

Ordinance on Prevention of Health Impairment due to Asbestos

Ordinance of the Ministry of Health, Labour and Welfare, No.21 (24, February 2005)

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Contents

- [Chapter I General Provisions \(Articles 1 and 2\)](#)
- Chapter II Measures concerningpertaining to Work, etc., of Handling of Asbestos, etc.
 - [Section 1 Measures concerningpertaining to Demolition Work, etc. \(Articles 3 through to 9\)](#)
 - [Section 2 Measures concerningpertaining to Work in Buildings, etc., with Sprayed Asbestos, etc. \(Article 10\)](#)
 - [Section 3 Other Measures concerningpertaining to Work of involving the Handling of Asbestos, etc. \(Article 11 through to 15\)](#)
- [Chapter III Performance, etc., of Equipment \(Article 16 through to 18\)](#)
- [Chapter IV Administration \(Article 19 through to 35\)](#)
- [Chapter V Measurements \(Article 36 through to 39\)](#)
- [Chapter VI Medical Examinations \(Article 40 through to 43\)](#)
- [Chapter VII Personal Protective Equipment \(Article 44 through to 46\)](#)
- [Chapter XVIII Permission for Manufacturing, etc. \(Article 47. and 48\)](#)
- [Chapter VIII-II Skills Training Course for Operation Chief of Asbestos Work Article 48-2\)](#)
- [Chapter IX Report \(Article 49\)](#)
- [Supplementary Provisions](#)

Chapter I General Provisions

Article 1 (Responsibilities of the Employer)

- (1) For the prevention of The employer shall, in order to prevent workers from lung cancer, mesothelioma, and other health impairments in workers resulting from due to asbestos, the employer shall endeavor to establish work methods, improve equipment concerned, promote the betterment of the working environment, carefully manage the health of workers, as well as take other necessary measures, thereby to minimize the number of workers who are exposed to asbestos, the periods of time for which they are exposed, and the extent to which they are exposed, without compromising the goal of keeping workers out of dangerous situations.
- (2) The employer shall endeavor to ascertain the presence of products containing asbestos and systematically substitute those products with products that do not contain asbestos.

Article 2 (Definitions)

- (1) The term “Asbestos, etc.,” as used in this Ordinance refers to means the asbestos, etc., specified prescribed in Item (xxiii)23 of Article 6 of the Enforcement Order for the Industrial Safety and Health Act (hereinafter referred to as “Cabinet Orderthe Order”).

Chapter II Measures concerningpertaining to Work, etc. of Handling of Asbestos, etc.

Section 1 Measures concerningpertaining to Demolition Work, etc.

Article 3 (Preliminary Surveys)

- (1) The employer shall in advance, when performing the work listed below, in order to prevent workers from health impairments due to asbestos, etc., conduct a preliminary survey of those buildings or structures based on such means as the blueprints, or a visual inspection of the presence of asbestos, etc., and shall record its findings:
 - (i) Work involving the demolition or crushing of buildings or structures (including the removal of sprayed asbestos, etc., hereinafter referred to as demolition work, etc.);
 - (ii) Work involving the encapsulation or enclosure of asbestos etc., pursuant to the provision of paragraph (1) of Article 10.
- (2)The employer shall,Regardless of whether the preliminary survey stipulated set forth in the preceding paragraph has been conducted, if it is unclear whether asbestos, etc., is present in the building or structure, the employer shall conduct a survey based on an analysis of the presence of asbestos, etc., and shall record its findings. However, this shall not apply if to the case that it is clear that asbestos, etc., has not been sprayed into the building or structure and the employer takes measures stipulated prescribed in the Industrial Safety and Health Act (hereinafter referred to as the Act) and related ordinances to treat the building or structure as one that contains asbestos, etc.

Article 4 (Work Plans)

- (1)The employer shall in advance,when performing the work listed below, in order to prevent workers from health impairments due to asbestos, etc., prepare a work plan and conduct work according to that plan.
 - (i)Demolition work etc., of buildings or structures in which asbestos etc., has been used.
 - (ii) Work involving the encapsulation or enclosure of asbestos etc., pursuant to the provision of paragraph (1) of Article 10,.
- (2)The work plan set forth in the preceding paragraph shall include the following items:
 - (i) Work methods and order
 - (ii) Methods of preventing or controlling the dispersion of dust from asbestos, etc.
 - (iii) Methods of preventing workers who conduct the work from being exposed to the dust of asbestos, etc.
- (3)The employer shall, when having prepared established the work plan set forth in paragraph (1), disseminate the matters set forth in the preceding each iteminformation regarding each of the items listed above to the workers concerned.

Article 5 (Notification of Work)

- (1) The employer shall in advance, when performing the work listed below, submit the notification document by Form 1 together with drawings showing an overview of the building or structure to the Chief of the Labour Standards Inspection Office with jurisdiction over the district where the workplace is located (hereinafter referred to as the Chief of the competent Labour Standards Inspection Office).
 - (i) In case of carrying out the demolition work, etc. (limited to the case that may diffuse considerable amount of asbestos, etc.) of buildings or structures, walls, pillars, ceiling, etc. on which thermal insulating material, fire-proof material (referring to meaning coating materials with heat resistance capability; the same shall apply hereinafter the same.) containing asbestos, etc., work involving the removal of the said heat insulation material or fireproof materials.
 - (ii) Work involving the encapsulation or enclosure of asbestos etc., under the provision of paragraph (1) of Article 10, paragraph 1.
 - (iii) Work of a similar type to that listed in the preceding two items.
- (2) The provision set forth in the preceding paragraph shall not apply to the case where of the notification is made under pursuant to the provision in of paragraph (4) of Article 88, paragraph 4 of the Act.

