

Outline of the Consumer Products Safety Act (Act No. 31 of June 6, 1973)

1. Purpose

The purpose of this Act is to regulate the manufacture and sale of specified products, to promote the proper maintenance of specified maintenance products and to take measures, such as collecting and providing information regarding product accidents, thereby protecting the interests of general consumers, in order to prevent any danger caused by consumer products to the lives or bodies of general consumers (Article 1).

2. Outline

<PSC Mark System>

(1) Measures Prior to Product Distribution

- (i) Consumer products that are deemed as being highly likely to cause danger particularly to the lives or bodies of general consumers in consideration of these products' structure, material, and usage, etc. shall be specified by a Cabinet Order as "specified products" (Article 2, paragraph (2)).
- (ii) No person engaging in the manufacture, import or sale of specified products shall sell or display for the purpose of selling such specified products without placing a label (PS (Product Safety) C(Consumer) Mark) indicating that the products conform to the technical requirements established by a Ministerial Ordinance for each product (Article 3) (Article 4, paragraph (1)).
- (iii) When a person engaging in the manufacture or import of specified products has made a notification of his/her business and has performed his/her obligations to inspect and verify that the products conform to the technical requirements and prepare and preserve an inspection record, he/she may then place a PSC Mark  on the products (Article 13).
- (iv) Specified products for which the manufacturers or importers thereof may have insufficiently secured the quality necessary to prevent the occurrence of danger to the lives or bodies of general consumers shall be specified by a Cabinet Order as "special specified products" and the business operator shall receive a conformity inspection for such products by a registered conformity inspection body, in addition to inspecting them by him/herself for the purpose of ensuring safety (Article 12, paragraph (1)).
- (v) When a person has performed his/her obligations to prepare and preserve an inspection record, has received a conformity inspection by a registered conformity inspection body, and has obtained and preserved the certification from said body, he/she may then place a PSC Mark  on the products (Article 13).

Specified Products

Autoclaves and pressure cookers for household use; Riding helmets (limited to those for riding a two-wheeled motor vehicle or motorized bicycle); Baby beds*; Climbing ropes; Portable laser application devices*; Hot water circulators for baths*; Oil water heaters; Oil bath boilers; and Oil heaters; lighters*

* Special specified products

(2) Measures After Product Distribution

(i) Order for Improvement

The competent minister may, when he/she finds that a notified business operator violated the provisions of Article 11, paragraph (1) (duty to conform to requirements, etc.) or that the measures described in Article 6, item (iv) (compensation of damages) fail to conform to the requirements provided for by the Ordinance of the competent ministry as prescribed in Article 11, paragraph (3), order the notified business operator to take the necessary measures to improve the methods of manufacture, import or inspection of the specified products or any other business methods or to improve the measures set forth in Article 6, item (iv) (Article 14).

(ii) Order for Prohibition of Labeling

In the case where a notified business operator manufactured or imported specified products that fail to conform to the requirements and has committed such violation as failing to prepare or preserve an inspection record or manufacturing or importing the special specified products without receiving a conformity inspection, the competent minister may, when he/she finds it particularly necessary to prevent the occurrence of danger to the lives or bodies of general consumers, prohibit the notified business operator from placing a label on the specified products of the type pertaining to such violation, for a period of not more than one year to be designated by the competent minister (Article 15).

(iii) Hazard Prevention Order

The competent minister may, when he/she believes that there exists a risk of danger to the lives or bodies of general consumers due to the manufacture, import or sales of specified products without a label or specified products that fail to conform to the requirements, and when he/she finds it particularly necessary to prevent the occurrence and increase of such danger, order the business operator to recall the products and otherwise to take all necessary measures (Article 32).

Furthermore in cases where serious product accidents have occurred due to defects in the consumer products other than specified products or where serious danger has occurred to the lives or bodies of general consumers or the occurrence of such danger is considered to be imminent, when the competent minister finds it particularly necessary to prevent the occurrence and increase of such danger, to the extent necessary, he/she may order the person engaging in the manufacture or import of said consumer products to recall the consumer products manufactured or imported by said person and to otherwise take measures necessary to prevent the occurrence and increase of serious danger to the lives or bodies of general consumers due to said consumer products, except where the competent minister may give an order to take necessary measures in accordance with the provisions of Article 32 or other acts specified by a Cabinet Order (Article 39).

(iv) Collection of Reports and On-Site Inspection

The competent minister may, when he/she finds it necessary to enforce this Act, direct a person engaging in the manufacture, import or sale of the consumer products, a business operator transacting specified maintenance

products, or a registered conformity inspection body to report on the status of its business (Article 40, paragraph (1) and paragraph (2)), and may cause ministry officials to enter the person's offices, factories, workplaces, warehouses, or places of business to conduct an inspection of the consumer products, the status of its business, books, documents and other items (Article 41, paragraph (1) to paragraph (8) inclusive).

(v) Offer to the Competent Minister

When a person finds that danger to the lives or bodies of general consumers may occur because no necessary measures are taken to prevent the occurrence of danger to the lives or bodies of general consumers due to consumer products, the person may make a declaration to that effect to the competent minister and request that the competent minister take necessary measures (Article 52, paragraph (1)).

