

Enforcement Ordinance of Pneumoconiosis Law

Ministry of Labour Ordinance No. 6 of March 31, 1960

Latest Amendments:

Ministry of Health, Labour and Welfare Ordinance No. 2 of January 6, 2001

[In Japanese](#)

In accordance with the regulations of the Pneumoconiosis Law (Law No. 30 of 1960) and for its enforcement, the Enforcement Ordinance of Pneumoconiosis Law shall be stipulated as follows.

Contents

- [Chapter I.](#) General Provisions (Articles 1 through 8)
- [Chapter II.](#) Supervision of Health (Articles 9 through 29)
- [Chapter III.](#) Pneumoconiosis Council (Deleted)
- [Chapter IV.](#) Miscellaneous Provisions (Articles 34 through 37)
- Supplementary Provisions
- [Attached Table](#)

Chapter I. General Provisions

(Complications)

Article 1. Complications provided for in item 2 of [paragraph 1 of Article 2](#) of the Pneumoconiosis Law (called "the Law" hereinafter) shall be those which are defined below among the diseases causing complications with pneumoconiosis for the patients who come under the No. II or No. III classifications for supervision of pneumoconiosis:

- (1) Pulmonary tuberculosis
- (2) Tuberculous pleuritis
- (3) Secondary bronchitis
- (4) Secondary bronchiectasis
- (5) Secondary pneumothorax

(Dusty Work)

Article 2. Dusty work provided for in item 3 of paragraph 1 of [Article 2 of the Law](#) shall be any of those types of work which are listed in the [Attached Table](#). However, this shall exclude work recognized under the proviso of item 1 of [paragraph 1 of Article 2](#) of the Ordinance on Prevention of Hazards Due to Dust (Ministry of Health, Labour and Welfare Ordinance No 18 of 1979).

Article 3. Deleted

(Clinical Examination of Chest)

Article 4. Clinical examination of the chest provided for in item 2 of [paragraph 1 of Article 3 of the Law](#) shall be conducted by the survey and examination as follows:

- (1) Survey of medical history
- (2) Examination of presence or absence of subjective symptoms and objective observations of the chest.

(Pulmonary Function Test)

Article 5. Pulmonary function test provided for in item 2 of [paragraph 1 of Article 3 of the Law](#) shall be conducted with examinations as follows:

- (1) Examination by means of spirometry and flow volume curve.
- (2) Examination by means of analyzing arterial blood gases.

2. Examination provided for in item 2 of the preceding paragraph shall be conducted for the following persons:

- (1) Those who were diagnosed to be doubtful of having serious impediments in the pulmonary function caused by pneumoconiosis as the result of the examination conducted in line with item 1 of the preceding paragraph or the preceding Article (except those who are defined in the following item).
- (2) Those who are diagnosed to have Category III or Category IV of the radiographic appearances (restricted to the shadow, the size of which is less than one third of total lung area on either side).

(Detailed Examination for Tuberculosis)

Article 6. The detailed examination for tuberculosis provided for in item 3 of [paragraph 1 of Article 3 of the Law](#) shall be conducted as follows:
However, same examinations which are deemed unnecessary by medical doctor may be omitted.

- (1) Examination for tubercle bacillus

- (2) Special radiographic examination
- (3) Erythrocyte sedimentation rate test
- (4) Tuberculin skin test

(Exemption from Examination for Complications Other Than Pulmonary Tuberculosis)

Article 7. The examinations provided for by the Ministry of Health, Labour and Welfare Ordinance on the basis of item 3, [paragraph 1 of Article 3 of the Law](#) shall be those medical doctor deems necessary in examinations defined below:

- (1) Examination for tubercle bacillus
- (2) Examination of sputum
- (3) Special radiographic examination

(Exemption from Pulmonary Function Test)

Article 8. Persons provided for by the Ministry of Health, Labour and Welfare Ordinance based on proviso of [paragraph 2 of Article 3 of the Law](#) shall be defined as follows:

- (1) Those who are diagnosed to be suffering from pulmonary tuberculosis by the examination provided for in [Article 6](#).
- (2) Those who are observed to have symptoms of pneumoconiosis and are concurrently suffering from diseases stated in items 2 through 5 of [Article 1](#) as the results of the survey and examination provided for in item 1 of [paragraph 1 of Article 3 of the Law](#), or the examination provided for in the preceding Article or examination prescribed [Article 4](#).

