification Council. The person is eligible for such certification if he or she:

- (1) is residing in an area of the class 1 region in question at the time of application and has done so continuously until that time for an amount of time (including the amount of time he or she has resided in an area of any other class 1 region designated for the same disease in accordance with Article 2, Paragraph 3, the same applying throughout this paragraph) which is equal to or longer than the period prescribed by cabinet order for the particular disease or has resided in an area of the class 1 region until the time of application for an amount of time which is equal to or longer than the period prescribed by cabinet order for the particular disease during the period prescribed by cabinet order for the particular disease,
- (2) normally spends at least the number of hours daily in an area of the class 1 region in question at the time of application that is prescribed by cabinet order (hereafter referred to as the "prescribed number of hours" in this paragraph) and has done so continuously until the time of application for an amount of time (including the amount of time he or she has done so in an area of any other class 1 region designated for the same disease in accordance with Article 2, Paragraph 3, the same applying throughout this paragraph) which is equal to or longer than the period prescribed by cabinet order for the particular disease or normally has spent at least the prescribed number of hours daily in an area of the class 1 region until the time of application for an amount of time which is equal to or longer than the period prescribed by cabinet order for the particular disease during the period prescribed by cabinet order for the particular disease, or
- (3) does not fall under (1) or (2) above but resides in an area of the region in question or normally spends at least the prescribed number of hours daily there at the time of application and has done so for an amount of time which is equal to or longer than the amount of

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1

The purpose of this law is, by providing for compensation to make up for health damage due to marked air or water pollution (the latter including deterioration of the quality of the bottom sediments both in this case and hereafter) over a considerable area as a result of business activity or other human activities and by undertaking the necessary programs for their welfare, to provide for speedy and fair protection of victims of such health damage.

(Designation of Regions and Diseases)

Article 2

1. The term "class 1 region" in this law refers to regions designated by cabinet order as being regions where marked air pollution has arisen over a considerable area as a result of business activity or other human activities and where diseases (excluding those mentioned in the next paragraph) due to the effects of such air pollution are prevalent.
2. The term "class 2 region" in this law refers to regions designated by cabinet order as being regions where marked air or water pollution has arisen over a considerable area as a result of business activity or other human activity and where diseases are prevalent which would not occur without some material or materials which are the cause for such air or water pollution and which are generally considered to be linked to such diseases.
3. The diseases in the two preceding paragraphs must be designated by the cabinet order prescribed in the two preceding paragraphs.
4. When the Prime Minister intends to enact, revise or rescind any cabinet order mentioned in the three preceding paragraphs, he must first hear the views of the Central Council on Environmental Pollution Control, the governors of the prefectures concerned and the mayors of the municipalities concerned regarding such enactment, revision or rescission.

CHAPTER II PAYMENT OF COMPENSATION

Section 1 General Provisions

(The Types of Compensation Benefits)

Article 3

1. The following are the types of benefits that shall be paid under this law as the compensation for health damage referred to in Article 1 (hereinafter referred to simply as "compensation benefits"):
 - (1) Medical care benefits and medical care expenses
 - (2) Compensation for handicaps
 - (3) Compensation for survivors

-time to be calculated in a manner prescribed by cabinet order for the particular disease.

2. The governor of a prefecture within which a class 2 region lies entirely or in part shall, on the basis of application by a person who is recognized to be suffering from a disease which has been designated for the class 2 region in accordance with Article 2, Paragraph 3, certify that the disease is due to air or water pollution in the region. The provisions in the latter part of the preceding paragraph also apply in this case.

3. In case a part or all of the class 1 or class 2 region lies within a city designated by cabinet order (or special area, the same applying hereinafter), the gubernatorial authority in Paragraph 1 and the preceding Paragraph is exercised instead by the mayor of that city.

4. In making the certification referred to in Paragraph 1 or Paragraph 2 (hereinafter simply referred to as "certification" with the exception of Paragraph 6, Paragraph 2 of Article 13, Paragraph 1 and Paragraph 2 of Article 49, Paragraph 1 of Article 52, Paragraph 1 of Article 62 and Paragraph 5 of Article 119), the prefectural governor (in the case of cities designated by cabinet order as mentioned in the preceding paragraph, the mayor, the same applying hereinafter with the exception of Article 45--Article 48 and Article 143), shall issue a "pollution-related medical care handbook" to the person certified (hereinafter referred to as "certified person" with the exception of a person who is certified on the basis of application in accordance with the provision of Article 6).

5. The certification takes effect retroactively from the date of application.

6. A certified person in connection with a class 1 region cannot be certified according to Paragraph 1 more than once. However, if the person moves his or her residence to another class 1 region under the jurisdiction of another prefectural governor that is also designated for the same disease according to the provisions of Article 2, Paragraph 3, or normally spends at least the prescribed number of hours there daily, he or she is considered to have been certified by the other prefectural governor provided that the change is properly reported.

Article 5

1. If, after making application for certification, a person who is eligible for certification under paragraph 1 or paragraph 2 of the preceding article dies before receiving such certification, the prefectural governor shall determine his or her eligibility for such certification upon application for such determination by a surviving relative as prescribed in Article 30, Paragraph 1, by any person prescribed in Article 35, Paragraph 1, or by a person who provides for the funeral of the deceased.

2. The application for such determination must be made within six months after the death of the person.

3. Upon such determination the person who died shall be considered to have been certified.

Article 6

In case a person who is recognized to be suffering from a disease designated in Article 2, Paragraph 3 (hereinafter referred to as a "designated disease") dies without making application for certification concerning the designated disease, the provisions of Paragraph 1 and 2 of Article 4 shall be applied to this article by re-reading the following phrases: "by one of the following categories of persons who are recognized to be suffering" and "by a person who is recognized to be suffering" should read "by a surviving relative as prescribed in Article 30, Paragraph 1, by any person described in Article 35, Paragraph 1, or by a person who provides for the funeral of the deceased who is recognized to have suffered," and "the time of application" should read "the time of death." However, application for certification in accordance with these provisions must be made within one year of the date of designation of the class 1 or class 2 region in question and within six months of the date of death.

(Term of Validity of Certification)

Article 7

1. The certification shall be valid only during the period set by cabinet order for the particular kind of designated disease. This does not apply, however, in the case of certification of some designated disease prescribed by cabinet order.
2. When the prefectural governor deems that there is little chance that the certified person will recover from the disease before its set term of validity expires, he can set a different term of validity after consulting the Pollution-related Health Damage Certification Council.

(Renewal of Certification)

Article 8

1. When there appears to be little chance that the designated disease for which the person has been certified will be cured before the term of validity set in accordance with Paragraph 1 or Paragraph 2 of the preceding article expires, the certified person can apply to the prefectural governor for renewal of the certification.
2. In case the prefectural governor, having received an application as provided for in the preceding paragraph, deems on the advice of the Pollution-related Health Damage Certification Council that the applicant will still be afflicted by the designated disease in question after expiration of the term of validity of his certification, he shall renew the certification.
3. The provisions of the preceding article apply as well to certification that has been renewed in accordance with the preceding paragraph.

(Rescission of Certification)

Article 9

The prefectural governor shall rescind certification when he deems, having consulted the Pollution-related Health Damage Certification Council, that the certified person has recovered from the designated disease.

(Request for Compensation Benefits)

Article 10

1. Once application for certification is made, the request for compensation benefits can be made even before the applicant is certified.
2. The payment of compensation benefits shall be made retroactively from the date of request for such payment.

(Period and Time of Payment)

Article 11

1. The payment of regular compensation benefits shall begin with the month immediately following the month in which the request for payment was made and end with the month in which the reason for payment ceases to exist.
2. Regular compensation benefits shall be paid in February, April, June, August, October and December for the corresponding two preceding months. However, payment can be made in a month other than the specified if the compensation benefits should have been paid in the previous payment month or if the reason for payment ceases to exist before the next payment month.

(Unpaid Compensation Benefits)

Article 12

1. In the event that a person who is eligible to receive compensation benefits dies before being paid compensation benefits that are due to him or her, his or her spouse (even if not officially married, the same applying hereinafter in this chapter), child, mother or father, grandchild, grandfather or grandmother, or sibling, provided that he or she was living with that person at the time of death, may request such payment in his or her own name.
2. Priority for receiving such payment of unpaid compensation benefits shall be in the order given in the preceding paragraph.
3. In the event that there are more than one person of the same priority, a request by any one of them shall be considered a request for the total amount for all of them, and payment to any one of them shall be considered payment to all of them.

(Exemption from Obligation to Pay Compensation Benefits, etc.)

Article 13

1. In the event that a person who is eligible to receive compensation benefits has already been compensated for the same damage (except in the case described in Paragraph 2 of the next article), the prefectural governor shall be exempted from payment of compensation benefits to the amount of such other compensation.
2. In case the compensation benefits which the prefectural governor is exempted from paying in accordance with the provisions of the preceding paragraph are those connected with the certification prescribed in Article 4, Paragraph 1, the Pollution-related Health Damage Compensation Association (hereinafter referred to as "the Association") can, in accordance with the pertinent cabinet order, pay a part or all of the exempted amount of the compensation benefits to the proprietor specified in Article 52,

Paragraph 1, who has paid compensation of damage caused by the activity of the facility. provided that he makes a request for such payment.

(Coordination with Benefits Prescribed by Other Laws)

Article 14

1. In case compensation benefits have already been paid to a person, those who are obliged to pay any other benefits corresponding to the compensation benefits to the person for the same reason in accordance with the provisions of ordinances prescribed by a cabinet order shall be exempt to the amounts of compensation benefits already paid.

