

■ The History of Japan's Air Pollution

● The Birth of Smoke Capital



Mass production in mechanized factories began under Japanese government policy with the Meiji Restoration in 1868, and pollution became a social issue as time passed. Industrial development in the cities was especially fast. The most evident problem was air pollution by particulates, which harmed everyone living nearby.

Osaka was the first place in Japan where particulates became a serious problem. Many large factories appeared during the 1870s and 1880s, and Osaka developed into an industrial city. The extent was such that Osaka was known as the "Smoke Capital".

Osaka was also the place where citizen opposition quickly arose in response to the spread of pollution, and among them were the farmers and fisherfolk who lived on the city outskirts. When air and water pollution from the factories adversely affected crop yields, reduced fish catches, and caused other damage, they took drastic action in demanding that the factories be shut down or moved, and that compensation be paid.

Then there were the influential citizens, landowners, and shopkeepers of the area, who petitioned to the local government and relevant bodies even when damage was indistinct, or when they could not tell which factories were to blame.

In the Taisho period (1912–1925) pollution and environmental damage became chronic, and from among professionals, students, lawyers, government administrators, businessmen, and other groups there were people who started pollution opposition movements, which in 1932 led to the enactment of Japan's first statutory controls on particulates by Osaka Prefecture. But the 1931 Manchurian Incident triggered the expansion and further construction of heavy and chemical industry factories mainly to manufacture military supplies to prosecute the war effort. Under the slogans of "Stop Waste" and "Conserve Resources," the wartime regime stamped out the movement to control particulates.

● Rapid Economic Growth and Environmental Pollution

Japan's industry suffered a huge blow due to war damage and defeat, but the 1951 Korean War spurred quick reconstruction so that by the mid-1950s people were again calling attention to the pollution problem.

In December 1960 the government announced its plan to double the national income, which called for doubling the gross national product over the span of a decade, by 1970. Under the plan, Japan would link its four major industrial zones into a single industrial belt (the Pacific Industrial Belt Concept), thereby pursuing industrialization efficiently. Although this achieved a GNP increase 1.7 times that of the plan, it resulted in environmental devastation, as well as frequent, grave pollution in the industrial zone.



● More horrible suffering than death

Rapid economic growth brought about heavy air pollution. It was said that in badly polluted areas the air pollution sometimes limited visibility to 50 meters, and such pollution caused serious respiratory ailments in many people.

Main air pollutants are sulfur oxides (SO_x), nitrogen oxides (NO_x), and particulates. Passages from the nose and mouth to the lungs are covered with cilia that keep bacteria and viruses from entering the lungs. SO_x, NO_x, and other irritating substances damage these cilia or cause inflammation, which allows pathological organisms and viruses to easily enter the body, where they cause serious respiratory ailments. This

results in illnesses such as bronchial asthma, chronic bronchitis, emphysema, and asthmatic bronchitis.

Many people came down with such respiratory ailments all around the country, but principally in the industrial belt along the Pacific coast. Many of the victims suffered attacks more horrible than death, and were forced to give up school and work.

People with pollution-damaged health had only one means to seek redress for increasingly serious pollution, and that was to demand compensation in civil lawsuits. An example would be the Yokkaichi Air Pollution Lawsuit, filed in 1969, which was one of the Four Great Pollution Lawsuits.

● Sluggish steps of the government

With growing in pollution opposition movements nationally, the government in 1967 enacted the Basic Law for Environmental Pollution Control which prevented health damage and controlled pollution of the whole area with general.

The Law on Special Measures Concerning Redress for Pollution-Related Health Damage, enacted in 1969, designated part of Yokkaichi City, Nishiyodogawa Ward of Osaka City, part of Kawasaki City, and other places as polluted areas. Under this law the government began paying medical care benefits to residents of these areas who had been certified with pollution-induced health damage.

But it didn't make up for the loss which concerned the whole life of victims such as social loss, the damages to properties, mental loss and compensation.

On the one hand, this served to inform people who until that time had been unaware they were pollution victims that they were living in designated pollution areas and that their health had been damaged by air pollution and to expand the movements by victims and their supporters all around the country.

In 1972 the so-called Absolute Liability Law was enacted. Under this law, people who caused pollution couldn't neglect their responsibility, whether intentionally or accidentally, and defined Polluters Pay Principle (PPP). Besides, it started to examine the institution to compensate for the damage including the civil responsibility. With this stream, the Pollution-Related Health Damage Compensation Law came to be enacted.

● Expansion of the pollution Victims' Movements

Payments of medical care expenses alone were not enough to remedy the pathetic state of pollution victims' health damage and the concomitant livelihood distress, and it was medical care professionals in particular who knew this better than anyone else because they had direct contact with the victims. All around the country, medical care professionals organized support groups to help pollution victims.