In the case of receiving such offer, the competent minister shall conduct the necessary investigation, and when he/she finds that the offer is true, he/she shall take measures pursuant to this Act or other appropriate measures (Article 52, paragraph (2)).

(vi) Penal Provisions

A person who violates a hazard prevention order or an order to develop a system for such matters as restriction of sale, restriction of labeling, prohibition of labeling concerning specified products, and revocation of registration of a registered conformity inspection body, shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen (Article 58 to Article 62 inclusive).

<System for Report and Publication of Product Accident Information>

(1) Product Accidents

- (i) Accidents where danger to the lives or bodies of general consumers has occurred (Article 2, paragraph (5), item (i))
- (ii) Accidents in which consumer products are lost or damaged that are deemed likely to cause danger to the lives or bodies of general consumers (Article 2, paragraph (5), item (ii))

(2) Serious Product Accidents

Product accidents falling under the requirements provided for by a Cabinet Order with respect to the details of danger or the manner of accident, as accidents where the actual or potential danger is serious. (Article 2, paragraph (6))

(3) Report and Publication

Any person engaging in the manufacture or import of consumer products who comes to know that serious product accidents have originated with the consumer products that he/she manufactured or imported, shall report to the competent minister the name and type of the consumer products, the details of the accidents, and the quantity of said consumer products manufactured or imported, as well as the quantity sold (Article 35, paragraph (1)).

In cases where the competent minister has received a report in accordance with the provision of Article 35, paragraph (1) of the Act or otherwise comes to know of the occurrence of serious product accidents, if he/she finds it necessary for preventing the occurrence and increase of serious danger to the lives or bodies of general consumers by the consumer products pertaining to said serious product

accidents, he/she shall make public the name and type of the consumer products pertaining to said serious product accidents, the details of the accidents and any other matters that contribute to avoiding the dangers associated with the use of said consumer products, except in cases where he/she has given notice in accordance with the provision of Article 35, paragraph (3) of the Act (Article 36, paragraph (1)).

(4) Order to Develop System

In cases where a person engaging in the manufacture or import of consumer products fails to make a report or has made a false report in violation of the provision of Article 35, paragraph (1), if the competent minister finds it necessary for securing the safety of the consumer products manufactured or imported by said person, the competent minister may order the person engaging in the manufacture or import of consumer products to develop a system necessary for collecting information on serious product accidents that occur in relation to the consumer products manufactured or imported by said person and for the proper management or provision of said information (Article 37).

<System for Safety Inspection and Labeling of Products for Long-Term Use>

(1) System for Safety Inspection of Products for Long-Term Use

(i) Consumer products that are deemed highly likely to cause serious danger particularly to the lives or bodies of general consumers because of these products' lack of reliable safety due to deterioration caused by long-term use of the products, which specified maintenance products are specified by a Cabinet Order as appropriate to be subject to improvement through proper maintenance in view of their usage, etc. shall be specified by a Cabinet Order as "specified maintenance products" (Article 2, paragraph (4)).

Specified Maintenance Products

Indoor instantaneous gas water heaters (for city gas and LP gas); Bath boilers with indoor gas burners (For city gas and LP gas); Oil water heaters; Forced flue type oil warm air furnaces,

Built-in electric dishwashers; Oil bath boilers; and Electric dryers for bathrooms

(ii) A person engaging in the manufacture or import of specified maintenance products (hereinafter referred to as a "specified manufacturer, etc.") shall provide information concerning inspection and other maintenance of specified maintenance products (Article 32-3, Article 32-4, and Article 32-9 to Article 32-12 inclusive) and shall develop a system to inspect or otherwise maintain specified maintenance products (Article 15, Article 18 and Article 19).

(iii) A business operator selling specified maintenance products (business operator transacting specified maintenance products), etc. shall give explanation upon delivery (Article 32-5) and shall cooperate in the provision of the owner information (Article 32-8).

(iv) A relevant business operator (person engaging in the mediation of transactions related to the specified maintenance products, the repair or installation work of the specified maintenance products and other business associated with the specified maintenance products) shall endeavor to ensure that the information pertaining to the matters listed in the items of Article 32-5, paragraph (1) is smoothly provided to the owner of the specified maintenance

products (Article 32-7).

(v) The owner of the specified maintenance products, etc. (including a lessor) shall collect information related to the maintenance of the specified maintenance products and shall endeavor to maintain them by such means as conducting an inspection during the inspection period (Article 32-14, paragraph (1) and paragraph (2)).

(vi) When an inspection of the specified maintenance products is affected by the discontinuation by a specified manufacturer, etc. of the whole of its business or any other circumstances, the competent minister shall collect information from a business operator having the technical capability to conduct an inspection with respect to said specified maintenance products, and shall make such information public (Article 32-17).

(2) System for Labeling for Products for Long-Term Use

The system to mandate labeling on products that do not require inspection but are used for a long term, so as to remind consumers to be alert when using them for a long term (Ordinance Concerning Technical Requirements for Electrical Appliances and Materials)

Covered Items

Electric fans; Air conditioners; Ventilators; Washing machines; and CRT-based televisions

Contact information:

Product Safety Division,

Industrial and Product Safety Policy Group,

Ministry of Economy, Trade and Industry

TEL: +81-3-3501-4707 FAX: +81-3-3501-6201

Website: http://www.meti.go.jp/product_safety/index.html