2. In case those benefits have been paid to a person for the same reason in accordance with the provisions of ordinances by a cabinet order as described in the preceding paragraph, the prefectural governor shall, in accordance with cabinet order, be exempted, to the amount of the benefits, etc. already paid, from paying such compensation benefits. In this case the person who has paid the benefits, etc. in question can request the prefectural governor to compensate it to the amount that the prefectural governor was exempted from paying the compensation benefits.

(Collection of Unjust Gains)

Article 15

1. If a person receives payment of compensation benefits through fraud or by other unjust means, the prefectural governor, in the same fashion as collection of national taxes, can collect from him all or a part of an amount equivalent to the expense involved in paying him the compensation benefits.

2. The collection referred to in the preceding paragraph will have priority behind only national taxes and local taxes.

(Protection of the Right to Receive Benefits)

Article 16

The right to receive payment of compensation benefits cannot be transferred, put up as security or distrained.

(Prohibition of Public Levies)

Article 17

No taxes or other public levies can be imposed on the basis of money or items received as payment of compensation benefits.

(Authorization of the Prime Minister's Office to Make Other Pertinent Provisions)

Article 18

Other matters concerning application for certification or other procedures relating to compensation benefits shall be prescribed by order of the Prime Minister's Office.

Section 2 Medical Care Benefits and Medical Care Expenses

(Medical Care Benefits)

Article 19

1. The prefectural governor shall provide for the following medical care benefits with respect to the designated disease of the certified person.

- (1) Medical examination
- (2) Dispensing of medicines and other materials for treatment of the disease
- (3) Medical treatment, operations and other medical care
- (4) Accomodation in a hospital or clinic
- (5) Nursing
- (6) Transportation of the patient

2. The certified person shall receive the medical benefits referred to in (1) through (4) of the preceding paragraph from the pollution-related medical care facilities referred to in the next article that he or she chooses upon submitting to them his or her pollution-related medical care handbook.

(Pollution-Related Medical Care Facilities)

Article 20

The following facilities (hereinafter referred to as "pollution-related medical care facilities") shall handle the medical care benefits (with the exception of those that notify the prefectural governor of their intention not to do so).

- (1) Insurance medical care facilities and insurance pharmacies as prescribed in Article 43, Paragraph 3, Item (1), of the Health Insurance Law (Law No. 70 of 1922)
- (2) The medical care facilities prescribed by Article 36, Paragraph 4, of the National Health Insurance Law (Law No. 192 of 1958)
- (3) The designated medical care facilities prescribed by Article 50, Paragraph 1, of the Livelihood Protection Law (Law No. 144 of 1950)
- (4) Hospitals, clinics and pharmacies designated by order of the Prime Minister's Office that are not included in (1) through (3) above.

(Obligations of the Pollution-Related Medical Care Facilities)

Article 21

1. The pollution-related medical care facilities must handle medical care benefits as determined by the Director-General of the Environment Agency.
2. The pollution-related medical care facilities must act in accordance with the guidance given by the Director-General of the Environment Agency or the prefectural governor with respect to the medical care benefits for the designated disease of the certified person.

(Medical Care Policy and Remuneration for Medical Care)

Article 22

The medical care policy of the pollution-related medical care facilities and the remuneration for medical care shall be determined by the Director-General of the Environment Agency upon consultation with the Central Council on Environmental Pollution Control.

(Review and Payment of Remuneration for Medical Care)

Article 23

1. When a pollution-related medical care facility requests remuneration for medical care, the prefecture or the city designated by cabinet order,

as prescribed in Article 4, Paragraph 3, shall review the contents of the medical care and its remuneration for medical care involved in such request, determine the amount to be paid as remuneration for such medical care and pay it accordingly.

2. The prefecture or the city designated by cabinet order as prescribed in Article 4, Paragraph 3 can entrust some other person prescribed by cabinet order with the task of review or payment referred to in the preceding paragraph.

3. The person who undertakes the review referred to in Paragraph 1 must not divulge any confidential information that this work involves.

(Payment of Medical Care Expenses)

Article 24

1. When the prefectural governor deems that it is too difficult to provide the necessary medical care benefits or that because of an emergency or some other unavoidable reason it was necessary for a certified person to be provided treatment or medicine or other medical care from a hospital, clinic or pharmacy that is not a pollution-related medical care facility, he shall pay the medical care expenses to the certified person in lieu of providing him or her with medical care benefits, provided that the certified person so requests.

2. When the prefectural governor deems that the certified person received medical treatment or medicine from a pollution-related medical care facility without presenting his or her pollution-related medical care handbook because of an emergency or other unavoidable reason, he shall pay medical care expenses to the certified person in lieu of providing him or her with medical care benefits, provided that the certified person so requests.

3. The amount paid for such medical care expenses referred to in the two preceding paragraphs shall be calculated on the same basis as the remuneration for medical care prescribed in Article 22. It shall not, however, exceed the expenses actually incurred.

4. Request for payment of such medical care expenses cannot be made if more than two years have passed after they were incurred.

Section 3 Compensation for Handicaps

(Payment of Compensation for Pollution-Related Handicaps)

Article 25

1. If a certified person (except those who have not attained the age prescribed by cabinet order) is handicapped by the designated disease that he or she is suffering from to an extent prescribed by cabinet order, the prefectural governor shall, on the basis of request by the certified person and after consulting the Pollution-related Health Damage Certification Council, pay him or her compensation for such handicap in an amount dependent on the degree of disability.

2. When the Prime Minister seeks to enact, revise or rescind cabinet orders prescribing the categories of extent of handicap as pertains to

the preceding paragraph, he must consult the Central Council on Environmental Pollution Control.

(The Amount of Compensation for Handicap)

Article 26

1. The amount of compensation for handicap shall be equal to the amount of the certified person's standard basic monthly payment of compensation benefits for his or her handicap multiplied by a factor that corresponds to the extent of his or her handicap and that has been set by cabinet order (in case the extent of handicap due to the designated disease corresponds to the severest category set by cabinet order as mentioned in Paragraph 1 of the preceding article, an extra amount for nursing, also prescribed by cabinet order, shall be added to this amount).
2. The amount of the standard basic monthly payment for compensation benefits for handicap shall be determined by the Director-General of the Environment Agency, as prescribed by cabinet order after consulting the Central Council on Environmental Pollution Control and taking into account the level of workers' wages and other pertinent circumstances.

(Coordination of Dual Payments)

Article 27

In case a certified person is eligible to receive two or more compensations for handicaps due to two or more designated diseases and the sum of the amounts of the several compensations for handicaps exceeds the amount of the standard basic monthly payment for compensation benefits which the certified person corresponds to (this amount plus the extra amount for nursing prescribed by cabinet order as mentioned in Paragraph 1 of the preceding article in the case of a certified person who is eligible to receive such extra amount for one or more designated diseases), the amount in excess shall not be paid in accordance with the pertinent cabinet order.

(Revision, etc. of the Amount of Compensation for Handicap)

Article 28

1. The person receiving payments of compensation for handicap must have the extent of his or her handicap due to the designated disease in question reassessed by the prefectural governor at regular intervals prescribed by cabinet order in accordance with the kind of disease involved. The same applies when the prefectural governor deems that it is necessary for the person to receive assessment in connection with the payment of compensation for handicap and orders him or her to do so.
2. In case as a result of the assessment prescribed in the preceding paragraph the prefectural governor recognizes that the extent of the handicap due to the designated disease differs from what it was before, he shall, after consulting the Pollution-related Health Damage Certification Council, revise the amount of the compensation for handicap to another corresponding category when the extent of the handicap corresponds to that category set by cabinet order as referred to in Article 25, Paragraph 1, and he shall discontinue the compensation for handicap

when the extent of the handicap no longer corresponds to any such category.

3. The person who is receiving handicap compensation payments can request the prefectural governor to revise the amount of such payments by virtue of a worsening of the handicap due to the designated disease.

4. In the event such a request as referred to in the preceding paragraph is made, the prefectural governor must reassess the extent of the person's handicap. In this case the provisions of Paragraph 2 apply.

5. When there is a change in the amount of the standard basic monthly payment for compensation benefits for handicap which is the basis for calculation of the actual amount of the handicap compensation payment, the latter amount shall be revised accordingly.

6. When the amount of the handicap compensation payment is revised in accordance with the provisions of Paragraph 2 (including the case when they are applicable in connection with Paragraph 4) or the preceding paragraph, the revised amount shall apply beginning with the payment for the month immediately following the month in which the revision was made.

7. In case the person receiving handicap compensation payments fails to undergo the assessment prescribed in Paragraph 1 without valid reason, the prefectural governor can temporarily half such payments.

Section 4 Compensation for Survivors and Lump Compensation Payments to Survivors

(Payment of Compensation for Survivors)

Article 29

1. The prefectural governor, in the event that a person certified by him dies because of the designated disease for which the certification was made, shall pay, after consulting with the Pollution-related Health Damage Certification Council, compensation for survivors to the family of the deceased upon receipt of a request for such compensation.

2. The preceding paragraph also applies in a case when a person who has suffered from a designated disease dies from the designated disease without having made application for certification and request is made for such compensation for survivors after certification has been made on the basis of such application as prescribed in Article 6.

3. Payments of compensation for survivors shall be made for the period prescribed by cabinet order.

4. Request for compensation for survivors can be made to only one prefectural governor in the case where a certified person died of more than one designated disease or where a person who died of more than one designated disease was subsequently certified on the basis of the application prescribed in Article 6 (hereinafter referred to as "the certified deceased").

5. The method of defrayment of the expense involved in making payments of compensation for survivors of a person who has died of more than one designated disease shall be prescribed by cabinet order.