Article 6 (Measures concerning pertaining to the Removal, etc., of Sprayed Asbestos, etc.)

- (1) The employer shall, when assigning workers to the work listed below, isolate the work area where the work concerned is to be performed from work areas where other types of work are to be performed.
 - (i) Work involving removal of asbestos etc., during demolition work, etc., of buildings in which asbestos, etc., has been sprayed on surfaces such as walls, pillars, or ceilings, etc.
 - (ii) Work involving the encapsulation or enclosure of asbestos, etc., under pursuant to the provision of Article 10, paragraph (1) of Article 10, (limited to that the one accompanying the work listed in item 1(i) of paragraph (1) of Article 13, for enclosure work).

Article 7 (Measures concerning pertaining to the Removal, etc. of Heat Insulation Materials, and Fireproof Materials, etc., Containing Asbestos, etc.)

- (1) The employer shall, when assigning workers to the work listed below, prohibit workers who have not been assigned to perform this work from entering the work area where this work is to be performed (excluding individuals who have taken the measures provided in Article 14) and shall post a notice to this effect in an easily visible location.
 - (i) Work listed in item (i) of paragraph (15) of Article 5.
 - (iii) Work involving the enclosure of asbestos, etc., under pursuant to the provision of paragraph (1) of Article 10 (excluding that the one accompanying the work listed in those listed in item (i) of paragraph (1) of Article 13).
- (2) The specified principal employer (referred to as provided meaning the one set forth in paragraph (1) of Article 15 of the Act) shall, when the work by workers of the principal employer and relevant contractors (referred to as provided meaning the one set forth in paragraph (1) of Article 15 of the Act, hereinafter the same shall apply in this paragraph) is carried out at the

same place as the work listed in each of the items of the preceding paragraph, inform the relevant contractors before the work begins that this type of work is going to be carried out, as well as take necessary measures such as coordination on schedule of working hours, etc.

Article 8 (Advice on the Presence of Asbestos, etc.)

- (1) An orderer (this refers to meaning the person who places an original order without receiving any orders for the project from others) of a project involving the work listed in each of the items of paragraph (1) of Article 3, shall endeavour to advise the contractors of the presence of asbestos, etc., in the building or structure on which the work is to be performed.

Article 9 (Conditions Regarding the Demolition Work, etc. of Buildings)

- (1) An orderer of a project involving the work listed in each of the items in paragraph (1) of Article 3, shall take into consideration not to impose on the contractor conditions which could impede the observance of provisions set forth in the Act and related ordinances regarding surveys to detect the presence of asbestos, etc., methods, expenses, or work periods of the relevant work.

Section 2 Measures concerning pertaining to Work in Buildings, etc., with Sprayed Asbestos, etc.

Article 10

- (1) The employer shall, when asbestos, etc. sprayed on walls, pillars, ceiling, etc. building (excluding those prescribed in next paragraph and paragraph (4)) where workers are to be placed are likely to be dispersed due to the deterioration, damage, etc. and the workers concerned are likely to be exposed to that dust, take such measures as removal, encapsulation or enclosure of the said asbestos, etc
- (2) The employer shall, when asbestos, etc. sprayed on walls, pillars, ceiling, etc. of building (excluding those prescribed in paragraph (4)) where workers are to be placed are likely to be dispersed due to the deterioration, damage, etc. and the workers concerned are likely to be exposed to that dust, have the workers use respiratory protective equipment, and work clothes or protective clothing.
- (3) The worker shall, when having been indicated by the employer to use the personal protective equipment, etc., set forth in the preceding paragraph, use it.
- (4) The building lessor set forth in Article 34 of the Act shall, when there is a possibility that dust from asbestos, etc., will be dispersed due to the deterioration or degradation of asbestos, etc., sprayed on surfaces such as the corridor walls shared by two or more employers that are renting the building concerned, and that workers will be exposed to that dust, take the measures prescribed in paragraph (1).

Section 3 Other Measures concerning pertaining to Work involving the Handling of Asbestos, etc.

Article 11 (deleted)

Article 12 (Facility, etc., pertaining to concerned with the Work)

- (1) The employer shall, in the indoor workshop where dust from asbestos, etc., is dispersed, provide the dust source sealing system, local exhaust ventilation system or push-pull ventilation system. However, this provision shall not apply to the case that it is extremely difficult to provide the dust source sealing system, local exhaust ventilation system or push-pull ventilation system, or the case that the work performed is on temporary basis.
- (2) The employer shall, in the case that the dust source sealing system, local exhaust ventilation system or push-pull ventilation system are not provided pursuant to the proviso of the preceding paragraph, take measures to prevent workers from health impairment such as providing the general ventilation system or ensuring that the asbestos, etc., is being handled under humid condition.

Article 13 (Measures concerning pertaining to Cutting and Other Types of Work related to Asbestos, etc.)

