

Bunkyo City Sashigaya Nursery School Asbestos Health Countermeasures Implementation Guideline

18 文男保 No. 1449 Concluded by the mayor on March 28, 2007
28 文子幼 No. 915 Concluded by the director on April 1, 2016
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Article 1: Purpose

This guideline sets forth necessary matters concerning medical examinations and other health countermeasures to be implemented for the children and Bunkyo City employees (hereinafter referred to as “health countermeasure subjects”) who were exposed to asbestos during the renovation work (hereinafter referred to as “asbestos exposure”) at Bunkyo City Sashigaya Nursery School (hereinafter referred to as “the Nursery School”) the city carried out between July 1999 and December 2000.

Article 2: Expert Committee

The mayor shall consult with the Bunkyo City Sashigaya Nursery School Asbestos Health Countermeasures Expert Committee (hereinafter referred to as “the Expert Committee”), which was established in accordance with the Bunkyo City Sashigaya Nursery School Asbestos Health Countermeasures Expert Committee Establishment Guideline (15 文福育, No. 1599, March 31, 2004), on matters necessary to implement health countermeasures, and then implement said countermeasures based on the Expert Committee’s report.

Article 3: Health Management Ledger

The mayor shall maintain a health management ledger (attached form no. 1) containing the names, dates of birth, current addresses and history of address changes, telephone numbers, fax numbers, email addresses, hours and days spent at the Nursery School, estimated amount of asbestos exposure, estimated risk values, and medical history of the health countermeasure subjects and their parents/guardians. The mayor shall preserve this ledger for ten years beyond the lifetime of all health countermeasure subjects.

Article 4: Health Management Handbook

1. The mayor shall prepare and issue a health management handbook to the health countermeasure subjects describing the facts of asbestos exposure, the period of exposure, and the time spent in the Nursery School.
2. The mayor shall keep the health management handbook for health countermeasure subjects who do not wish to receive the handbook and issue it if requested.

Article 5: Health Risk and Psychological Consultations

1. The mayor shall provide health risk consultations and psychological consultations to health countermeasure subjects who wish to receive them.
2. The mayor shall bear the health consultation-related expenses set forth in the preceding paragraph in the amount specified in the attached table below. The mayor may bear expenses exceeding the maximum amount specified in the attached table if special reasons for doing so exist and are recognized as such by the mayor.
3. A person (hereinafter referred to as “the applicant”) who wishes the city to bear these expenses (hereinafter referred to as “burden payments”) in accordance with the provisions of the preceding paragraph shall submit an application and payment request for medical examinations and health consultations fees for Bunkyo City Sashigaya Nursery School asbestos exposure (attached form no. 2; hereinafter referred to as the “payment request form”) to the mayor, along with the required documents listed in the attached table below.
4. When a payment request form is submitted in accordance with the provisions of the preceding paragraph, the mayor shall send the applicant the burden payment.

Article 6: Providing Information

The mayor shall set up a website with information on health countermeasures and provide such information to health countermeasure subjects.

Article 7: Mailing Survey Forms

The mayor shall send surveys to health countermeasure subjects once a year as a way to keep tabs on consultation matters, current addresses and other conditions related to the health countermeasure subjects.

Article 8: Medical Examinations

1. The mayor shall conduct medical examinations the Expert Committee recommends for health countermeasure subjects in 2019 onward.

2. Notwithstanding the provision of the preceding paragraph, the mayor shall promptly conduct medical examinations whenever the Expert Committee deems them necessary.
3. Bunkyo City shall bear the costs for the medical examinations noted in the preceding two paragraphs.

Article 9: Other Health Countermeasures

In addition to the provisions of Article 3 through the preceding Article, the mayor shall implement any health countermeasures the Expert Committee deems necessary.

Article 10: Burden of Expenses

1. When a health countermeasure subject meets the conditions of any of the following items, the mayor shall bear the costs associated with asbestos exposure—such as partial payments for insurance treatments, compensation for work-related absences, funeral expenses, condolence money, and compensation for bereaved family members—for the health countermeasure subject and/or his/her family.

(1) When a health countermeasure subject develops malignant mesothelioma of the pleura, peritoneum, pericardium or other membranes, or dies from such a disease, and based on the Expert Committee's judgment it is not clear whether asbestos exposure caused the disease.

(2) When a health countermeasure subject develops lung cancer, benign asbestos pleurisy, or a disease recognized by academic societies or the like as possibly being caused by asbestos, or dies from such a disease, and based on the Expert Committee's judgment it is recognized as the result of asbestos exposure.

2. Notwithstanding the provision of the preceding paragraph, the burden of related expenses as they pertain to Bunkyo City employees who were exposed to asbestos shall not be borne if they are entitled to compensation under the provisions of the Local Public Officers Accident Compensation Act (Act No. 121 of 1967) or insurance benefits under the provisions of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) that are equivalent to the burden of related expenses.