(The Scope and Priority Ranking of those Eligible to Receive Compensation for Survivors)

Article 30

1. To be eligible to receive compensation for survivors, a person must be the spouse, child, parent, grandchild, grandparent or sibling of the certified person or certified deceased and must have been supported by him or her at the time of his or her death (if none of these relatives were supported by the certified person or certified deceased at the time of his or her death, the person must have been supported by him or her at the time application was made for his or her certification. Except for the wife (including wife by common-law marriage) of the certified person or certified deceased, however, the person must also satisfy one of the following requirements:

(1) Be at least sixty years old if his or her relationship to the certified person or certified deceased is husband (including husband by common-law marriage), parent or grandparent.

(2) Be under eighteen year old or at least sixty years old if his or her relationship to the certified person or certified deceased is child, grandchild or sibling.

2. When a child is born who was a fetus at the time of the death of a certified person or certified deceased, the child will be considered to have been supported by her at her death for the purpose of application of the provisions of the preceding paragraph.

3. The priority ranking of those eligible to receive compensation for survivors is: spouse, child, parent, grandchild, grandparent and sibling.

(The Amount of Compensation for Survivors)

Article 31

1. The amount of the compensation for survivors shall be equal to the amount of the certified person's or certified deceased's standard basic monthly payment of compensation for survivors benefits.

2. The amount of the standard basic monthly payment of compensation for survivors shall be determined by the Director-General of the Environment Agency as prescribed by cabinet order after consulting the Central Council on Environmental Pollution Control and taking into account the level of workers' wages, the amount of expenses that would normally have been incurred if the certified person or certified deceased had not died and other relevant circumstances.

3. In the event that more than one person of the same priority ranking is eligible to receive compensation for survivors, the amount of such compensation for survivors to each shall be the amount prescribed in Article 1 divided by the number of persons.

(Revision of the Amount of the Compensation for Survivors)

Article 32

1. The amount of the compensation for survivors shall be revised in case there is an increase or decrease in the number of persons of the same priority ranking eligible to receive such payments.

2. The provisions of Article 28, Paragraph 5 and Paragraph 6, shall apply when the amount of the standard basic monthly payment of compensation for survivors, and the provisions of the latter paragraph shall apply if the amount of the compensation for survivors payments is revised in accordance with the preceding paragraph.

(Cessation of Payment of Compensation for Survivors)

Article 33

Whenever any of the following situations comes to apply to a person who previously was eligible to receive compensation for survivors, he or she shall no longer receive such payments of compensation for survivors:

- (1) He or she dies.
- (2) He or she gets married (including the entering into a common-marriage relationship).
- (3) He or she is adopted by some other direct blood relatives or direct in laws (or if such an adoptive relationship does in fact exist in spite of its not having been officially sanctioned).
- (4) He or she is no longer related to the certified person or certified deceased because of dissolution of such relationship.
- (5) He or she, being a child, grandchild or sibling of the certified person or certified deceased, reaches the age of eighteen.

(Requests for Compensation for Survivors by Persons of Lower Priority ranking)

Article 34

In case a person or persons of higher priority ranking who is or are eligible to receive compensation for survivors dies or die without requesting such payments of compensation for survivors a person or persons of next priority can request such payments. The same applies in the event that such payments are discontinued in accordance with the provisions of the preceding article and there are no other persons of the same priority ranking.

(Lump Compensation Payments to Survivors)

Article 35

1. In case a person certified for a designated disease dies of that disease and there is no person eligible to receive compensation for survivors at the time of his or her death, the prefectural governor who certified the person who dies shall, after consulting the Pollution-related Health Damage Certification Council, make a lump compensation payment to survivors on the basis of a request for such payment from one of the following:

- (1) The spouse of the certified person
- (2) A child, parent, grandchild or grandparent who was supported by the certified person at the time of his or her death
- (3) A child, parent, grandchild or grandparent who was supported by the certified person at the time of application for such certification
- (4) A child, parent, grandchild, grandparent or sibling of the certified person for whom neither of the two preceding cases applies

2. The provisions of Article 29, Paragraph 2, Paragraph 4 and Paragraph 5, apply also to the lump compensation payment to survivors.

3. In the event that a person who previously received compensation for survivors no longer receives such payments for one of the reasons prescribed in Article 33 and if there are no other persons eligible for such payments and the total amount of the compensation payments for survivors to survivors of the certified person or certified deceased is less than the amount calculated for that person in accordance with the provisions of paragraph 1 of the next article, a lump compensation payment to survivors shall be made upon request by one of the persons specified in Paragraph 1.

4. The order of priority for receiving a lump compensation payment shall be that indicated in Paragraph 1, with the persons mentioned in (2), (3), and (4) having priority in the order that they are mentioned.

(The Amount of the Lump Compensation Payment to Survivors)

Article 36

1. The amount of the lump compensation payment to survivors prescribed in Paragraph 1 of the preceding article shall be equal to an amount obtained by multiplying the amount of the certified person's or certified deceased's standard basic monthly payment of compensation for survivors by the number of months set by cabinet order.

2. The amount of the lump compensation payment to survivors prescribed in Paragraph 3 of the preceding article shall be equal to the amount calculated in accordance with the preceding paragraph less the total amount of compensation for survivors payments already made to the survivors of the certified person or certified deceased.

3. Article 31, Paragraph 3, applies also to the amount of the lump compensation payments prescribed in the two preceding paragraphs.

(Deadline for Requesting Compensation for Survivors, etc.)

Article 37

A request for either compensation for survivors or a lump compensation payment to survivors can no longer be made after two years have passed from the time of death of the certified person or certified deceased (in the case of compensation for survivors made upon request in accordance with the latter part of Article 34 and a lump compensation to survivors made in accordance with Article 35, Paragraph 3, from the time of one of the situations referred to in Article 33 came to apply to the person who was previously eligible to receive compensation for survivors).

(Restrictions on Compensation for Survivors and Lump Compensation Payments to Survivors)

Article 38

1. Neither compensation for survivors nor a lump compensation payment to survivors shall be made to anyone who intentionally caused the certified person or the certified deceased to die. The same applies to anyone who, prior to the death of the certified person or the certified deceased,

intentionally caused a person to die who was of higher or equal priority ranking in eligibility to receive compensation payments for survivors or a lump compensation payment to survivors upon the death of the certified person or certified deceased.

2. Compensation payments for survivors shall no longer be paid to anyone who intentionally causes a person to die who is of higher or equal priority ranking in eligibility to receive such payments.

Section 5 Child Compensation Allowance, Medical Care Allowance and Payment for Funeral Expenses

(Payment of Child Payment Allowance)

Article 39

1. In case a child who has been certified by a prefectural governor for a designated disease and who has not attained the age set by cabinet order in accordance with Article 25, Paragraph 1, has a handicap due to that disease and the extent of which corresponds to one of the categories set by cabinet order, the prefectural governor shall, after consulting the Pollution-related Health Damage Certification Council, pay a child compensation allowance to the amount set by cabinet order for that category upon request for such payment by the person who is responsible for raising the certified person in question. (In case the extent of the handicap corresponds to the severest category, the extra amount for nursing prescribed by cabinet order as referred to in Article 26, Paragraph 1, shall be added to this amount.)

2. The Prime Minister must consult the Central Council on Environmental Pollution Control before attempting to enact, revise or rescind any cabinet order setting the handicap categories referred to in the preceding paragraph.

3. The provisions of Article 27 and Article 28 (excluding Paragraph 5) apply also with respect to payment of the child compensation allowance.

(Payment of Medical Care Allowance)

Article 40

1. In case a person who has been certified by a prefectural governor for a designated disease and who is receiving the medical care benefits referred to in Article 19, Paragraph 1, for that disease, and whose condition corresponds to one of the conditions set by cabinet order, the prefectural governor shall, upon request of payment of a medical care allowance for the person, pay such allowance to the amount prescribed by cabinet order for that condition.

2. The provision of Article 24, Paragraph 4, shall also apply with respect to the request of payment of the medical care allowance.

(Payment for Funeral Expenses)

Article 41

1. When a person who has been certified by a prefectural governor for a designated disease dies of that disease, the prefectural governor shall pay the funeral expenses in the amount stipulated by cabinet order upon

request for such payment by the person responsible for the funeral.

2. The provisions of Article 29, Paragraph 2, Paragraph 4 and Paragraph 5, and Article 37 apply also with respect to the payment and request for payment of the funeral expenses.

Section 6 Restrictions, etc. on Compensation Benefits

(Restrictions on Compensation Benefits)

Article 42

If a certified person or a person who is responsible for raising the certified person who has not attained the age stipulated by cabinet order as referred to in Article 25, Paragraph 1, does not follow instructions concerning medical care and has no valid reason for not doing so, the prefectural governor can withhold all or part of the person's compensation benefits.

(Consideration of Other Causes in the Determination of the Amount of Compensation Benefits)

Article 43

If the prefectural governor deems that another cause or other causes is or are involved in the occurrence or worsening of the handicap suffered by the certified person or certified deceased owing to the designated disease for which he or she has been certified, in the nonrecovery from the designated disease or in the death of the certified person or certified deceased as a result of the designated disease, he can, after consulting the Pollution-related Health Damage Certification Council, take such cause or causes into consideration in determining or revising the amounts of the compensation benefits referred to in Article 3, Paragraph 1, Item (2) through (7).

Section 7 Pollution-related Health Damage Certification Council

(Establishment)

Article 44

For the purpose of carrying out the functions invested in it by this law, a Pollution-related Health Damage Certification Council shall be established in each prefecture and each city designated by cabinet order as referred to in Article 4, Paragraph 3, in which all or a part of a class 1 region or class 2 region lies.

(Organization, etc.)

Article 45

1. Each Pollution-related Health Damage Certification Council shall be organized with a membership of no more than fifteen persons.
2. The members of the Council shall be appointed by the prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3 from among persons with knowledge and experience in medicine, law and other fields relating to compensation for pollution-related health damage.
3. The members of pollution-related Health Damage Certification Council

must not divulge any confidential information connection with their professional duties as members of the Council. This applies also to former members of the Council.