- (1) The employer shall, when assigning workers in any of the works listed in following each item below (referred to as "cutting and other types of work related to asbestos, etc." in the following next paragraph and the next Article), ensure to make asbestos, etc., in humid condition. However, this provision shall not apply to the case that it is extremely difficult to make the asbestos, etc., in humid condition.
 - (i) Cutting, perforating, and grinding asbestos, etc.
 - (ii) Demolishing objects that have been spread, infused, or adhered with asbestos, etc. (including demolition work on buildings or structures that contain asbestos, etc.).
 - (iii) Work involving the encapsulation or enclosure of asbestos, etc., under pursuant to the provision of paragraph (1) of Article 10, paragraph 1.
 - (iv) Putting powered asbestos, etc. in a container or taking out it from the container.
 - (v) Mixing powdered asbestos, etc.
 - (vi) Cleaning up dust from asbestos, etc., dispersed while performing the types of work listed above.
- (2) The employer shall provide containers with a lid to put the cut waste of asbestos, etc., into at the place where cutting and other types of work related to asbestos, etc. are carried out.

Article 14

- (1) The employer shall, when assigning workers to cutting and other types of work related to asbestos, etc., have the said workers use respiratory protective equipment.
- (2) The employer shall, when assigning workers to cutting and other types of work related to asbestos, etc., have the said workers use work clothes. However, this shall not apply to the case that the employer has the said workers use protective clothes.
- (3) Workers shall, when having been indicated to use the personal protective equipment, etc., set forth in the preceding two paragraphs, use them.

Article 15 (Prohibition of Entry)

- (1) The employer shall prohibit persons other than those directly concerned from entering into the workshop where asbestos, etc., is handled (hereinafter includes use for the sake of research or examination) or manufactured for the sake of research or examination and shall post a notice to this effect in an easily visible location.

Chapter III Performance, etc. of Equipment

Article 16 (Requirements of Local Exhaust Ventilation System, etc.)

- (1) When the employer shall conform provides the local exhaust ventilation system installed as stipulated in pursuant to the provision of paragraph (1) of Article 12 to the following provisions, the system shall comply with items prescribed below.
 - (i) The hood is installed at each source of dispersal of dust from asbestos, etc., and an exterior-type hood or a receiving-type hood is installed at a location as near as possible to the source of dispersal of dust from specified asbestos, etc.
 - (ii) The duct is made as short as possible, and also the number of bends as less as possible. In addition, it shall be provided with a cleaning orifice at a proper location so that cleaning can be easily done.
 - (iii) The exhaust outlet is located outdoors.
 - (iv) The system has the performance as prescribed by the Minister of Health, Labour and Welfare.
- (2) When the employer shall conform provides the push-pull ventilation systems installed pursuant to the provision of as stipulated in paragraph (1) of Article 12 to the following provisions, the system shall comply with the items prescribed below.
 - (i) The duct is made as short as possible, and also the number of bends as small as possible. In addition, it is provided with a cleaning orifice at a proper location so that cleaning can be easily done.
 - (ii) The exhaust outlet is located outdoors.
 - (iii) The system has the performance as prescribed by the Minister of Health, Labour and Welfare.

Article 17 (Operation of Local Exhaust Ventilation System, etc.)

- (1) With reference to The employer shall, as regards the local exhaust ventilation systems or the push-pull type ventilation system provided installed pursuant to the provision of paragraph (1) of Article 12, the employer shall operate them to fulfill the requirements prescribed by the Minister of Health, Labour and Welfare while the work for asbestos, etc. is being carried out.
- (2) The employer shall, when operating the local exhaust ventilation system or the push-pull type ventilation system, take measures necessary for effective operation of the said systems such as elimination of atmospheric currents, which disturb ventilation by using baffles.

Article 18 (Dust Collection)

- (1) With regard The employer shall, as regards the exhaust duct of the manufacturing facility which exhausts gases containing dust from asbestos, etc., or the local exhaust ventilation or

push-pull ventilation system pursuant to the provision inof paragraph (1) of Article 12, the employer shall, corresponding to the diameter of dust particles listed in the left column of the following table, provide dust collection devices with any one of the collection methods listed in the right column of the same table or those with the same performance or superior.

Diameter of dust particle (in microns)	Dust collection method
Less than 5	Dust filtration Electrostatic precipitation
5 or more but less than 20	Liquid scrubbing Dust filtration Electrostatic precipitation
20 or more	Multi-cyclone dust shields (which correspond to meaning those in which one cyclone is installed for disposition of gas in quantity of less than 20m ³ per minute) Liquid scrubbing Dust filtration Electrostatic Precipitation
Remarks: Diameters of dust particle listed in the table correspond to those whichthose, which are noted at the maximum frequency in the distribution of diameters of dust as measured according to the weight method.	

- (2) The employer shall install pre-set dust collector for removing dust particles with large diameter on the said dust-collection devices, as stipulated set forth in the preceding paragraph, if necessary.
- (3)The employer shall make sure that the said dust-collection devices prescribedset forth in the preceding two paragraphs operate effectively.

Chapter IV Administration

Article 19 (Appointment of Operations Chief of Asbestos Work)

- (1) With regardThe employer shall, as regards the work provided listed in item (xxiii)23 of Article 6 of the CabinetOrder, the employer shall appoint an operations chief of asbestos work from among those who have completed a skills training course for operation chief of asbestos work.

Article 20 (Duties of the Operations Chief of Asbestos Work)

- (1) The employer shall have the operation chief of asbestos work carry out the following itemmatters:
 - (i) To determine the work methods and direct the workers concerned so that they will not be contaminated by or inhale dust from asbestos, etc.
 - (ii) To check up the local exhaust ventilation systems, push-pull ventilation systems, dust collection devices, and other prophylactic devices thereby to protect workers from suffering health impairment, at intervals of not more than a month.