Chapter II. Supervision of Health

(Exemption from Medical Examination at Time of Employment)

Article 9. Workers provided for by the Ministry of Health, Labour and Welfare Ordinance based on [Article 7 of the Law](#) shall be defined as follows:

- (1) Workers who have not been engaged in any occupations involving regular dusty work prior to the date of beginning the regular dusty work.
- (2) Workers who were diagnosed to have no symptoms of pneumoconiosis or determined to belong to the No. I classification for supervision of pneumoconiosis at medical examination for pneumoconiosis within one year prior to the date of beginning the regular dusty work.

(3) Workers who were determined to belong to the No. III (b) classification for supervision of pneumoconiosis at medical examination for pneumoconiosis within six months prior to the date of beginning the regular dusty work.

(Partial Omission of Medical Examination for Pneumoconiosis)

Article 10. An employer may, at conducting medical examination for pneumoconiosis in compliance with the provisions of [Article 7](#) through [9-2 of the Law](#), omit a part of the examination corresponding to the cases stated below, if all or a part of the examination provided for in each item of [paragraph 1 of Article 3 of the Law](#) was already conducted within three months of the said examination or if the workers were examined for pneumoconiosis within three months of the said examination and submitted a document providing the results of such examination or radiographs.

(Unscheduled Medical Examination)

Article 11. The case provided for by Ministry of Health, Labour and Welfare Ordinance based on item 3 of paragraph 1 of [Article 9 of the Law](#) shall be when a worker is diagnosed not to require further medical care after recovering his health after treatment for a period exceeding one year due to complications. (excepting cases coming under the provision of item 2 of paragraph 1 of [Article 9 of the Law](#)).

(Employment Period of Workers Subject to Medical Examination upon Leaving Employment)

Article 12. The period provided for by the Ministry of Health, Labour and Welfare Ordinance on the basis of paragraph 1 of [Article 9-2 of the Law](#) shall be one year.

(Procedures for Submitting Radiographs, etc., by the Employer)

Article 13. An employer who intends to submit in compliance with the provisions of [Article 12 of the Law](#) shall file the report using Form No. 2 attached with radiographs and a document proving the results of the medical examination on pneumoconiosis using Form No. 3 with the Director General of the Prefectural Labour Bureau that has jurisdiction over the area where the workplace belonging to the relevant workshop is located (called "the Director General of the competent Prefectural Labour Bureau" below).

Article 14. An employer who omitted a part of the medical examination on pneumoconiosis provided for in [Article 7](#) through [9-2 of the Law](#), at submitting the documents proving the results of the examination together with radiographs in compliance with the provision of [Article 12 of the Law](#), shall attach a document proving the result of the said examination or radiographs corresponding to the omitted part of the examination.

(Scope of Medical Examination to Be Directed by the Director General of the Prefectural Labour Bureau, etc.)

Article 15. Medical examinations within the scope provided for by the Ministry of Health, Labour and Welfare Ordinance based on [paragraph 3 of Article 13 of the Law](#) (including the cases to be applied correspondingly in [paragraph 3 of Article 15](#), paragraph 2 of Article 16, paragraph 2 of Article 16-2 and paragraph 3 of Article 19 of the Law) shall be as follows:

- (1) Examinations stipulated in [Article 4](#) through [Article 7](#)
- (2) Measurement of the vital capacity of the lung
- (3) Ventilatory function test
- (4) Pulmonary gas exchange function test
- (5) Pulmonary gas exchange function test
- (6) Electrocardiograph test.

(Notification of Determination on Classification for Supervision of Pneumoconiosis)

Article 16. The notification as provided for in [paragraph 1 of Article 14 of the Law](#) (including the cases to be applied correspondingly in [paragraph 3 of Article 15](#), paragraph 2 of Article 16 and paragraph 2 of Article 16-2 of the Law) shall be made by the Director General of the competent Prefectural Labour Bureau in the Notification of Determination on Classification for Supervision of Pneumoconiosis (Form No. 4).

Article 17. Notification as provided for in [paragraph 2 of Article 14 of the Law](#) (including the cases to be applied correspondingly in [paragraph 2 of Article 16](#) and [paragraph 2 of Article 16-2 of the Law](#), same in Article 19) shall be made in the Notification of Determination on Classification for Supervisions of Pneumoconiosis (Form No. 5).

(Past Workers Who Are Subject to Notification)

Article 18. Those who were the workers defined by the Ministry of Health, Labour and Welfare Ordinance based on [paragraph 2 of Article 14 of the Law](#) shall be those who left their occupation without receiving the classification for supervision of pneumoconiosis and the notification about the items to take heed to during the period that they were employed by the employer.