4. Matters concerning the organization, operation, etc. of the Pollution-related Health Damage Council other than those prescribed in Paragraph 1 and Paragraph 2 shall be prescribed by ordinance of the prefecture or the city designated by cabinet order as referred to in Article 4, Paragraph 3.

CHAPTER III POLLUTION-RELATED HEALTH WELFARE PROGRAMS

Article 46

1. The prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, as the case may be, shall undertake rehabilitation programs, programs for medical care in nonpolluted areas elsewhere and other pollution-related health welfare programs prescribed by cabinet order when such programs are necessary for promotion of the well-being of persons who have been certified for designated diseases, including recovery of their health and maintenance and promotion of their health after recovery and for prevention of damage to health by designated diseases in the class 1 or class 2 region in question.

2. The prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, must receive the permission of the Director-General of the Environment Agency before undertaking any of the pollution-related health welfare programs referred to in the preceding paragraph.

CHAPTER IV EXPENSES

Section 1 Payment of Expenses and Sources of Funds

(Payment of Expenses)

Article 47

The prefecture or the city designated by cabinet order as referred to in Article 4, Paragraph 3, shall pay the following expenses:

(1) The expenses involved in the provision of compensation benefits (including the payments prescribed in Article 14, Paragraph 2) by the prefectural governor or the mayor.

(2) The expenses involved in the office work undertaken by the prefectural governor or the mayor in accordance with the provisions of this law or orders based on this law.

(Payments by the Association)

Article 48

1. The Association shall, in accordance with the pertinent cabinet order, pay to the prefecture or the city designated by cabinet order as referred to in Article 4, Paragraph 3, the expenses referred to in (1) of the preceding article to be paid by the prefecture or the city designated by cabinet

order as referred to in Article 4, Paragraph 3, as the case may be, in accordance with the preceding article.

2. The Association shall, in accordance with the pertinent cabinet order, pay to the prefecture or the city designated by cabinet order as referred to in Article 4, Paragraph 3, the amount of three-quarters of the expenses incurred in pollution-related health welfare programs undertaken by the prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, on the basis of the provisions of Article 46.

(Sources of the Funds for the Payments by the Association)

Article 49

1. Of the payments by the Association as referred to in the preceding article, all of those used to cover the expenses involved in the provision of compensation benefits relating to a person or a deceased certified in accordance with Article 4, Paragraph 1, and two-thirds of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 1 regions shall be covered by the pollution load levy collected by the Association in accordance with the provision of Article 52, Paragraph 1, and by funds collected in accordance with laws prescribed elsewhere, and one-third of the amount of those used to cover the expenses incurred in the undertaking of pollution-related health welfare programs to combat health damage due to the designated diseases in class 1 regions shall be covered by the Government subsidy prescribed in Article 51.

2. Of the payments by the Association referred to in the preceding article, all of those used to cover the expenses involved in the provision of compensation benefits relating to a person or a deceased certified in accordance with Article 4, Paragraph 2, and two-thirds of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 2 regions shall be covered by the special levy to be collected by the Association in accordance with the provision of Article 62, Paragraph 1, and one-third of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 2 regions shall be covered by the Treasury subsidy prescribed in Article 51.

3. The apportionment of the pollution load levy and other funds to be collected in accordance with laws prescribed elsewhere to be used to cover, in accordance with Paragraph 1, the payments by the Association prescribed in the preceding article, shall be determined by cabinet order, taking into account the state of emission of substances causing air pollution by proprietors who own smoke-emitting and other facilities, as prescribed in Article 52, Paragraph 1, and other proprietors that contribute to the designated diseases in class 1 regions, as well as other

pertinent circumstances.

(Treasury Transfer Payment)

Article 50

The Government shall, in accordance with the pertinent cabinet order, pay from the Treasury to the prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, the amount of one-half of the expenses referred to in Article 47, Item (2), to be paid by the prefectural governor or the mayor in accordance with the provision of the same article.

(Subsidy)

Article 51

The Government shall pay the Association a subsidy to the amount of one-third of the payments by the Association stipulated in Article 48, Paragraph 2.

Section 2 Pollution Levy

(Collection of the Pollution Load Levy and the Obligation of Payment)

Article 52

1. Every fiscal year (April 1—March 31; the same applying hereafter in this chapter), the Association shall collect, for those factories or enterprise facilities existing on the first day of that fiscal year, a pollution load levy from the proprietors of the factory or enterprise facilities whose maximum amount of emission of pollutants is in excess of the limit set by cabinet order for each the areas designated by cabinet order, and in which they establish the smokeemitting facilities stipulated in Article 2, Paragraph 2, of the Air Pollution Control Law (Law No. 97 of 1968) (including equivalent mining facilities stipulated in the main text of Article 2, Paragraph 2 of the Mining Security Law (Law No. 70 of 1949) the same applying in the case of Article 62, Paragraph 1) which emit a substance or substances designated by cabinet order which is or are the cause of air pollution which has an influence on designated diseases in class 1 regions. Such levy shall be used to cover, of the payments stipulated in Article 48, the payments for the expenses involved in the provision of compensation benefits relating to a certified person or deceased in accordance with Article 4, Paragraph 1, and the payments for the expenses involved in the pollution-related health welfare programs relating to health damage due to designated diseases in class 1 regions as well as the expenses involved in the type of payment stipulated in Article 13, Paragraph 2, and a part of the expenses involved in the office work undertaken by the Association.

2. The proprietors specified in the preceding paragraph shall have the obligation to pay the pollution load levy stipulated in the same paragraph.

(The Amount of the Pollution Load Levy)

Article 53

1. The amount of the pollution load levy collected from each proprietor specified in Article 52, Paragraph 1, shall be equal to the sum of the

order as referred to in Article 4, Paragraph 3, as the case may be, in accordance with the preceding article.

2. The Association shall, in accordance with the pertinent cabinet order, pay to the prefecture or the city designated by cabinet order as referred to in Article 4, Paragraph 3, the amount of three-quarters of the expenses incurred in pollution-related health welfare programs undertaken by the prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, on the basis of the provisions of Article 46.

(Sources of the Funds for the Payments by the Association)

Article 49

1. Of the payments by the Association as referred to in the preceding article, all of those used to cover the expenses involved in the provision of compensation benefits relating to a person or a deceased certified in accordance with Article 4, Paragraph 1, and two-thirds of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 1 regions shall be covered by the pollution load levy collected by the Association in accordance with the provision of Article 52, Paragraph 1, and by funds collected in accordance with laws prescribed elsewhere, and one-third of the amount of those used to cover the expenses incurred in the undertaking of pollution-related health welfare programs to combat health damage due to the designated diseases in class 1 regions shall be covered by the Government subsidy prescribed in Article 51.

2. Of the payments by the Association referred to in the preceding article, all of those used to cover the expenses involved in the provision of compensation benefits relating to a person or a deceased certified in accordance with Article 4, Paragraph 2, and two-thirds of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 2 regions shall be covered by the special levy to be collected by the Association in accordance with the provision of Article 62, Paragraph 1, and one-third of the amount of those used to cover the expenses incurred in undertaking pollution-related health welfare programs to combat health damage due to the designated diseases in class 2 regions shall be covered by the Treasury subsidy prescribed in Article 51.

3. The apportionment of the pollution load levy and other funds to be collected in accordance with laws prescribed elsewhere to be used to cover, in accordance with Paragraph 1, the payments by the Association prescribed in the preceding article, shall be determined by cabinet order, taking into account the state of emission of substances causing air pollution by proprietors who own smoke-emitting and other facilities, as prescribed in Article 52, Paragraph 1, and other proprietors that contribute to the designated diseases in class 1 regions, as well as other

pertinent circumstances.

(Treasury Transfer Payment)

Article 50

The Government shall, in accordance with the pertinent cabinet order, pay from the Treasury to the prefectural governor or the mayor of the city designated by cabinet order as referred to in Article 4, Paragraph 3, the amount of one-half of the expenses referred to in Article 47, Item (2), to be paid by the prefectural governor or the mayor in accordance with the provision of the same article.

(Subsidy)

Article 51

The Government shall pay the Association a subsidy to the amount of one-third of the payments by the Association stipulated in Article 48, Paragraph 2.

Section 2 Pollution Levy

(Collection of the Pollution Load Levy and the Obligation of Payment)

Article 52

1. Every fiscal year (April 1—March 31; the same applying hereafter in this chapter), the Association shall collect, for those factories or enterprise facilities existing on the first day of that fiscal year, a pollution load levy from the proprietors of the factory or enterprise facilities whose maximum amount of emission of pollutants is in excess of the limit set by cabinet order for each the areas designated by cabinet order, and in which they establish the smokeemitting facilities stipulated in Article 2, Paragraph 2, of the Air Pollution Control Law (Law No. 97 of 1968) (including equivalent mining facilities stipulated in the main text of Article 2, Paragraph 2 of the Mining Security Law (Law No. 70 of 1949) the same applying in the case of Article 62, Paragraph 1) which emit a substance or substances designated by cabinet order which is or are the cause of air pollution which has an influence on designated diseases in class 1 regions. Such levy shall be used to cover, of the payments stipulated in Article 48, the payments for the expenses involved in the provision of compensation benefits relating to a certified person or deceased in accordance with Article 4, Paragraph 1, and the payments for the expenses involved in the pollution-related health welfare programs relating to health damage due to designated diseases in class 1 regions as well as the expenses involved in the type of payment stipulated in Article 13, Paragraph 2, and a part of the expenses involved in the office work undertaken by the Association.

2. The proprietors specified in the preceding paragraph shall have the obligation to pay the pollution load levy stipulated in the same paragraph.