- (iii) To watch the use of personal protective equipment.

Article 21 (Equipment Subjected to Periodical Self-inspection)

- (1) The local exhaust ventilation system, push-pull ventilation system and dust collection device (limited to systems related to asbestos, etc.) prescribed by the Ordinance of the Ministry of Health, Labour and Welfare set forth in item 9(ix) of paragraph (1) of Article 15 of Cabinet Order, shall be as follows:
 - (i) The local exhaust ventilation system to be installed based on provision of paragraph (1) of Article 12.
 - (ii) The push-pull ventilation systems to be installed based on the provision of paragraph (1) of Article 12.
 - (iii) The dust collection devices to be installed based on the provision of paragraph (1) of Article 18.

Article 22 (Periodical Self-inspection)

- (1) The employer shall, as regards the systems or devices listed respectively in each item of the preceding Article, the employer shall periodically conduct self-inspections on the following matters corresponding to the type of the devices listed in the said each item periodically once every period within at least once a year. However this provision shall not apply to the non-use period of when the systems or devices, which have not been used for a period exceeding one year or more.
 - (i) Local exhaust ventilation system
 - (a) Wear, corrosion, dents, etc., of hood, duct and fan and degrees of such defects
 - (b) Dust accumulation of duct and air exhauster
 - (c) Looseness of joints of duct
 - (d) performance of belt connecting the motor and fan
 - (e) Air intake and discharging capacities
 - (f) In addition to the matter listed in (a) to (e), necessary matters items indispensable for maintaining required performance other than those listed in items a) through e)
 - (ii) Push-pull ventilation system
 - (a) Wear, corrosion, dents, etc., of hood, duct and fan and degrees of such defects
 - (b) Dust accumulation of duct and air exhauster
 - (c) Looseness of joints of duct
 - (d) Performance of belt connecting the motor and fan
 - (e) Air supply and discharging capacities
 - (f) In addition to the matter listed in (a) to (e), necessary matters for maintaining required performance
 - (f) Items indispensable for maintaining required performance other than those listed in items a) through e)
 - (iii) Dust collection device
 - (a) Wear, corrosion, damage of the structure and degrees of such defects
 - (b) Dust accumulation inside the device

- (c) Damage of filter and looseness of filter fastener if the device has a filter
 - (d) Treatment capacity
 - (e) In addition to the matter listed in (a) to (d), necessary matters for maintaining required performance
- (2) With regardThe employer shall, as regardsthe systems or devices set forth in the proviso of the preceding paragraph, the employer shall carry out perform the a self- inspection on respective items as the matters listed in each item of the same paragraph when resuming their use.

Article 23 (Records of Periodical Self-inspection)

- (1) The employer shall, when having carried outperformed the self-inspection set forth in the preceding Article, record the following items matters and keep preserve the records for three years.
 - (i) Date of inspection
 - (ii) Method of inspection
 - (iii) Inspected part of systems or devices
 - (iv) Result of inspection
 - (v) Names of personnel inspected
 - (vi) Contents of the repair, etc., if a repair, etc. is done, on the basis of the inspection

Article 24 (Checkups)

- (1) The employer shall, when using the systems or devices listed in each item of Article 21 for the first time, or having customized or repaired those systems or devices after disassembling them, check up onthe items matters listed in each item of paragraph (1) of Article 22, corresponding to the types of said systems or devices.

Article 25 (Records of Checkup)

- (1) The employer shall, when having carried outperformed the checkup set forth in the preceding Article, record the following items matters and keep preserve the records for three years.
 - (i) Date of checkup
 - (ii) Method of checkup
 - (iii) Part of equipment where checkup was made
 - (iv) Result of checkup
 - (v) Names of personnel checked up
 - (vi) Contents of the repair, etc., when repair, etc., is done, on the basis of the checkup result.

Article 26 (Repair, etc.)

- (1) The employer shall, when having found the abnormalities at the self-inspection set forth in Article 22 or the check-up set forth in Article 24, immediately take measures such as repair or without delay.

Article 27 (Special Education)

- (1) The employer shall, when assigning a worker to perform work listed in each of the items of paragraph (1) of Article 4, provide conduct special education on the following items subject to the worker's health for the said work.
 - (i) Harmful effects from asbestos, etc.
 - (ii) Presence of asbestos, etc.
 - (iii) Measures to control the dispersal of dust from asbestos, etc.
 - (iv) How to use personal protective equipment
 - (v) In addition to what is listed in the preceding each item, necessary matters related to Other items indispensable for preventing exposure to asbestos, etc., not listed above.
- (2) In addition to those the matters prescribed in Article 37 and Article 38 of the Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour Ordinance No.32, 1972, hereinafter referred to as "the Safety and Health Ordinance"), and prescribed in the preceding paragraph, the Minister of Health, Labour and Welfare shall specify prescribe items necessary matters for implementing the special education set forth in the same paragraph.

Article 28 (Break Rooms)

- (1) The employer shall, when assigning workers to perform the work regularly handling asbestos, etc., or manufacturing them for the sake of research or examination, prepare a break room in a location set apart from the workshop where that work is being performed.
- (2) In respect of The employer shall, as regards the said break rooms set forth in the preceding paragraph, the employer shall take the following measures given below.
 - (i) To provide equipment to remove substances adherent on worker's feet such as running the water or providing sufficiently humid mats, at entrances.
 - (ii) To provide brushes for clothes at entrances leading to the rooms.
- (3) A worker shall, when having been engaged in the work set forth in paragraph (1), remove the substances attached on their clothes before entering into the said break rooms.