Article 11: Decision Criteria

1. The Expert Committee shall establish criteria for making judgments in accordance with the provisions of each item of the preceding Article.
2. The Expert Committee shall revise the criteria mentioned in the preceding paragraph as necessary to reflect medical findings.

Article 12: Asbestos Control in Buildings

The mayor shall take the following measures related to asbestos in buildings:

(1) Related to asbestos in connection with construction or renovation work on buildings owned by the city (hereinafter referred to as “city-owned buildings”):

a. Countermeasures against asbestos in buildings as described in the final report of the Bunkyo City Sashigaya Nursery School Asbestos Exposure Health Countermeasures Review Committee (December 2003).

b. Removal of sprayed asbestos materials (including those containing asbestos) and building materials containing asbestos at the time of reconstruction or renovation in accordance with the policy of the Asbestos Treatment at the Time of Reconstruction and Renovation of City-Owned Facilities (August 1999).

c. Publication of a sprayed asbestos countermeasure work status list on the Bunkyo City website.

(2) Related to asbestos in connection with construction or renovation work of buildings excluding city-owned buildings:

a. Guidance on measures to prevent the dispersion of asbestos, to be given when there is an application for confirmation of buildings in the city based on Article 6 of the Building Standards Act (Act No. 201 of 1950) or when there is an application for confirmation to a designated confirmation inspection agency based on Article 6-2 of the same Act.

b. Dissemination of information and guidance to building owners and the like to properly grasp the actual conditions of buildings where asbestos was sprayed, in the course of periodic investigation reports pursuant to Article 12, Paragraph 1 of the Building Standards Act.

c. Confirmation and guidance when a notification of specified dust emission work being done is filed, based on Article 18-17, Paragraph 1 and Paragraph 2 of the Air Pollution Control Act (Act No. 97 of 1968).

d. Confirmation and guidance when a notification of a construction plan to demolish buildings containing asbestos is filed in accordance with Article 124, Paragraph 1 of the Environment Ordinance to Ensure Tokyo Citizens' Health and Safety (Tokyo Metropolitan Government Ordinance No. 215, 2000).

e. Confirmation and guidance when prior notification for dismantling is filed pursuant to the provision of Article 10 of the Construction Material Recycling Act (Act No. 104, 2000).

f. Confirmation and guidance when a report is received, in accordance with the Guidelines for Prior Notice of Demolition of Buildings in Bunkyo City (in effect from November 1, 2005).

g. Disseminating information through the city newsletter, website, etc. regarding notifications related to c, d, and f above, as well as compliance items for operations.

Article 13: Revision Procedures

When revising this guideline, the mayor shall consult the Expert Committee before deciding on a case, and shall make the revision based on the Expert Committee's response. However, this shall not apply to amendments pertaining to changes in cited articles or terminology due to the amendment of laws, or to changes in organization names due to organizational amendments.

Article 14: Office

An office to handle the implementation of health countermeasures shall be established in the Infant Division of the Families with Children Department.

Article 15: Delegation

Beyond the matters stipulated in this guideline, the mayor shall determine any other necessary matters.

Supplementary Provisions

This guideline came into effect on March 28, 2007.

Supplementary Provisions

This guideline came into effect on April 1, 2016.

Supplementary Provisions

This guideline came into effect on April 1, 2021.

Supplementary Provisions

This guideline came into effect on April 1, 2023.

Attached Table (for Article 5)

Category		Amount	Maximum amount	Documents required
When obtaining a medical certificate for health consultations in accordance with Article 5		Medical certificate fee: Actual cost	10,000 yen	Receipt
		Transportation expenses required to obtain and submit a medical certificate: Necessary and reasonable actual expenses	50,000 yen	Breakdown of transportation expenses and receipts (receipts are only required when applying for taxi, expressway and parking expenses)
		Postage for submitting the medical certificate: Actual cost	None	None

Notes:

1. If a medical certificate is obtained overseas, the related costs will be converted to yen based on the exchange rate and handled in accordance with the above calculation criteria.
2. The costs of obtaining the medical certificate will only be reimbursed if you receive a health consultation within approximately one year of the date you obtain the certificate.
3. With regard to reimbursing transportation expenses, if you used a means of transportation that required a significant amount of money (beyond the standard fare for taxis and other public transportation) and the reasonableness of that cost is not recognized after considering the convenience of public transportation and other factors, the maximum amount of burden payment will be limited to the fare for trains, buses, etc.
4. With regard to reimbursing transportation expenses, if you used a private car, the cost of gasoline, expressway tolls and parking are eligible for reimbursement. In this case, the cost of gasoline will be calculated at 15 yen per kilometer traveled.

Note: Any fractions of less than one yen will be rounded down.