(The Amount of the Pollution Load Levy)

Article 53

1. The amount of the pollution load levy collected from each proprietor specified in Article 52, Paragraph 1, shall be equal to the sum of the

amounts calculated by multiplying the emission amount during the calendar year in which the first day of the preceding fiscal year fell of each substance designated by cabinet order as mentioned in Paragraph 1 of the preceding article by the levy per unit of emission of said substance.

2. The method of calculation of the annual amount of emission referred to in the preceding paragraph shall be prescribed by ordinance of the Prime Minister's Office and ministerial ordinance of the Ministry of International Trade and Industry.

(The Amount of the Levy Per Unit of Emission)

Article 54

The levy per unit of emission referred to in Paragraph 1 of the preceding article shall be set by cabinet order for each region in accordance with the state of air pollution in that region due to the particular substance and on the basis of (1) the amount that is expected to be needed in the fiscal year in question as the total pollution load levy to cover the expenses in Article 52, Paragraph 1, as calculated on the basis of the estimated number of persons to receive each kind of compensation benefits listed in Article 3, Paragraph 1, the estimated average amount of money to be received per person and other pertinent matters and (2) the total amount of each substance stipulated by cabinet order as mentioned in Article 52, Paragraph 1, emitted by the facilities stipulated in the same paragraph during the calendar year in which the first day of the preceding fiscal year fell.

(Payment of the Pollution Load Levy)

Article 55

1. The proprietors stipulated in Article 52, Paragraph 1, must make payment of the pollution load levy to the Association each fiscal year within 45 days of the first day of that fiscal year and together with such payment fill out and submit the declaration form covering the items prescribed by ordinance of the Prime Minister's Office and ministerial ordinance of the Ministry of International Trade and Industry.

2. The documents stipulated by ordinance of the Prime Minister's Office and ministerial ordinance of the Ministry of International Trade and Industry must be appended to the declaration form prescribed in the preceding paragraph as evidence of the annual amount of emission of the substances stipulated by cabinet order as referred to in Article 52, Paragraph 1.

3. In the event that the proprietor referred to in Article 52, Paragraph 1, does not fill out and submit the declaration form stipulated in Paragraph 1 within the period prescribed in the same paragraph or in the event that it is deemed that there has been an incorrect entry made on the form for any of the items prescribed by ordinance of the Prime Minister's Office or ministerial ordinance of the Ministry of International Trade and Industry, the Association shall determine the amount of the pollution load levy and notify the proprietor of it.

4. The proprietor who receives the notification stipulated in the preceding paragraph shall, within fifteen days of receipt of such notification, pay to the Association the entire amount of the pollution load levy determined by the Association as prescribed in the preceding paragraph if he has not yet paid that levy or the difference between the amount paid by him and the amount determined by the Association if an insufficient amount has been paid by the former.

5. If the proprietor has paid a pollution load levy in an amount exceeding the amount determined by the Association in accordance with Paragraph 3, the Association shall use the excess amount to cover any pollution load levy or other payment to be collected from the proprietor in accordance with the provisions of this section which has not yet been collected and return whatever amount is still left over or return the whole amount if all such amounts have already been collected.

(Postponement of Payment of the Pollution Load Levy)

Article 56

The Association can grant the proprietor a postponement of payment of the pollution load levy on application.

(Reminding of Payment and Action to be Taken on Arrears)

Article 57

1. The Association must remind any person who has not paid the pollution load levy or any other payments stipulated in this section of payment, indicating the date by which payment must be made.

2. In reminding the person of payment in accordance with stipulation prescribed in the preceding paragraph, the Association shall send a reminding to him.

3. The deadline referred to in Paragraph 1 must be at least ten days from the day the written communication was sent out.

4. If the person who receives the written communication demanding payment as stipulated in Paragraph 1 does not pay in full the pollution load levy or other payments prescribed in this section by the indicated deadline, the Association can request the municipality (including special ward, the same applying hereinafter in this article) in which he resides or in which his property is located to collect from him the amount due.

5. The municipality which receives the request stipulated in the preceding paragraph can take the same action as would be taken on arrears of local taxes. In this case the Association must pay the municipality an amount equal to four percent of the amount to be collected.

6. If the municipality that receives the request stipulated in Paragraph 4 does not begin the action prescribed in the preceding paragraph within thirty days of receiving the request or does not complete such action within ninety days, the Association can get permission from the Director-General of the Environment Agency and the Minister of International Trade and Industry to take the same kind of action that would be taken in the case of arrears on national taxes.

(Penalty for Arrears)**Article 58**

1. In pressing for payment of the pollution load levy stipulated in Paragraph 1 of the preceding article, the Association shall collect a penalty for arrears calculated at an annual rate of 14.5 percent on the amount due for the period from the day after the amount was due through the day prior to its payment in full or distraint of the property of the person in arrears. This does not apply, however, if the amount involved is less than one thousand yen.

2. If in the case described in the preceding paragraph the amount due is paid in part, the penalty for the period subsequent to such partial payment shall be based on the original amount less the partial amount paid.

3. The amount on which the penalty in the two preceding paragraphs is based shall be rounded off to the next lowest unit of one-thousand yen.

4. The penalty calculated in accordance with the provisions of the three preceding paragraphs shall be rounded off to the next lowest unit of one-hundred yen.

5. No penalty shall be collected in the following cases. In case (4) (see below), however, this applies only to the amount that corresponds to the period of suspension or deferment.

(1) Payment is made in full by the deadline specified in the written communication stipulated in Article 57, Paragraph 1 and Paragraph 2.

(2) The written communication is in the form of public notice because the address or whereabouts of the person is not known.

(3) The penalty amounts to less than one-hundred yen.

(4) Action on arrears of the pollution load levy is suspended or deferred.

(5) It is deemed that the person has a valid reason for not having paid the pollution load levy.

(Order of Collection Priority)**Article 59**

The collection of the pollution load levy and other payments prescribed in this section shall have a priority after that of national and local taxes.

(Procedure for Collection)**Article 60**

Unless otherwise specified in this section, the pollution load levy and other payments stipulated in this section shall be collected in the same manner as that for national taxes.

(Other Stipulations)**Article 61**

All necessary stipulations concerning the pollution load levy and payments prescribed in this section other than those that appear in this section shall be made in ordinances of the Prime Minister's Office and

ministerial ordinances of the Ministry of International Trade and Industry.

Section 3 Special Levy

(Collection of the Special Levy and the Obligation to Pay It)

Article 62

1. Each fiscal year the Association shall collect a special levy from the proprietors (including past proprietors) of those smoke-emitting facilities specified in Article 2, Paragraph 2, of the Air Pollution Control Law, those special facilities specified in Article 17, Paragraph 1, of the same law and those special facilities specified in Article 2, Paragraph 2, of the Water Pollution Control Law (Law No. 138 of 1970) which emitted substances which cause air or water pollution that affects designated diseases in class 2 regions. Such levy shall be used to cover, of the payments stipulated in Article 48, the payments for the expenses involved in the provision of compensation benefits relating to a certified person or deceased in accordance with Article 4, Paragraph 2, and the payments for the expenses involved in the pollution-related health welfare programs relating to health damage due to designated diseases in class 2 regions as well as a part of the expenses involved in the office work undertaken by the Association.

2. The proprietors specified in the preceding paragraph shall have the obligation to pay the special levy stipulated in the same paragraph.

(Method of Calculation of the Special Levy)

Article 63

1. The method of calculation of the special levy shall be prescribed by cabinet order, taking into consideration the amount of emission of the substances stipulated in Paragraph 1 of the preceding article and other pertinent circumstances.

2. Before enacting, revising or rescinding any of the cabinet orders stipulated in the preceding paragraph, the Prime Minister and the Minister of International Trade and Industry must consult the Central Council on Environmental Pollution Control.

(Determination of the Amount of the Special Levy, notification, etc.)

Article 64

1. The Association shall determine, in accordance with the method of calculation stipulated by cabinet order as prescribed in Paragraph 1 of the preceding article, the amount of the special levy on each proprietor referred to in Article 62, Paragraph 1, and notify him of that amount, the deadline of payment and any other necessary and pertinent matters.

2. If the necessity arises, the Association must change the amount of the special levy determined in accordance with the provision of the preceding paragraph and notify the proprietor of the new amount.

3. If the amount of the special levy paid by the proprietor is less than the new amount stipulated in the preceding paragraph, the Association shall, together with the notification stipulated in the same paragraph,

notify the proprietor of the deadline for paying the difference and other pertinent matters. If the amount that the proprietor has paid exceeds the new amount, the amount in excess shall be used to cover any other amount relating to the special levy or other payment that should be collected from the proprietor in accordance with the provisions of this section, and if there is still an amount left over, it must be returned to the proprietor. If the proprietor does not owe the Association, the whole amount in excess must be returned to him.

(Exception in the Case of Joint Payment)

Article 65

1. If all or some of the proprietors concerned make application for joint payment of the special levy, indicating the method whereby such joint payment is to be accomplished, and the Association gives its approval to such an arrangement, the provision in Paragraph 1 of the preceding article for determination of the amount of the special levy shall not apply.

2. When the proprietors who make such application as stipulated in the preceding paragraph represent only a part of the total number of proprietors who are obligated to pay the special levy in connection with the class 2 region concerned, the Association must determine the amount of the joint payment in a manner similar to determination of the amount of the special levy on each individual proprietor.

3. When the proprietors who make such application as stipulated in Paragraph 1 represent the total number of proprietors who are obligated to pay the special levy in connection with the class 2 region concerned, they shall be considered to have paid the special levy when an amount equal to the total of their special levies has been collected. When they represent only a part of the total number of such proprietors, they shall be considered to have paid the special levy when they have jointly paid the special levy when they have jointly paid the amount determined in accordance with the provision of the preceding paragraph.

4. The provisions of Paragraph 2 and Paragraph 3 of the preceding article apply also with respect to the special levy to be paid jointly as stipulated in Paragraph 2.