Article 29 (Floors)

- (1) The employer shall ensure that the structure of the floors of the workshop where asbestos, etc., is regularly handled or manufactured for the sake of research or examination, and the floors of the break room set forth in paragraph (1) of the preceding Article can be easily cleaned with water.

Article 30 (Cleaning)

- (1) The employer shall clean once or more every day the floors of the workshop and break room set forth in the preceding Article, using methods that will not cause the dispersal of dust, such as cleaning with water.

Article 31 (Washing Equipment)

- (1) The employer shall, when assigning workers to perform the work handling of asbestos, etc., or manufacturing them for the sake of research or examination, provide equipment thereby to

enable the workers to wash their eyes or bodies, or to gargle, and equipment thereby to enable them to change and clean their clothes.

Article 32 (Containers, etc.)

- (1) The employer shall, when carrying or storing the asbestos, etc., use sturdy containers or provide safe packages for prevention of dispersal of dust from asbestos, etc.
- (2) The employer shall put indications and handling instructions of the said asbestos, etc., at an easily a readily visible location on the said containers or packages set forth in the preceding paragraph.
- (3) The employer shall, when the asbestos, etc., is stored, designate a certain place for storage.
- (4) As for The employer shall, as regards the containers or packages used for carrying, storing, etc., of the asbestos, etc., the employer shall take measures thereby to prevent dispersion of the said asbestos, etc., and, when storing the containers or packages, shall designate a certain place for storage and collect them at the place.

Article 32-2 (Removal of Substances Adhering to Equipment, etc.)

- (1) The employer shall not take equipment, tools, or scaffolding, etc., used in the handling of asbestos, etc., or manufacturing them for the sake of research or examination outside of the workshop unless substances adhering to them have been removed. However, this shall not apply to the case when such equipment, etc., is enclosed in a container, etc., for disposal.

Article 33 (Prohibition of Smoking, etc.)

- (1) The employer shall prohibit workers from smoking, drinking or eating in workshops where asbestos, etc., are handled, or manufactured for the sake of research or examination and shall post a notice to this effect at an easily visible location in the workshop.
- (2) Workers shall not smoke, drink or eat in the workshops set forth in the preceding paragraph.

Article 34 (Indication)

- (1) In workshops where asbestos, etc., is handled, or manufactured for the sake of research or examination, the employer shall The employer shall post a notice on the following items matters in an easily at a readily visible location in workshops where asbestos, etc., is handled, or manufactured for the sake of research or examination:
 - (i) Notice that asbestos, etc., are handled, or manufactured for the sake of research or examination
 - (ii) Effects of the said asbestos, etc., on human health
 - (iii) Instructions concerning the handling of the asbestos, etc.
 - (iv) Personal protective equipment to be used by workers.

Article 35 (Records of Work History)

- (1) The employer shall, as for the workers who are regularly engaged in the work in workshops where asbestos, etc., are handled, or manufactured for the sake of research or examination, record the items given below following matters at an interval within one month and shall keep

the records for 40 years from the date when the said employee ceases to regularly work in the relevant work at the said workshop.

- (i) Names of workers.
- (ii) Outline of work in which the said workers were engaged and the periods of time during which the said workers were engaged in the work.
- (iii) In case that the marked contamination of workers with dust from asbestos, etc., occurred, the outline of the case and emergency measures taken by the employer in response to the case.

Chapter V Measurements

Article 36 (Measurements and the Recording of Measurement)

- (1) The employer shall, as for the workshops set forth in item 7(vii) of Article 21 (limited to those pertaining to asbestos, etc.) of Cabinetthe Order, measure periodically the concentration of airborne asbestos once within 6 months.
- (2) The employer shall, at each time when the measurement has been conducted pursuant to the provision of the preceding paragraph, record the following items matters and keep reserve the records for 40 years.
 - (i) Date of measurement
 - (ii) Method of measurement
 - (iii) Measured points of the workshop
 - (iv) Conditions of measurement
 - (v) Result of measurement
 - (vi) Name of person(s) who conducted the measurement
 - (vii) Outline of the said measures, when measures are taken for prevention of health impairments in workers resulting from the said asbestos based on the measurement result.

Article 37 (Evaluation of Result of Measurement)

- (1) The employer shall promptly, at each time when the measurement pursuant to the provision of paragraph (1) of the preceding Article, or paragraph (5) of Article 65 of the Act has been conducted as to the indoor workshops relevant to asbestos, evaluate the result of the measurement in accordance with the Working Environment Evaluation Standards prescribed by the Minister of Health, Labour and Welfare by classifying the condition of the working environment into the Control Class 1, Control Class 2 or Control Class 3.
- (2) The employer shall, at each time when the result of the measurement has been evaluated set forth in pursuant to the provision of the preceding paragraph, record the following items matters and keep reserve the records for 40 years.
 - (i) Date of evaluation
 - (ii) Evaluated points of the workshop
 - (iii) Result of evaluation
 - (iv) Name of person(s) evaluated

Article 38 (Measures on Result of Evaluation)

- (1) The employer shall immediately, as for the place classified into a Control Class 3 based on the result of the evaluation pursuant to the provision in paragraph (1) of the preceding Article, examine the equipment, equipment, work processes or work methods and take necessary measures to improve the condition of the working environment, such as the installation of equipment or equipment or maintenance of the equipment and equipment and the improvement of the existing work processes or work methods based on the result of the checkup so that the said place is improved to be classified into Control Class 1 or Control Class 2.
- (2) The employer shall, when the measures set forth in the preceding paragraph have been taken, measure the concentration of the asbestos concerned in the place where the measures are taken to confirm the effect and evaluate the result of the measurement.
- (3) In addition to those what is prescribed in the preceding two paragraphs, the employer shall, as for the place described set forth in paragraph (1), make workers use the effective respiratory protective equipment and take other measures necessary for protecting the health of workers such as providing medical examinations.

