

Industrial Safety and Health Act (Abstract) (Act No. 57 of June 8, 1972)

(Investigation of Toxicity of Chemical Substances)

Article 57-4 (1) To prevent impairment of workers' health caused by chemical substances, an employer who intends to manufacture or import a chemical substance (hereinafter in this Article referred to as "new chemical substance") other than the chemical substances defined by Cabinet Order as the existing chemical substances (including chemical substances whose names were made public under the provisions of paragraph (3)), shall, in advance, undertake an investigation of toxicity provided for by the Ordinance of the Ministry of Health, Labour and Welfare (meaning investigation of the influence of the said new chemical substance on the health of workers and hereinafter the same applying in this Article) and shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, notify the Minister of Health, Labour and Welfare of the name of the said new chemical substance and the result of the investigation of toxicity and other matters. However, shall not apply for the case falling under any of the following items or in such cases as provided for by Cabinet Order:

- (i) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, in respect of the said new chemical substance, an affirmation by the Minister of Health, Labour and Welfare has been obtained stating that the method etc., of manufacturing or treating of the new chemicals substance has been reviewed, it is not likely for the workers to be exposed to the said new chemical substance.
- (ii) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, in respect of the said new chemical substance, an affirmation by the Minister of Health, Labour and Welfare has been obtained, stating that the said new chemical substance does not have the toxicity prescribed by the Ordinance of the Ministry of Health, Labour and Welfare according to the knowledge, etc., already gained.
- (iii) When the said new chemical substance is to be manufactured or imported for the sake of research or examination.

- (iv) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, the said new chemical substance is imported primarily for ordinary use of general consumers (including a product containing the said new chemical substance).
- (2) The employer who has carried out the investigation of toxicity shall soon take necessary measures, based on the result of the said investigation for preventing impairment of workers' health caused by the said new chemical substance.
- (3) The Minister of Health, Labour and Welfare shall, when notification has been made for a new chemical substance under the provisions of paragraph (1) (including the case of an affirmation under the provisions of item (ii) of the said paragraph), make public the name of the said new chemical substance, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (4) In case where notification has been made under the provisions of paragraph (1), the Minister of Health, Labour and Welfare may, hearing the opinion of the person with relevant knowledge and experience on the result of the investigation of toxicity as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, recommend to the employer who made the notification to take due measures including establishment or improvement of facilities or equipment, provision of personal protective equipment or other actions, where it is deemed necessary for preventing workers' health impairment caused by the chemical substance of the said notification.
- (5) The person with relevant knowledge and experience who were asked their opinions on the result of the investigation of toxicity under the preceding paragraph shall not divulge any confidential information known to them in connection with the said result. However, this shall not apply where they are compelled to disclose this information for the purpose of preventing the impairment of workers' health.