(Application of the Provisions)

Article 66

The provisions of Article 56~Article 60 shall also apply with respect to the special levy.

(Other Stipulations)

Article 67

All necessary stipulations concerning the special levy and payments prescribed in this section other than those that appear in this section shall be made in ordinances of the Prime Minister's Office and ministerial ordinances of the Ministry of International Trade and Industry.

CHAPTER V THE POLLUTION-RELATED HEALTH DAMAGE COMPENSATION ASSOCIATION

Section 1 General Provisions

(Purpose)

Article 68

The purpose of the Association is to conduct business relating (1) to the collection of the pollution load levy and the special levy from the respective proprietors concerned and (2) to the payments stipulated in Article 13, Paragraph 2, and Article 48.

(Corporate Status)

Article 69

The Association shall have corporate status.

(Offices)

Article 70

1. The main office of the Association shall be located in Tokyo.
2. The Association can set up secondary offices elsewhere as required after receiving authorization from the Director-General of the Environment Agency and the Minister of International Trade and Industry.

(Registration)

Article 71

1. The Association must register as stipulated by cabinet order.
2. The Association cannot set up against a third party with respect to any matters that are required to be registered in accordance with the preceding paragraph until such registration is accomplished.

(Restriction on Use of Name)

Article 72

No other entity than the Association shall use the name Pollution-related Health Damage Compensation Association.

(Application of Provisions of the Civil Law)

Article 73

The provisions of Article 44 and Article 50 of the Civil Law (Law No. 89 of 1896) shall apply also with respect to the Association.

Section 2 Officers and Employees

(Officers)

Article 74

The Association shall have one President, one Supervisor and no more than three Directors.

(Duties and Authority of Officers)

Article 75

1. The President shall represent the Association and be in overall charge of its business.
2. The Directors shall represent the Association and assist the President in overall management of the Association's affairs in accordance with

the President's instructions. In the event that the President is incapacitated, they shall perform his duties in his stead. When there is no President, they shall perform the duties of the President.

3. The Supervisor shall oversee the business of the Association.

4. The Supervisor can, when he deems it necessary on the basis of his findings, submit his opinion on pertinent matters to the President of the Association, or the Director-General of the Environment Agency and the Minister of International Trade and Industry.

(Appointment of Officers)

Article 76

1. The President and the Supervisor shall be appointed by the Director General of the Environment Agency and the Minister of International Trade and Industry.

2. The Directors shall be appointed by the President, subject to the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry.

(Term of Office)

Article 77

1. The term of office of the officers of the Association shall be four years. When an officer is replaced by another person, the term of office of that person shall be the remainder of his predecessor's unfinished term.

2. Officers of the Association can be reappointed.

(Disqualification)

Article 78

Employees of the National Government or local governments (except nonregular employees) are disqualified as officers of the Association.

(Dismissal of Officers)

Article 79

1. The Director-General of the Environment Agency and the Minister of International Trade and Industry or the President of the Association, as the case may be, must dismiss any officers of the Association whom they or he had appointed in the event that such officer becomes disqualified in accordance with the provision of the preceding article.

2. The Director-General of the Environment Agency and the Minister of International Trade and Industry or the President of the Association, as the case may be, can dismiss any officer of the Association whom they or he had appointed in the event that either of the following cases applies to such officer or if they or he deem such officer unfit to serve in that capacity for any other valid reason.

(1) The officer is deemed incapable of performing his duties by reason of physical or mental impairment.

(2) The officer has violated some obligation relating to his office.

3. The dismissal of a Director by the President of the Association in accordance with the provision of the preceding paragraph is subject to the approval of the Director-General of the Environment Agency and

the Minister of International Trade and Industry.

(Prohibition of Other Work)

Article 80

Officers of the Association cannot concurrently be officers of any organization run for profit and they themselves cannot engage in any profit-making activity without authorization by the Director-General of the Environment Agency and the Minister of International Trade and Industry.

(Restriction of the Authority of Representation)

Article 81

The President of the Association or any Director who would normally represent the Association in accordance with the provisions of Article 75, Paragraph 2, shall not have the authority to represent the Association with respect to matters involving a conflict of interest between himself and the Association. In this case the Supervisor shall represent the Association.

(Appointment of Agent)

Article 82

The President of the Association can appoint any Director or employee of the Association to act as his agent for entire matters in and out of court with respect to a portion of the business of any of the Association's secondary offices.

(Appointment of Employees)

Article 83

The President of the Association shall appoint all employees of the Association.

(The Officers and Employees of the Association as Public Service Personnel)

Article 84

The officers and employees of the Association shall be considered public service personnel as prescribed by law with regard to application of the provisions of the Criminal Law (Law No. 45 of 1907) and other penal codes.

Section 3 Board of Trustees

(Board of Trustees)

Article 85

1. The Association shall have a Board of Trustees.
2. The Board of Trustees shall investigate and deliberate on important matters concerning the conduct of the Association's affairs when the President requests it do so.
3. The Board of Trustees can present its opinion to the President on the matters referred to in the preceding paragraph.
4. The Board of Trustees shall consist of up to twenty Trustees.

(Trustees)

Article 86

1. The Trustees shall be appointed by the Director-General of the Environment Agency and the Minister of International Trade and Industry from among the officials of organizations whose proprietors referred to in Article 52, Paragraph 1, and Article 62, Paragraph 1, are members or federations of such organizations and persons with the knowledge and experience needed for the proper management of the Association's affairs.
2. The term of office of a Trustee shall be two years.
3. The provisions of the second sentence of Article 77, Paragraph 1, Paragraph 2 of the same clause and Article 79, Paragraph 2, shall apply also with respect to the Trustees.

(Other Stipulations)

Article 87

Necessary stipulations concerning the organization and running of the Board of Trustees other than those made in the two preceding articles shall be made by ordinance of the Prime Minister's Office or ministerial ordinance of the Ministry of International Trade and Industry.

Section 4 The Affairs of the Association

(Scope of affairs)

Article 88

The Association shall undertake the following business in order to achieve the goals set forth in Article 68.

- (1) Collection of the pollution load levy and the special levy from the proprietors referred to in Article 52, Paragraph 1, and the proprietors referred to in Article 62, Paragraph 1, respectively.
- (2) Making the payments stipulated in Article 13, Paragraph 2.
- (3) Making the payments stipulated in Article 48.
- (4) Any business incidental to the business referred to in items (1) through (3) above.

(Consignment of Affairs)

Article 89

1. The Association can consign organizations which have been designated by cabinet order and whose proprietors referred to in Article 52, Paragraph 1, and Article 62, Paragraph 1, hold the membership in said organizations to undertake a portion of the business referred to in item (1) of the preceding article (with the exception of (1) determination of the amount of the pollution load levy and the special levy and (2) action on arrears) subject to the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry.
2. If the approval stipulated in the preceding paragraph is granted, the organizations stipulated in the same paragraph can undertake the business consigned to them in accordance with the provision of the same

paragraph notwithstanding the provision of any other law to the contrary.
(Written Manual of Conducting Business)

Article 90

1. At the commencement of its business, the Association shall prepare a written manual of conducting business. This written document shall be subject to the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry. Any subsequent changes of the manual shall be subject to the same procedure.

2. The items to be included in the document prescribed in the preceding paragraph shall be specified by ordinance of the Prime Minister's Office and ministerial ordinance of the Ministry of International Trade and Industry.

(Order to Submit Documents and Other Materials)

Article 91

The Association can order to proprietors referred to in Article 52, Paragraph 1, and Article 62, Paragraph 1, to submit such documents and other materials to the Association as it deems necessary for the purpose of carrying out the business referred to in item a of Article 88.

Section 5 Finances and Accounting

(Business Year)

Article 92

The business year of the Association shall begin on April 1 of each year and end on March 31 of the following year.

(Approval of Budget, etc.)

Article 93

The Association shall prepare a budget, a business plan and a finance plan for each business year and obtain approval of each of them by the Director-General of the Environment Agency and the Minister of International Trade and Industry before the beginning of that business year. Approval must also be obtained for any subsequent changes.

(Financial Documents)

Article 94

1. The Association shall prepare a property inventory, a balance sheet and a profit and loss statement for each business year (referred to as "financial documents" hereinafter in this article) and submit them for approval to the Director-General of the Environment Agency and the Minister of International Trade and Industry within three months of the end of the business year concerned.

2. When the Association submits the financial documents referred to in the preceding paragraph to the Director-General of the Environment Agency and the Minister of International Trade and Industry, a business report, a statement of accounts prepared for each item of the budget for that business year and a statement of the Supervisor's opinion about the business report, the financial documents and the statement of accounts must be attached to the said financial documents.

(Disposal of Profits and Losses)

Article 95

1. When there is a profit for any business year, the Association shall use it to cover any loss carried over from the previous business year and when the profit is in excess of the loss carried over, the Association shall keep the difference on the books as reserves.
2. When there is a loss for any business year, the Association shall cover the loss by the reserves stipulated in the preceding paragraph, and when there is still a loss it shall be kept on the books as a loss to be carried forward.

(Borrowing of Money)

Article 96

1. The Association can borrow money on both a long-term and short-term basis subject to the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry.
2. Any short-term loan received by the Association in accordance with the provision of the preceding paragraph must be redeemed within the business year in question. However, if such a short-term loan can not be redeemed because of a shortage of funds, the amount that can not be repaid at that time can be refinanced subject to the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry.
3. The amount refinanced in accordance with the provision of the second sentence of the preceding paragraph must be repaid within one year.

(Subsidies)

Article 97

The Government can subsidize, within the limits of the budget, the expenses incurred by the Association in its office work.