(Preparation of Notification in Writing)

Article 19. An employer shall, when the notification is made as provided for in [paragraph 2 of Article 14 of the Law](#), prepare documents stating the said notification was received by the said worker and have it signed or sealed by the said worker.

(Procedure of Application at Will)

Article 20. The application provided for in [paragraph 1 of Article 15](#) or [paragraph 1 of Article 16 of the Law](#) shall be made by filing the Petition for Decision on Classification for Supervision of Pneumoconiosis (Form No. 6) with the Director General of the competent Prefectural Labour Bureau (for a worker who was engaged in regular dusty work (except those who are presently engaged in non-regular dusty work at the workplace and were previously engaged in such work at the said workplace) Director General of the Prefectural Labour Bureau with jurisdiction over the domicile of the said worker).

2. The document which proves the results of medical examination on pneumoconiosis as provided for in [paragraph 2 of Article 15 of the Law](#) (including the cases to be applied correspondingly in [paragraph 2 of Article 16 of the Law](#)) shall be prepared in Form No. 3.

(Procedure for Instructing the Submission of Radiographs, etc.)

Article 21. The instruction as provided for in [paragraph 1 of Article 16-2 of the Law](#) shall be made by the Director General of the competent Prefectural Labour Bureau in writing.

(Preparation and Retention of Records, etc.)

Article 22. An employer shall prepare the records pertaining to the medical examinations on pneumoconiosis in Form No. 3 as soon as the examination is conducted in compliance with the provisions of [Article 7](#) through [Article 9-2 of the Law](#) or the document proving the results of the said examination and radiographs are submitted in compliance with the proviso of [Article 11 of the Law](#).

2. An employer shall retain the records and X-ray photographs in the case of the preceding paragraph. Whereas, the duty to retain X-ray photographs shall be exempted when they are retained by the hospital, clinic, or a medical doctor.

(Statements in Appeal for Examination)

Article 23. The items defined by the Ministry of Health, Labour and Welfare Ordinance provided for in [paragraph 1 of Article 18 of the Law](#) shall be as follows:

- (1) Name and address of the person who was determined.
- (2) Name and address of the interested persons provided for in [paragraph 5 of Article 19 of the Law](#).

(Matters to Be Attached to the Appeal for Examination)

Article 24. The appeal for examination based on the provisions of [paragraph 2 of Article 18 of the Law](#) shall be attached with the radiographs related to the said determination and matters given below and evidences:

- (1) Documents to prove the result of medical examination on pneumoconiosis.

(2) Documents to prove the result of examinations conducted in compliance with the instructions based on the provisions of [paragraph 3 of Article 13 of the Law](#) (including the cases to be applied correspondingly in [paragraph 3 of Article 15](#), paragraph 2 of Article 16 and paragraph 2 of Article 16-2 of the Law).

(Interested Persons)

Article 25. Interested persons defined by the Ministry of Health, Labour and Welfare Ordinance on the basis of [paragraph 5 of Article 19 of the Law](#) shall be as follows:

(1) The relevant employer or past employer when the examination is appealed by a worker or past worker.

(2) The relevant worker or past worker when the examination is appealed by an employer or past employer.

(3) The relevant worker or past worker, and the relevant employer or past employer, when the examination is appealed by the person other than those stated in the preceding two paragraphs.

(Advice for Change of Work)

Article 26. The advice provided for in [paragraph 1 of Article 21 of the Law](#) shall be addressed by the Director General of the competent Prefectural Labour Bureau in writing.

(Reporting on Change of Work)

Article 27. The reporting provided for in [paragraph 3 of Article 21 of the Law](#) shall be addressed to the Director General of the competent Prefectural Labour Bureau in writing.

(Instruction for Change of Work)

Article 28. Instructions provided for in [paragraph 4 of Article 21 of the Law](#) shall be made by the Director General of the competent Prefectural Labour Bureau in writing.

(Exemption of Conversion Allowance)

Article 29. The cases defined by the Ministry of Health, Labour and Welfare Ordinance based on [Article 22 of the Law](#) shall be as follows:

(1) When a worker discontinues regular dusty work before the determination of classification for supervision of pneumoconiosis at medical examination for pneumoconiosis, provided for in [Article 7 of the Law](#) (including the cases at stated in proviso of [Article 11 of the Law](#) as stipulated by [Article 7 of the Law](#)) or a worker discontinues regular dusty work as soon as the classification is determined.