Article 39

- (1) The employer shall, as for the place classified into Control Class 2 based on the result of the evaluation pursuant to the provision of paragraph (1) of Article 37, examine the equipment, equipment, work processes or work methods and endeavor to take necessary measures to improve the condition of the working environment, such as the installation of equipment or equipment or maintenance of the existing equipment and equipment and the improvement of the work processes or work methods based on the result of the examination.

Chapter VI Medical Examinations

Article 40 (Implementation of Medical Examination)

- (1) The employer shall, to a worker who is regularly engaged in the work set forth in item 3(iii) of paragraph (1) of Article 22 of Cabinet the Order (limited to work involving handling asbestos, etc., or work involving manufacturing them for the sake of research or examination), provide a medical examination by physician for the following issues items at the time when employed or transferred to the said work, and once within 6 months thereafter.
 - (i) Survey of work history
 - (ii) Past history of cough, sputum, shortness of breath, chest pain, or other objective or subjective symptoms due to asbestos
 - (iii) Past history of cough, sputum, shortness of breath, chest pain, or other objective or subjective symptoms
 - (iv) Chest X-rays
- (2) The employer shall, to a worker who had been regularly engaged in the work set forth in paragraph (2) of Article 22 of Cabinet the Order (limited to works related to substances listed in item 1(i)-2 of the same paragraph or substances listed in item 23(xxiii) of the same paragraph (limited to the substances listed in related to item (i)1-2 of the same paragraph)) and who is still employed by the said employer, provide a medical examination by a physician for the issues listed in the preceding paragraph periodically once within six months thereafter.

- (3) The employer shall, to a worker who has objective symptoms, complains of subjective symptoms or has other suspected abnormalities as a result of the medical examination set forth in preceding two paragraphs and is deemed necessary for a physician, provide the medical examination by the physician for following items:
 - (i) Survey of work conditions
 - (ii) Special X-ray, cytological examinations of sputum, or bronchoscopies when abnormalities are identified as a result of a chest X-ray (excluding changes in fibroplasia due to lung asbestosis) and those examinations are deemed necessary by the physician.

Article 41 (Recording of Results of Medical Examination)

- (1) The employer shall fill out individual medical examination cards on asbestos (Form No.2) based on the result of medical examinations set forth in each item of the preceding Article (including results of medical examinations undergone by workers concerned in accordance with in the case set forth in the proviso of paragraph (5) of Article 66-4 of the Act, and referred to in the following article as "medical examination concerning asbestos" in the next Article) and shall keep reserve the cards for 40 years from the date when the said employee ceases to work regularly in the relevant work at the said workshop.

Article 42 (Hearing of the Physician's View concerning the Results of the Medical Examination)

- (1) The hearing of the physician's view based on the results of the medical examination concerning asbestos pursuant to the provisions of Article 66-4 of the Act shall be carried out prescribed as follows
 - (i) To carry out the hearing within three months of the date of medical examination concerning the asbestos (where the proviso of paragraph (5) of Article 66 of the Act applies, the date when the said worker submitted to the employer the document certifying the results of the medical examination).
 - (ii) To record the views of the physician on the individual medical examination cards on asbestos.

Article 42-2 (Notification of Results of Medical Examination)

- (1) The employer shall notify without delay the worker who underwent the medical examination set forth in each of the items of Article 40, of the results without delay.

Article 43 (Report on Results of Medical Examination)

- (1) The employer shall, when having had workers undergone a medical examination set forth in each item of Article 40 (limited to periodical examinations), without delay, submit a report on the results of medical examinations concerning asbestos (Form No.3) to the Chief of the competent Labour Standards Inspection Office.

Chapter VII Personal Protective Equipment

Article 44 (Respiratory Protective Equipment)

- (1) The employer shall, in the workshop where asbestos, etc. is handled or manufactured for the sake of research or examination, provide the respiratory protective equipment in order to prevent the health impairment of workers resulting from the inhalation of the dust from the asbestos, etc.

Article 45 (Number of Pieces of Personal Protective Equipment)

- (1) The employer shall, as regard respiratory protective equipment set forth in the preceding Articles, provide them the same or greater in number than the number of workers who are engaged in work at the same time, and shall keep them clean and effective.

Article 46 (Management of Personal Protective Equipment, etc.)

- (1) The employer shall, when the personal protective equipment, etc., prescribed in paragraph (2) of Article 10, paragraph (1) and (2) of Article 14, Article 44, and item 6(vi) of Article 48, have been used, store them in a place separate from other clothes, etc.
- (2) Neither the employer nor workers shall take out the personal protective equipment set forth in the preceding paragraph from the workshop without removing substances that have been attached to them. However, this shall not apply when they are packaged in a container for disposal.

Chapter VIII Permission for Manufacturing, etc.

Article 47 (Procedures for Lifting of Prohibition of Manufacturing, etc.)

