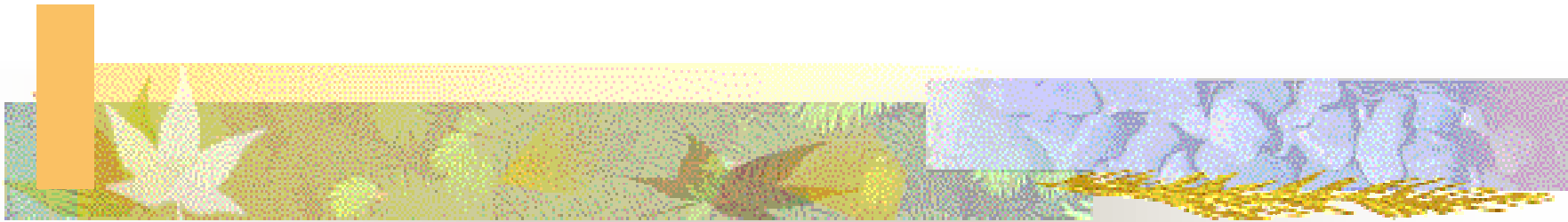


Legal Evaluation of the Soil Remediation Act (SRA)



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I . Introduction

Soil pollution: One of the seven types of pollution

Before SRA

- ①the Agricultural Land Soil Pollution Prevention Act (Anti-Farm Soil Pollution Act)**
- ②the Act Concerning Special Measures to Control Dioxins (Dioxins Act)**

Reason why SRA was enacted at this time



II . Outline of SRA

Relation between SRA and Anti-Farm Soil Pollution Act

○ Purpose of SRA

To Prevent public Health Damage

Two Channels:

a) Intake of Groundwater etc.: 26 toxic substances

b) Direct Intake: 9 toxic substances



○ Framework of SRA

- ① Investigation of Soil Contamination
- ② Designation of Contaminated Areas
- ③ Remediation Measures: Removal of the Contamination
- ④ Restriction on Land Use

FRAMEWORK OF THE SOIL REMEDIATION ACT

I . Investigation of Soil Contamination

(i) Closing the Premises of Plans or Places of Business Operation

—— Obligation to Investigate

(ii) Suspicion of the Presence of Soil Contamination

—— Administrative Order

Owners, Receivers or Occupants (Owners etc.)

Investigation Performed by Qualified Assessors

Report to the Prefectural Governor

(Designated Standards)

YES

NO

(Designated Standards)

YES

NO

II . Designation and Registration

Designation as a “Designated Area”

Registration

← Public Access

III . Management of the “Designated Area”

III - 1. Remediation Measures

III - 2. Restriction on Land Use

III - 1. Remediation Measures

(Possibility of the harm to the Public Health)

↓ YES

↓ NO

Administrative Order for Remediation Measures

Responsible Parties *

- Owners, Receivers or Occupants
- Polluters

Seek Contributions

Clean up

Other Measures*

Erasure from the Registration



*** Responsible Parties**

- landowners etc.

- The cases where polluters are required to undertake the obligations

III -2. Restriction on Land Use

Notification to the Prefectural Governor



(Designated Standards)

NO



Administrative Order

—— Revision of the Plan to Alter the Land

YES





III. Significance of SRA

(1) Responsible Parties for Remediation

Measures = Landowners etc. & Polluters

○ Retroactivity of Liability for Polluters

- Does it violate the Constitutional Law ?



(2) Public Access to Soil Contamination Data

- Incentives for industrial sectors to take soil investigation**
- Voluntary risk management measures**