- (2) When a worker discontinues regular dusty work within three months from the date of beginning the regular dusty work (except in cases covered by the preceding item).
- (3) When a worker does not engaged in regular dusty work by reason of rest from work due to disease or injury, etc., when it is prearranged to come back to the former work, if such reason is over.
- (4) When a worker quits his job because the enterprise is forced to close due to force major or natural disaster.
- (5) When a worker is discharged for reasons attributable to himself.
- (6) When a worker quits his job for reasons which automatically discontinue the employment agreement such as an agreed upon age limit (excepting the case of the expiration of an employment contract).
- (7) Other cases as provided for by Minister of Health, Labour and Welfare.

Chapter III. Pneumoconiosis Council Deleted

Article 30 through 33. (Amended) Deleted

Chapter IV. Miscellaneous Provisions

(Terms of Office of Engineering Consultant for the Control of Emission of Dust and Pneumoconiosis Examination Physician)

Article 34. Terms of office of Engineering Consultant for the Control of Emission of Dust appointed in each Prefectural Labour Bureau and Pneumoconiosis Examination Physician in part-time service as provided for in [paragraph 4 of Article 39 of the Law](#) shall be two years.

2. When the terms of office of Engineering Consultant for the Control of Emission of Dust and Pneumoconiosis Examination Physician stated in the preceding paragraph expire, they shall continue their services until their successors are appointed.

(Identification Card)

Article 35. Identification Card provided for in [paragraph 2 of Article 40 of the Law](#) shall comply with Form No. 7 and identification card provided for in [paragraph 2 of Article 42 of the Law](#) shall comply with Form No. 18 of Enforcement Ordinance of the Labour Standards Law (No. 23 of the Ministry of Health and Welfare Ordinance of 1947)

(Chief of the Labour Standards Inspection Office and Labour Standards Inspectors)

Article 36. The Chief of the Labour Standards Inspection Office shall execute the business provided for in this Ministry of Health, Labour and Welfare Ordinance and business related to

the enforcement of the Laws, under the direction and supervision of the Director General of the Prefectural Labour Bureau.

2. Labour Standards Inspectors shall execute business related to the enforcement of the Laws, such as site inspections based on the Laws, the functions of judicial police officer, under the instructions of their superior.

(Reporting)

Article 37. An employer shall report the implementation status of supervision of health related to pneumoconiosis effective on December 31 of every year to the Director General of the competent Prefectural Labour Bureau via the Chief of the Labour Standards Inspection Office that has jurisdiction over the area where the workplace belonging to the relevant workshop is located not later than the end of the following February using Form No. 8.

2. In addition to the report provided for in the preceding paragraph, an employer shall report on the items necessary for implementation of prevention and supervision of health related to pneumoconiosis, upon the requests of the Minister of Health, Labour and Welfare, the Director General of the Prefectural Labour Bureau or the Chief of the Labour Standards Inspection Office.

Attached Table 1 (Refer to Article 2)

Attached Table (Related to Article 2)

(1) Work at an operations site involving excavation of soil, sand, rocks or minerals (hereinafter referred to as "minerals, etc.") (except wet soil and sand). The work listed below is excluded:

- a) Work at an operations site, out of a pit, involving boring by the wet method of minerals, etc.
- b) Work at an operations site, in the open air, involving excavation of minerals, etc., without employing motive power or blast.

(2) Work at an operations site involving unloading of minerals, etc. (except wet ones) by tipping or tipping over the rack of a truck loaded with minerals, etc. (except wet ones) (except work listed in item 3, 9 or 18)

(3) Work at an operations site involving cutting, crushing, screening, loading or unloading of minerals, etc., in a pit. Work listed to below is excluded:

- a) Work at an operations site involving loading or unloading of wet minerals, etc.
- b) Work at an operations site involving cutting, crushing or screening in water.
- c) Work at an operations site involving screening, by the use of a sprinkler system.

(4) Work on the conveying of minerals, etc. (except wet ones) in a pit. Work on the driving of a traction engine of trucks loaded with minerals, etc. is excluded.

(5) Work at an operations site involving filling up of excavations with mineral, etc. (except wet ones) or sprinkling dust in a pit.

(5-2) Work of removing, evacuating, checking or repairing machines or electric equipment attached or accumulated with dust in a pit close to the places as provided for in item 1 to 3 and the preceding item.

(6) Work at an operations site involving cutting, chiseling or finishing of rocks or minerals (except work listed in item 13). The work listed below is excluded:

- a) Work at an operations site involving cutting or finishing with flames.
- b) Work at an operations site involving cutting, chiseling or finishing by the use of sprinklers or an oiling system.

