Ministry of the Environment
Government of Japan

Practical Approach in Chemicals Legislation - Japan's Experience

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Contents

1. Global and National Policy Development

Global Development in Chemicals Management

1992 Agenda 21 (Chapter 19: Chemicals Management)

2002 WSSD 2020 Goal (Johannesburg)

- "By 2020 chemicals should be produced and used with minimal adverse effects to human health and the environment."

2006 SAICM: Strategic Approach to International Chemicals Management (ICCM1, Dubai)

National Policy Development

Japan: Chemical Substances Control Law (CSCL; 1973)

USA: Toxic Substances Control Act (TSCA; 1976)

EU: Registration, Evaluation, Authorisation and Restriction on Chemicals (REACH; 2006)

2. Japan's Experience in Chemicals Legislations

History of Environmental Pollution

1950's and 1960's Environmental Pollution throughout Japan such as "Minamata Disease" (caused by methyl mercury) and "Yokka-ichi Asthma" (caused by SOx)

1967 Basic Law for Environmental Pollution Control

1967 PCB pollution outbreaks

1968 Air Pollution Control Law

1970 Water Pollution Control Law

1971 Environment Agency

1973 Chemical Substances Control Law (CSCL)

2-1. Hazard-based Approach

PCB Pollution Outbreaks

Focusing on Persistent, Bio-accumulating and Toxic chemicals, as the first step

1973 Chemical Substances Control Law (CSCL)

- To prohibit producing, importing and using persistent, bio-accumulating and *toxic chemicals* such as PCBs, and
- To introduce a system to examine newly-produced or imported chemicals.

Limited target chemicals,
but effective to regulate in a timely manner

2-2. Risk-based Approach

- To expand the scope of target chemicals, by adopting "Risk-based Approach".

1986: CSCL Amendment

- To regulate persistent and toxic (but non-bio-accumulating) chemicals, by introducing reporting production/import amount and labeling systems.

- To regulate persistent chemicals with insufficient data on toxicity, by reporting production/import amount and by requesting further examination

Environmental Risk Management in Japan

- 1993: Basic Environment Law
- 1994: Basic Environment Plan
  - To introduce the concept of the environmental risk
- 2000: Basic Environment Plan II
  - To consider ecological risks
- 2006: Basic Environment Plan III
  - To introduce policies on:
    Risk Assessment, Management and Communication
  - To further development national policies along with international perspectives

Law on PRTR System (1)
(PRTR: Pollutant Release and Transfer Register)

- 1996 : OECD Recommendation on PRTR System
- 1999 : Law on PRTR system

[Purposes]

– To improve voluntary chemical management by business sectors, and
– To prevent environmental problems

[Policy Instruments]

– Reporting of releases and transfers by stationary sources (mainly manufacturing industries),
– Estimation of releases from non-point sources by the government, and
– Publication of aggregated data (Annually since 2003 for 2001 data)

Law on PRTR Systems (2)

- 2008

  Scope Expanded:

  target chemicals and sectors

  (to be applied as of 2010 data)

  – Target chemicals (to 462 from 354),
  – Medical service was added

- 2009

  PRTR data from facilities are available on the web in addition to aggregated data of companies.