- (1) A person who intends to obtain the permission set forth in item 1(i) of paragraph (2) of Article 16 of Cabinet Order (limited to permission related to asbestos, etc., the same as shall apply in the next following paragraph.) shall submit an application document with Form No.4:
 - (i) in case of manufacturing or using asbestos, etc., to the Director of Prefectural Labour Office who exercise jurisdiction over the place where asbestos, etc. are manufactured or used through the Chief of Labour Standards Inspection Office who exercise jurisdiction over the place where asbestos, etc. are manufactured or used;
 - (ii) in case of importing asbestos, etc., to the Director of Prefectural Labour Office who exercise jurisdiction over the place where asbestos, etc. are used through the Chief of Labour Standards Inspection Office who exercise jurisdiction over the place where asbestos, etc. are used.
- (2) The Director of the Prefectural Labour Standards Bureau shall, when having granted the permission set forth in item 1(i) of paragraph (2) of Article 16 of Cabinet Order, issue the permission certificate (Form No.5) to the applicant.

Article 48 (Standards concerning pertaining to the Manufacturing, etc., of Asbestos, etc.)

- (1) The standards (limited to standards related to asbestos, etc) prescribed by the Minister of Health, Labour and Welfare set forth in item 2(ii) of paragraph (2) of Article 16 of Cabinet Order shall be as follows:

- (i) The equipment to manufacture asbestos, etc., are of a tightly closed structure. However this shall not apply to the case that it is extremely difficult to make the equipment with the said tightly closed structure, and the said equipment are installed on the insides of draft chambers.
- (ii) The equipment to manufacture the asbestos, etc., are installed in places of which floors can be easily cleaned with water.
- (iii) Those who manufacture or use asbestos, etc., have sufficient knowledge on the prevention of health impairments due to the said asbestos, etc.
- (iv) Containers into which asbestos, etc., are kept, are sturdy in order to eliminate the possibility that dust from said asbestos, etc., is dispersed, and the employer shall indicate visibly on the container that they contain asbestos, etc., prohibited from manufacturing.
- (v) When storing asbestos, etc., the asbestos are stored at a certain fixed place, and a notice to this effect shall be posted in an easily visible location.
- (vi) Those who manufacture or use asbestos, etc., wear a protective apron and protective gloves.
- (vii) Persons other than those directly concerned are prohibited from entering into the workshop where equipment to manufacture asbestos etc., are installed and a notice to this effect shall be posted in an easily visible location.

Chapter VIII-II Skills Training Course for Operation Chief of Asbestos Work

Article 48-2

- (1) The Skills Training Course for Operation Chief of Asbestos Work shall be conducted through academic training.
- (2) The academic training shall provide the following subjects related pertaining to asbestos.
 - (i) Knowledge concerning related to health impairment and preventative measures
 - (ii) Knowledge concerning related to methods of improving the working environment
 - (iii) Knowledge concerning related to personal protective equipment
 - (iv) Related legislation
- (3) The necessary matters relating to the Skills Training Course for Operation Chief of Asbestos Work other than those In addition to what is provided for in Article 80 through to Article 82-2 of the Safety and Health Ordinance and in the preceding two paragraphs, the necessary matters relating to the skills training course for operation chief of asbestos work shall be prescribed by the Minister of Health, Labour and Welfare.

Chapter IX Report

Article 49

- (1) The employer who handles asbestos, etc., or manufactures them for the sake of research or examination shall, when intending to terminate this business, submit a Report on Records Related to Asbestos (Form No.6) to the Chief of the competent Labour Standards Inspection

Office along with the following records listed below and individual medical examination cards on asbestos or copies thereof.

- o (i) Records on work as stipulated set forth in Article 35
- o (ii) Records on measurements as stipulated set forth in paragraph (2) of Article 36, paragraph 2.
- o (iii) Individual medical examination cards on asbestos as stipulated set forth in Article 41.

Article 1 (Date of Enforcement)

This Ordinance shall come into force effect as from on July 1, 2005.

Article 2 (Interim Measures concerning related to Demolishing Work, etc.)

With regard to As regards the demolition work on buildings and structures that has already been underway at the time when this Ordinance comes into force effect, the provisions of Article 4, paragraph (1) of Article 5 and paragraph (1) of Article 27 shall not apply.

Article 3 (Interim Measures concerning related to Spraying Work of Asbestos, etc.)

(1) The employer who has taken the measures listed in each item of Article 38-7, paragraph (2) of Article 38-7 of the pre-revised version of the Ordinance on Prevention of Hazards Due to Specified Chemical Substances (Ordinance of the Ministry of Labour Ordinance No.39, of 1972, hereinafter referred to as the “Former Specified Chemical Substances Ordinance”) pursuant to the provision of the Article 12 of the Supplementary Provisions and has been assigning workers to the work prescribed in the same paragraph at the time when this Ordinance of the Ministry comes into force effect, notwithstanding the provision of Article 11, may assign workers to the said work.

Article 4 (Interim Measures concerning related to Work-Related Equipment, etc., pertaining to Work)

With regard to As regards the workshop (limited to those related to specified asbestos, etc., the same in this Article) for which the employer has already obtained the accreditation set forth in paragraph (1) of Article 6 of the Former Specified Chemical Substances Ordinance at the time this Ordinance comes into force effect, the provision of Article 12 shall not apply. In this case, with regard the application of the provision of paragraph (4) and (5) of Article 6 of the Former Specified Substance Ordinance related to the said accreditation, the provision then in force shall remain applicable.