(7) Work at an operations site involving grinding by spraying abrasives or work at an operations site involving grinding or deflashing of rocks, minerals or metals, or cutting of metal by motive power with abrasives (except work listed in the preceding item). Work at an operations site involving grinding or deflashing of rocks, minerals or metals, or cutting of metal, by motive power with abrasives by the use of a sprinkler or an oiling system, is excluded.

(8) Work at an operations site involving cutting, crushing or screening of minerals, etc., raw materials having carbon for their principal element (hereinafter referred to as "carbonic raw material"), or aluminum foil, by motive power (except work listed in item 3, 15 or 19). Work listed below is excluded:

- a) Work at an operations site involving cutting, crushing or screening by motive power in the water or oil.
- b) Work at an operations site involving screening of minerals, etc., or carbonic raw materials, by motive power, by the use of sprinklers or an oiling system.
- c) Work at an operations site involving cutting or crushing of minerals, etc., or carbonic raw materials, by motive power, by the use of a sprinkler or oiling system, in the open air.

(9) Work at an operations site involving drying, packing into bags, loading or unloading of cement, fly-ash, or pulverized ore, carbonic raw materials or carbonic products (except work listed in item 3, 16 or 18).

(10) Work at an operations site involving packing of pulverized aluminum or titanium oxide into bags.

(11) Work at an operations site involving mixing, adding or sprinkling of pulverized ore, carbonic raw materials or any other material containing them in the process of manufacturing or processing products for which pulverized ore or carbonic raw material is used as raw material or material (except work listed in items 12 to 14).

(12) Work at an operations site involving mixing raw material, or supplying a melting furnace with raw material or mixture, in the process of manufacturing glass or enamel. Work at an operations site involving mixing raw materials in water is excluded.

(13) Work at an operations site involving mixing or shaping raw materials, drying raw materials or unfinished products, loading carts with unfinished products or unloading from the carts,

finishing or packing unfinished or manufactured products, or work of entering into a kiln, in the process of manufacturing ceramic ware, fire bricks, diatomaceous earthenware or abrasives.

Work listed below is excluded:

- a) Work at an operations site involving pouring and shaping raw materials, finishing unfinished products before being placed into the kiln, or packing manufactured products, in the process of manufacturing ceramic ware.
- b) Work at an operations site involving mixing raw materials in water.

(14) Work at an operations site involving mixing or shaping carbonic raw materials, placing unfinished products into kilns, removing unfinished or manufactured products from kilns or finishing those products, in the process of manufacturing carbonic products. Work at an operations site involving mixing raw materials in water is excluded.

(15) Work at an operations site involving breaking of sand-molds, cleaning of castings, reclaiming of sand, tempering of sand or scraping off of flashes (except work listed in item 7) in the process of manufacturing castings with sand-molds. Work at an operations site involving reuse of sand in the water or oil by the use of a sprinkler or an oiling system is excluded.

(16) Work of scraping off minerals, etc. (except wet ones) or scratching them off in the hatch of a ship which carries minerals, etc (except wet ones).

(17) Work at an operations site involving supplying a blast furnace with soil, sand, ores or minerals, reducing of them, steaming or casting in, in the process of smelting or melting metals or other inorganic material. Work at an operations site involving steaming out of a converter or casting in a metal mold is excluded.

(18) Work at an operations site involving scraping off, scratching up, loading or unloading or putting into vessels slag or ash adhering to or accumulating inside a furnace, flue, chimney, etc., or in the process of the combustion of pulverised ores or in the process of smelting or melting metals or other inorganic material.

(19) Work of building or repairing of kilns, furnaces, etc., with firebricks, or of dismantling or destroying kilns, furnaces, etc., built with firebricks.

(20) Work of cutting metals by means of melting, arc welding of metals or gouging metals with an arc indoors, in a pit or inside of the tank, vessel, pipes or vehicles, etc. Work of cutting automatically by means of melting, or of automatic welding indoors is excluded.

(21) Work at a site of metal spraying operations.

(22) Work at a site of operation involving warehousing of rushes covered with soil for dyeing, taking it out from the warehouse, selecting or regulating it, or weaving with it.

(23) Work at an operations site involving unloading of ballast from hopper cars, or tamping of soil of a road with a multiple-tamper, in a long and large tunnel (designated by the Minister of Health, Labour and Welfare as an extraordinarily long tunnel).

(24) Work at an operations site involving unraveling, compounding, spinning, weaving, spraying, loading or unloading of asbestos, or placing one asbestos product upon another or stitching up, cutting, grinding, finishing or packing of asbestos products.