(Use of Extra Funds)

Article 98

The Association must not use extra business funds in any other way than the following:

- (1) Holding of Government bonds and other securities designated by the Director-General of the Environment Agency and the Minister of International Trade and Industry.
- (2) Post Office savings or deposits with banks or other financial institutions designated by the Director-General of the Environment Agency and the Minister of International Trade and Industry.
- (3) Cash trust deposits with trust companies or banks engaging in trust activities.

(Criteria for the Payment of Salaries and Retirement Allowances)

Article 99

The Association must obtain the approval of the Director-General of the Environment Agency and the Minister of International Trade and Industry for the criteria for the payment of salaries and retirement allowances to its officers and employees. The same applies if it wishes

to make any changes in such criteria.

(Other Stipulations)

Article 100

Any necessary stipulations concerning the finances and accounting of the Association other than those made in this law shall be made in ordinances of the Prime Minister's Office and ministerial ordinances of the Ministry of International Trade and Industry.

Section 6 Supervision

Article 101

1. The Association shall be supervised by the Director-General of the Environment Agency and the Minister of International Trade and Industry.

2. The Director-General of the Environment Agency and the Minister of International Trade and Industry can issue orders to the Association concerning the conduct of its business and relating to their supervisory authority when they deem it necessary to do so in connection with the implementation of this law.

(Requirement of Reports, etc.)

Article 102

1. When they deem it necessary to do so in connection with implementation of this law, the Director-General of the Environment Agency and the Minister of International Trade and Industry can require the Association or the organizations consigned in accordance with the provision of Article 89, Paragraph 1, to submit reports concerning the conduct of their business or have their employees enter the offices of the Association or consigned organizations to inspect the business of such offices and the books, other documents and other items on the premises. In the case of the consigned organizations, however, this applies only to the business which they have been consigned by the Association.

2. The employees which conduct such inspection as stipulated in the preceding paragraph must carry proper identification and show it to the persons concerned when they enter such premises.

3. The authority of inspection stipulated in Paragraph 1 shall not be construed as authority of criminal investigation.

Section 7 Supplementary Provisions

(Dissolution)

Article 103

Dissolution of the Association shall be prescribed by another law.

(Consultation with the Minister of Finance)

Article 104

1. The Director-General of the Environment Agency and the Minister of International Trade and Industry must consult with the Minister of Finance in the following cases:

(1) In granting the approval as stipulated in Article 89, Paragraph

1, Article 90, Paragraph 1, Article 93, or Article 96, Paragraph 1, or Paragraph 2.

(2) In granting the approval as stipulated in Article 94, Paragraph 1, or Article 99.

(3) In making such designation as referred to in Item (a) or (2) of Article 98.

2. The Prime Minister and the Minister of International Trade and Industry must consult with the Minister of Finance when they issue the ordinances stipulated in Article 90, Paragraph 2, and Article 100.

(Application of Other Laws and Ordinances)

Article 105

In accordance with cabinet order, the Association shall be considered an administrative agency of the National Government in connection with application of the Real Estate Registration Law (Law No. 24 of 1899) and other pertinent laws and ordinances as prescribed by cabinet order.

CHAPTER VI GRIEVANCES

Section 1 Filing of Grievances Regarding Action Taken with Respect to Certification or Provision of Compensation Benefits

(Filing of Complaint and Requesting Review)

Article 106

1. Any person who is dissatisfied with the action taken in his or her case regarding certification or provision of compensation benefits can lodge a complaint with the prefectural governor who took such action.

2. Any person who is dissatisfied with the action taken in his or her case regarding certification or provision of compensation benefits and who wishes to file a request for review must do so with the Pollution-related Health Damage Compensation Grievance Board.

3. Both such complaint as stipulated in Paragraph 1 and such request as stipulated in Paragraph 2 shall be considered as court requests with respect to interruption of prescription.

(Application of the Law on Review of Administrative Grievances)

Article 107

1. The provisions of Article 25 of the Law on Review of Administrative Grievances (Law No. 160 of 1962) do not apply with respect to the request for review referred to in paragraph 2 of the preceding article.

2. Regarding application of the provisions of Article 20 and Article 31 of the Law on Review of Administrative Grievances with respect to the request for review referred to in Paragraph 2 of the preceding paragraph, the "three months" in Item (2) of Article 20 shall instead read "two months." and the "employees of that agency" shall instead read "members of the board of review."

(Time Relationship Between Filing of Complaint and Filing of suit in Court)

Article 108

A lawsuit to nullify action taken with regard to certification or

provision of compensation benefits can not be instituted until after the Pollution-related Health Damage Compensation Grievance Board has made a ruling on a request to review that action.

**Section 2 Request to Review Action Taken with Regard to Collection of Levy
(Request for Review)**

Article 109

Any person who is dissatisfied with action taken by the Association with respect in his or her case in accordance with the provisions of this law can request the Director-General of the Environment Agency and the Minister of International Trade and Industry to review that action.

(Time Relationship Between Filing of Complaint and Filing of Suit in Court)

Article 110

A lawsuit to nullify action taken by the Association cannot be instituted until after the Director-General of the Environment Agency and the Minister of International Trade and Industry have made a ruling on a request to review that action.

Section 3 The Pollution-related Health Damage Compensation Grievance Board

Part 1 Establishment and Organization

(Establishment)

Article 111

A Pollution-related Health Damage Compensation Grievance Board (hereinafter referred to as "the Board" in this chapter) shall be established under the jurisdiction of the Director-General of the Environment Agency for the purpose of handling the requests for review stipulated in Article 106, Paragraph 2.

(Organization)

Article 112

1. The Board shall consist of six members.
2. Three of the members can be nonregular members.

(Appointment of Members)

Article 113

1. The Prime Minister shall appoint the members of the Board with the concurrence of both houses of the Diet. The persons he appoints must be of high personal and professional integrity, have knowledge and discernment with respect to the problem of pollution and have knowledge and experience in the fields of law and medicine and in other fields relating to compensation for health damage due to pollution.

2. Notwithstanding the provision of the preceding paragraph, the Prime Minister can appoint to the Board a member who meets the requirements set in the same paragraph without the concurrence of both houses of the Diet when a vacancy arises owing to expiration of a member's term of appointment or through other circumstances and he can not get the approval of both houses of the Diet because it is not in session at that time or because the House of Representatives has been dissolved.

3. In a case such as that prescribed in the preceding paragraph, the approval of both houses of the Diet must be obtained after the fact in the first Diet session after the appointment. If such approval after the fact can not be obtained, the Prime Minister must remove the member from the Board.

(Term of Office)

Article 114

1. The term of office of each member shall be three years. The term of office of replacement for another member, however, shall be the remainder of his predecessor's unfinished term.

2. A member can be reappointed.

3. Upon completion of his term, a member of the Board shall continue to perform his duties until his successor is appointed.

(Exercise of Authority)

Article 115

Each member of the Board shall exercise his authority independently.

(Guarantee of Status)

Article 116

No member of the Board shall be removed from office against his will except in the following cases:

(1) He has been declared an incompetent, a quasi-incompetent or a bankrupt.

(2) He has been sentenced to imprisonment or severer punishment.

(3) The Board deems him incapable of carrying out his duties by reason of physical or mental impairment or considers that he has violated a professional obligation or otherwise behaved in a manner unbecoming a member of the Board.

(Removal from Office)

Article 117

The Prime Minister must remove from office any member of the Board to whom one of the cases cited in the preceding article applies.

(Chairman of the Board)

Article 118

1. The Board shall have a Chairman, who shall be chosen by the members of the Board from among the regular members.

2. The Chairman shall represent the Board and exercise overall management of its affairs.

3. In the event the Chairman is incapacitated, his duties shall be performed by another regular member who has been appointed beforehand by the Chairman.

(Meetings of the Board)

Article 119

1. The disposal of affairs of the Board (with the exception of the handling of requests for review) shall be determined by vote at meetings of all of the members of the Board (hereinafter referred to as "meetings of the Board" in this article).

2. Meetings of the Board shall be convened by the Chairman.
3. A meeting of the Board can not be held and no vote can be taken without attendance by the Chairman and at least three other members.
4. All business at meetings of the Board shall be determined by majority vote of the members present, with the Chairman casting the deciding vote in case of a tie.
5. Notwithstanding the provision of the preceding paragraph, the decision stipulated in Item (3) of Article 116 must be made by unanimous vote of the members present at the meeting, excluding the member whom the decision concerns.
6. In the Chairman's absence, the regular member prescribed in Article 118, Paragraph 3, shall be considered to be the Chairman with respect to application of the provision of Paragraph 3.

(Handling of Requests for Review)

Article 120

1. A three-man collegium shall be designated from among the members of the Board to handle requests for review.
2. Notwithstanding the provision of the preceding paragraph, the collegium referred to in the same paragraph shall consist of all of the members of the Board to handle requests for review in the following cases:
 - (1) It is deemed that the three-man collegium has reached a decision that conflicts with one previously made by the Board with respect to interpretation and application of the provisions of any law or ordinance.
 - (2) The three-man collegium fails to arrive at a unanimous decision.
 - (3) The Board makes a decision to have a collegium of all of its members handle the requests for review.

Article 121

1. The members of the collegium of either Paragraph 1 or Paragraph 2 of the preceding article shall be known as reviewers, one of them being the chief reviewer.
2. In the case of the collegium stipulated in Paragraph 1 of the preceding article, the Chairman shall be the chief reviewer if he is a member of the collegium. If the Chairman is not a member of the collegium, the chief reviewer shall be designated by the Board from among its members.
3. In the case of the collegium stipulated in Paragraph 2 of the preceding article, the regular member of the Board prescribed in Article 118, Paragraph 3, shall be the chief reviewer in the Chairman's absence.