2003 CSCL Amendment

Key Points

1. Introduce Examinations and Regulations with consideration of the environmental effects

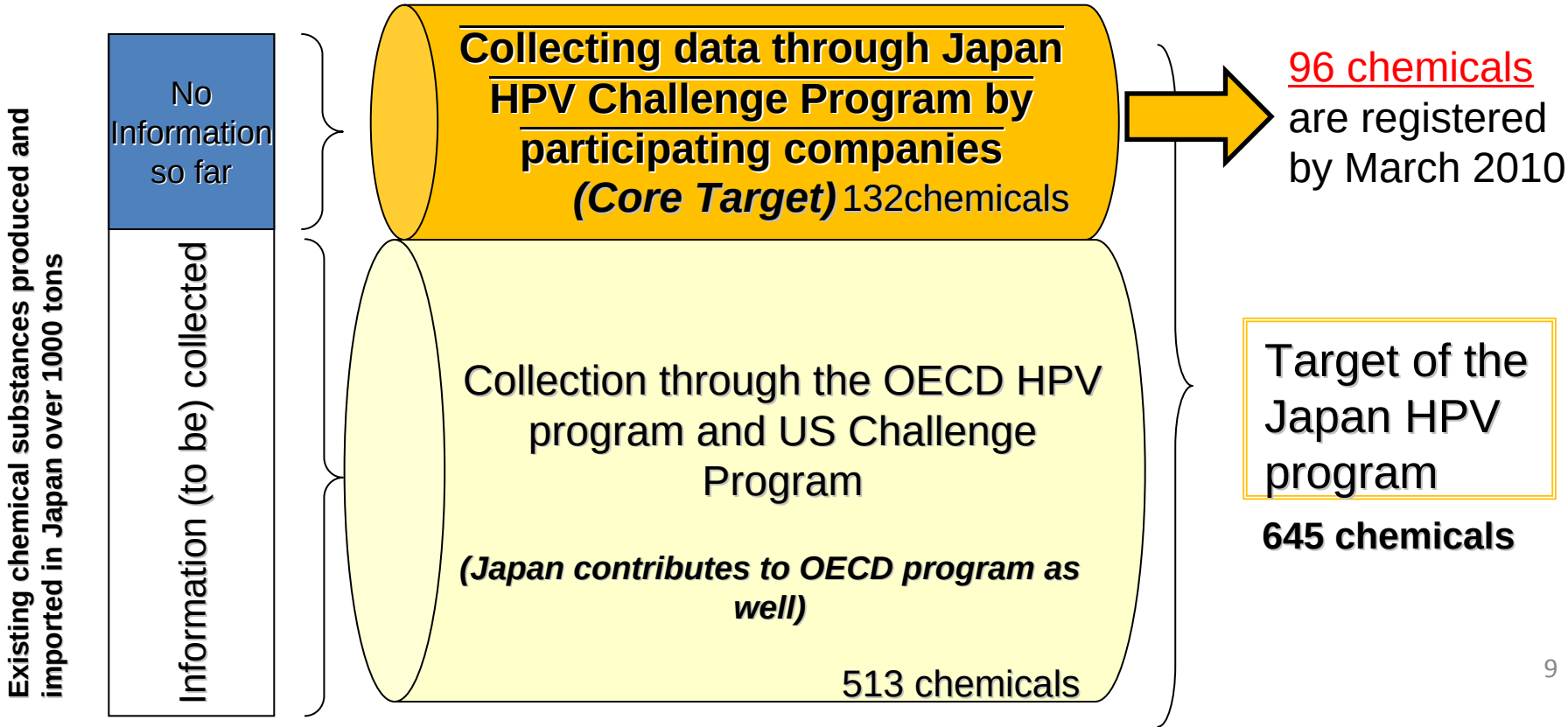
2. Add new regulation for persistent and bio-accumulating (but insufficient data on toxicity) chemicals (as the “Type I Monitoring chemicals”)

3. Expanded Examinations focused on potential exposure to the environment

4. Compulsory reporting of hazard information obtained by business

Japan HPV Challenge Program

- Launched in June 2005, to collect data of existing chemicals.
- Voluntary program under cooperation between the private and public sectors
- Collected Information are to be publicized.



2009 CSCL Amendment (1)

Background

1. Increasing public concern about chemical substances

2. Need to achieve international goals on chemicals management

- To minimize adverse effects of all chemicals on human health and the environment by 2020 (WSSD2020 goal).

3. Need to follow up the international agreement

- Parties to the Stockholm Convention agreed on exceptional use of the regulated chemicals.

2009 CSCL Amendment (2)

(1) Coverage expanded to all existing chemicals

(2) Following up International Agreements

-To cover chemicals newly listed under the international convention

– Semiconductors and fire fighting foam etc.

(3) Appropriate Regulations on chemical substances in the supply chain

3. International Policy Harmonization

(1) OECD Policy Review on Hazardous Chemicals

OECD reviewed national policy on hazardous chemicals, such as PCBs and mercury in 1970's

➡ *Reflecting scientific data and knowledge to CSCL (1973) implementation*

(2) Policy Harmonization and Information Sharing

1981 OECD Council Decision on Mutual Acceptance of Data, Test Guidelines and Good Laboratory Practice (GLP).

➡ *OECD Test Guidelines are adopted in CSCL regulations*

➡ *Testing laboratories authorized by Amendment CSCL (2009) are required to comply with OECD/ GLP.*

Conclusions

(1)Hazard-based Approach at Initial Phase

- It is a good starting point to regulate hazardous chemicals.
- It is the first step to prioritize chemicals in line with their hazardous levels and global interests.
- It is efficient and effective to introduce regulations in response to the Stockholm Convention.
- International supports can be easily mobilized for these approaches.

(2) It is crucial to involve a wide range of Stakeholders : Industries and NGOs.

(3)International Policy Harmonization is important to step up national policies.