Article 5 (Interim Measures concerning related to Floors)

With regard to As regards the workshop where asbestos, etc. has been regularly manufactured or handled at the time when this Ordinance comes into force effect and the floor of which is constructed of impermeable materials, the provision of Article 29 shall not apply.

Article 6 Deleted.

Article 7 (Continuance of Effect of Actions)

Actions, procedures, and other acts taken pursuant to the provisions of the Former Specified Chemical Substances Ordinance prior to the enforcement of this Ordinance shall be treated as actions, procedures, and other acts that had been taken pursuant to the corresponding provisions in this Ordinance.

Article 8 (Interim Measures concerning related to Application Forms)

Sheets by the pre-revised form, which are available to use at the time when this Ordinance comes into force effect, may be used for with necessary amendments for the time being.

Article 9 (Interim Measures concerning related to Penal Provisions)

With regard to As regards the application of the penal provisions to acts committed prior to the enforcement of this Ordinance, the provisions then in force shall remain applicable.

Supplementary Provisions (Ordinance of the Ministry of Health, Labour and Welfare No.1 on January 5, 2006)

Article 1 (Date of Enforcement)

This Ordinance shall come in force onto effect as from April 1, 2006.

Article 3 (Interim Measures concerning related to Operation Chief)

(1) The employer may, notwithstanding the provisions listed in the first column of the following table, for works listed in the second column of the same table, appoint a person who have completed the trainings listed in the third column of the same table as a operations chief listed in the fourth column of the same table.

Provisions exempting application	Categories of works	Persons holding qualifications	Names
Appended Table 1 of the new Safety and Health Ordinance and Article 19 of the revised Ordinance on Prevention of Health Impairment Hazards due to	Work listed in Item 23(xxiii), of Article 6 of the Enforcement Order	A person who has completed the skill training for operation chief of specified chemical substances, etc., listed in Item 22(xxii) of Attached Table Appended Table 18 of the old Act	Operations chief of asbestos work

Asbestosin virtue of Attached TableNo.1 and the provision of new Industrial Safety and Health Ordinance			
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Article 13 (Interim Measures concerning related to Penal Provisions)

With regard to As regards the application of the penal provisions to acts committed prior to the enforcement of this Ordinance, the provisions then in force shall remain applicable.

Supplementary Provisions (Ordinance of the Ministry of Health, Labour and Welfare No.147 on August 2, 2006) Extract

Article 1 (Date of Enforcement)

This Ordinance shall come into force effect as from on the day when the Cabinet Order to partially revise the Enforcement Order of Industrial Safety and Health Act comes into force effect (September 1, 2006).

Article 2 (Interim Measures concerning related to Works Currently Being Carried Out)

(1) With regard to As regards the work sealing or enclosing asbestos, etc., having been currently carried out at the time when this Ordinance comes into force effect under pursuant to the provisions of Pparagraph (1), of Article 190 of the pre-revised the Ordinance on Prevention of Hazards due to Asbestos (hereinafter referred to as “the old Asbestos Ordinance”. restricted limited to works associated with those listed in Iitem (i)1, of Pparagraph (1), of Article 13 of the old Asbestos Ordinance for enclosing work.), provisions of Article 4, Article 6 and paragraph (1) of Article 27 of the revised the Ordinance on Prevention of Hazards due to Asbestos (hereinafter referred to as “the new Asbestos Ordinance”.) shall not apply.

(2) With regard to As regards the work enclosing asbestos, etc., having been currently carried out at the time when this Ordinance comes into effect under the provisions of Pparagraph (1), of Article 10 of the old Asbestos Ordinance (excluding works associated with those listed in Iitem 1,(i) of Pparagraph (1) of Article 13 of the old Asbestos Ordinance), provisions of Article 4, Article 7, Article 12, Article 13, Article 15, Pparagraph (1) of Article 27, Article 31 through to Article 35 and Article 44 shall not apply.

(3) With regard to As regards the work having been currently carried out at the time when this Ordinance comes into effect substances subject to Interim Measures (meaning preparations containing asbestos or other substances in which the weight of asbestos exceeds 0.1 % but is within 1 %, the same shall apply hereinafter the same.), provisions of Article 4, Article 6, Article 7, Article 12, Article 13, Article 15, Pparagraph (1) of Article 27, Article 31 through to Article 35 and Article 44 shall not apply.

Article 36 (Interim Measures concerning related to Notification)

With regard to As regards the work listed in each item of paragraph (1) of Article 5 of the New Asbestos Ordinance (limited to matters intended to the interim measures for those listed in item (i)1 or item 3(iii) of the same paragraph), which commences before October 1, 2006, the provisions of the same paragraph shall not apply.

Article 6 (Interim Measures concerning related to Forms)

Application documents, etc., by the forms prescribed in each of pre-revised Ordinance which have been submitted or issued at the time when this Ordinance comes into force effect, shall be deemed as those by forms corresponding to each of revised Ordinance.

Article 7

Sheets for application documents, etc., by the forms prescribed in each of pre-revised Ordinance which Ordinance, which are available to use at the time when this Ordinance comes into force effect, may be used for with necessary amendments for the time being

Article 8 (Interim Measures concerning related to Penal Provisions)

With regard to As regards the application of penal provisions to acts committed prior to the enforcement of this Ordinance and to acts committed after the enforcement of this Ordinance which are deemed as remaining in effect pursuant to the provision of Article 4 of sSupplementary pProvisions, provisions then in force shall remain applicable.