Article 122

1. The collegium stipulated in Article 120, Paragraph 1, can not meet or make any decisions without the attendance of all of its members. The collegium stipulated in Article 120, Paragraph 2, can not meet or make any decisions without the attendance of at least four of its members.
2. In the case of the collegium stipulated in Article 120, Paragraph 1, its decisions shall be made by majority vote of its members.
3. In the case of the collegium stipulated in Article 120, Paragraph 2, its decisions shall be made with the approval of at least three of its

members who are present. In the case of a tie vote, the chief reviewer shall cast the deciding vote.

(Service)

Article 123

1. Members of the Board or former members of the Board must not disclose any confidential information which they had access to in the course of their official duties.
2. Members of the Board can not serve as officers of political parties or other political organizations while in office or engage in active political campaigning.
3. While in office, regular members of the Board can not engage in other duties for compensation, undertake any profit-oriented business activities or engage in any other work for the purpose of financial profit without the authorization of the Prime Minister.

(Pay)

Article 124

The pay of the members of the Board shall be prescribed elsewhere by law.

(General Affairs)

Article 125

The general affairs of the Board shall be handled by the Planning Coordination Bureau of the Environment Agency.

Part 2 Procedure for Request for Review

(Sending a Duplicate Copy of the Request)

Article 126

Upon receiving a request for review, the Board must send a duplicate copy of the request to all parties that have an interest in the case.

(Time and Place of Review)

Article 127

The Board must determine the time and place of review and notify them to the administrative agency that made the original disposition, the person who has requested review of that disposition and participants (hereinafter in Part 2 referred to as "the parties concerned").

(Opening of the Review Proceedings)

Article 128

The review proceedings shall be open to the public unless otherwise requested by one of the parties concerned.

(Direction of the Review Proceedings)

Article 129

The chief reviewer shall be in charge of the review proceedings.

(Statement of Views)

Article 130

The parties concerned or their representatives can appear at the review proceedings and present their views. With the permission of the Board they can be accompanied by assistants.

(Medical Examination Order)

Article 131

The Board can order the person who has made the request for review to have the person whom the certification or the provision of compensation benefits concerns receive a medical examination by a doctor designated by the Board when the Board deems it necessary for the purposes of review proceedings.

(Record of Proceedings)

Article 132

1. The Board must keep a record of the review proceedings.
2. The parties concerned and other parties that have an interest in the case can examine the record stipulated in the preceding paragraph with the permission of the Board.

(Closed discussions)

Article 133

Discussions by a collegium of the Board will be closed to the public.

(Limitation on Institution of Complaint)

Article 134

No complaint stipulated by the Administrative Grievances Review Law can be instituted against a ruling by the Board based on the provisions of Part 2.

(Other Stipulations)

Article 135

All necessary stipulations concerning the procedure for requesting review other than those made in Part 2 shall be made by ordinance of the Prime Minister's Office.

CHAPTER VII MISCELLANEOUS PROVISIONS

(Reports from Persons Receiving Certification, etc.)

Article 136

The prefectural governor can require the person who has received or wishes to receive certification or compensation benefits to submit reports, documents or other items when he deems it necessary for the implementation of this law.

(Order for Medical Examination)

Article 137

The prefectural governor can order the person who has received or wishes to receive certification or compensation benefits to have the person whom such certification or provision of compensation benefits concerns undergo a medical examination by a doctor designated by the prefectural governor when he deems it necessary with respect to such certification or provision of compensation benefits.

(Temporary Suspension of Compensation Benefits)

Article 138

The prefectural governor can suspend provision of compensation

benefits to any person eligible to receive such compensation benefits who, without valid reason, does not comply with a request for submission of a report, documents or other items as stipulated in Article 136 or submits a false report or documents with any false entries or who, without valid reason, does not comply with an order of the kind stipulated in the preceding article.

(Reports from Pollution-Related Medical Care Facilities)

Article 139

1. When he deems it necessary with respect to medical care benefits, the prefectural governor can request pollution-related medical care facilities to submit or present for inspection reports, records of medical examination and treatment, and other logs and documents; request the owner or manager of the facilities or any of its doctors, pharmacists or other employees to appear before him; or have prefectural employees enter the premises of the facility, question the staff concerned, or inspect the facilities, records of examination and treatment, logs, documents and other items.

2. The provision of Article 102, Paragraph 2, applies also to the questioning and inspection stipulated in the preceding paragraph, and the provision of Paragraph 3 of the same article applies also to the authority stipulated in the preceding paragraph.

3. If the pollution-related medical care facility, without valid reason, does not comply with a request, as stipulated in Paragraph 1, concerning submission or presentation of reports, records of medical examination and treatment, and other logs and documents or submits a false report or if the owner or manager of the facility or any of its doctors, pharmacists or other employees fail, without valid reason, to appear before the prefectural governor if so requested in accordance with the provisions of the same paragraph or, again without valid reason, refuse to answer the questions stipulated in the same paragraph or do not answer them truthfully or refuse, interfere with or evade such inspection as provided for in the same paragraph, the prefectural governor can suspend payments to the facility for medical examination and treatment.

(Reports from those Providing Medical Examination and Treatment, etc.)

Article 140

1. When he deems it necessary with respect to certification or provision of compensation benefits (excluding medical care benefits, the same applying hereinafter in this paragraph), the prefectural governor can require the person who made the diagnosis involved in the application for certification or who gave medical care, or medicine to the certified person in connection with compensation benefits or the person employing that person to present reports, records of medical examination and treatment, logs, documents or other items pertaining to such provision of medical care or medicine. He can also have prefectural employees question that person.

2. The provision of Article 102, Paragraph 2, applies also to the

questioning stipulated in the preceding paragraph, and the provision of Paragraph 3 of the same article applies also to the authority stipulated in the preceding paragraph.

(Reports from the Proprietors)

Article 141

1. When they consider it necessary for the implementation of this law, the Director-General of the Environment Agency or the Minister of International Trade and Industry can, in accordance with the pertinent cabinet order, require the proprietors referred to in Article 52, Paragraph 1, and Article 62, Paragraph 1, to report on their operations or have employees of the Environment Agency or the Ministry of International Trade and Industry enter the factories or other business premises of the proprietors and inspect books, documents and other items.

2. The provision of Article 102, Paragraph 2, applies also to the inspection stipulated in the preceding paragraph, and the provision of Paragraph 3 of the same article applies also to the authority stipulated in the preceding paragraph.

(Calculation of Periods of Time)

Article 142

Except in cases where particular provision is made to the contrary, the provisions of the Civil Law concerning periods of time will also apply in the calculation of periods of time stipulated by this law or by orders based on this law.

(Gratuitous certification of Items on Family Register)

Article 143

The heads of municipalities (including the heads of special wards; in the case of cities designated in Paragraph 1, Article 252-19 of the Local Autonomy Law (Law No. 67 of 1947), the heads of wards) can, in accordance with the provisions of governmental ordinances, provide gratuitous certification of items on family registers of persons wishing to make application for the certification prescribed in this law, persons who have already been certified (including those who have died), persons who suffered from a designated disease but died before being certified, or persons who wish to receive compensation benefits or used to receive compensation benefits to prefectural governors, mayors of the cities designated by cabinet order as referred to in Article 4, Paragraph 3, or persons entitled to receive compensation benefits.

(Enactment of Cabinet Order and Temporary Measures)

Article 144

When enacting, revising or rescinding cabinet orders based on this law, necessary temporary measures can be prescribed within reasonable limits.

CHAPTER VIII PENAL PROVISIONS

Article 145

Any person who violates the provisions of Article 23, Paragraph 3,

Article 45, Paragraph 3, or Article 123, Paragraph 1, shall be subject to imprisonment of up to one year or a fine of up to ¥50,000.

Article 146

The following persons shall be subject to a fine of up to ¥100,000:

- (1) Any person who fails to comply with an order for submission of, documents and other items as stipulated in Article 91 or who submits such documents which include false entries
- (2) Any person who fails to submit reports, documents or other items requested in accordance with the provision of Article 136 or who falsifies such reports or submits documents with false entries
- (3) Any person who fails to comply with a requirement to present, in accordance with the provision of Article 140, Paragraph 1, reports, records of medical examination and treatment, logs, documents or other items, or who falsifies such reports or refuses to answer the questions provided for in the same paragraph or gives false answers

Article 147

1. Any officer or employee of the Association or of consigned organizations as referred to in Article 102, Paragraph 1, who fails to submit such reports as stipulated in the same paragraph when ordered to do so or who submits false reports or refuses, interferes with or evades such inspection as stipulated in the same paragraph shall be subject to a fine of up to ¥50,000.
2. Any person who fails to submit such reports as stipulated in Article 141, Paragraph 1, when ordered to do so or who submits false reports or refuses, interferes with or evades such inspection as stipulated in the same paragraph shall be subject to a fine of up to ¥50,000.

Article 148

Any person who violates the provision of Article 72 shall be subject to a fine of up to ¥30,000.

Article 149

If a person who violates the provisions of Article 146, Item (1) or (3), Article 147, Paragraph 2, or Article 72 is a representative of a corporation or an agent or employee of a corporation or another person, not only he but also the corporation or ther persn shall be subject to the corresponding penalty.

Article 150

Any officer of the Association who commits one of the following violations shall be subject to a fine of up to ¥30,000:

- (1) Fails to obtain the permission or authorization of the Director General of the Environment Agency and the Minister of International Trade and Industry when such permission or authorization is required by this law.
- (2) Fails to register in violation of cabinet order as required by Article 71, Paragraph 1
- (3) Engages in any business other than that stipulated in Article 88
- (4) Uses extra business funds in such a way as to violate Article 98

(5) Violates any order given by the Director-General of the Environment Agency and the Minister of International Trade and Industry in accordance with the provision of Article 101, Paragraph 2

第三章
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POLLUTION-RELATED HEALTH DAMAGE COMPENSATION LAW

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