These support groups held study sessions and advising seminars on the mechanisms by which pollution arises and the legal/social institutions relating to pollution victims, while at the same time they held informal meetings with local governments, submitted written requests, and conducted other activities. In 1973 these support groups formed the National Liaison Council for Pollution Victims Organizations so that regional groups could share their activities, talk with each other about their respective problems and challenges, and make joint requests to the Environment Agency and other relevant government agencies regarding problems that cannot be solved locally. These and other activities led to the Pollution-Related Health Damage Compensation Program, health recovery programs, pollution control measures, and other national and local government initiatives.

The 1972 victory in the Yokkaichi Air Pollution Lawsuit and citizen activities, mainly those of the support groups, became a great force leading to enactment of the Pollution-Related Health Damage Compensation Law (Health Compensation Law) in 1973. Under this law, people certified as suffering from pollution-induced illnesses could receive not only medical costs but also livelihood assistance. Funds were collected from businesses all over the country in amounts proportionate to their pollutant emissions. To pollution victims, however, this system's inadequacy was that it obscured the responsibility of corporations that caused pollution in their respective locales.

● No regression in pollution control

Pressured by the groundswell in public opinion that began in the 1960s, companies achieved progress in pollution control in order to make the burden on paying lighter, the use of low-sulfur heavy oil, and other measures, which

alleviated air pollution, mainly SOx. It was in response to this that business, which was footing the bills under the Health Compensation Law, began in the latter half of the 1970s to ask for the reduction and abolition of the program. As local support groups around the country were not about to allow regression in pollution control, they took action in response to this corporate demand in order to demonstrate corporate responsibility.

From 1977 through 1983 air pollution lawsuits were filed by certified pollution victims in Chiba, Osaka's Nishiyodogawa, Kawasaki, Kurashiki's Mizushima, and other places. The idea was to demonstrate in court who is responsible for health damage, and thereby require the parties deemed liable to take responsibility for pollution control measures and compensating pollution victims' health damage. However, notwithstanding the opposition from many people including victims and the Japan Federation of Bar Associations, the Environment Agency revised the Health Compensation Law and in March 1988, pursuant to the revision, totally canceled polluted area designations and stopped certifying new patients. As protests to these actions, pollution victims filed air pollution lawsuits in Amagasaki in 1988 and southern Nagoya in 1989.

● Continuous increase of pollution victims: Cancellation of pollution area designations

Polluted area designations had been canceled pursuant to the view that because the air pollution situation had improved overall, there would be no new pollution victims, but this actually meant there would be no redress for people developing symptoms after cancellation. In fact, the number of people with asthma and other ailments continues to rise.

Since the cancellation of designations, a total of 12 local governments including Tokyo and Osaka City have established their own systems to help pay medical care expenses, and the number of people qualifying under these programs is over 73,000, which is nearly the number of people certified under the Health Compensation Law at the end of March 1996. The reason for this is that although air pollution-causing SOx and particulates from factories had been alleviated to an extent, there is increasingly heavy air pollution from the NOx, particulates, and other pollutants in the exhaust gases of motor vehicles, and especially diesels, which increased exponentially.

● Unchangeable Facts of air pollution: Sequence victory in pollution lawsuits



In November 1988, plaintiffs who were suffering from pollution got a win in Chiba Kawasaki Steel Lawsuit. In August 1992, they reached a reconciliation with companies.

In March 1991, Osaka Nishiyodogawa Pollution Lawsuit went in favor of plaintiffs. However, it didn't recognize the causality between air pollution from motor vehicle running on the roads and health damage.

The Nishiyodogawa lawsuit decisions (second through fourth) in July 1995 recognized causality between health damage and air pollution due to NOx from motor vehicle exhaust, and awarded victory to the plaintiffs, saying that liability lay with the national government and the Hanshin Expressway Public Corporation, which built and manage the main roads passing through Nishiyodogawa Ward.

The Tokyo Air Pollution Lawsuit, filed in 1996, claimed that liability for "road pollution" lies with the defendants: the national government, Metropolitan Tokyo, and the expressway public corporation, plus automakers. Plaintiffs include uncertified pollution victims.

And the August 1998 decision in the Kawasaki Pollution Lawsuit was a landmark decision because it recognized that, given the present extent of air pollution, health damage is caused by motor vehicle exhaust, and that victims whose illnesses appeared after the 1988 revision of the Health Compensation Law should receive compensation.



● Seeking Rejuvenation and Redevelopment of pollution-damaged communities

To those who suffer with pollution-induced illnesses, demonstrating pollution liability achieves redress for victims and realizes the hope of sparing their children and grandchildren from the suffering of pollution illnesses, and that is why they wish to regenerate their areas into pollution-free, good places to live.

Such hope has led to a variety of “community development” activities around the country. Pollution victims in Osaka’s Nishiyodogawa Ward, Amagasaki City, and Kurashiki City have drawn illustration-style maps that show their proposed redevelopment plans for the kind of places they would like to live. Their ideas include streamside footpaths, neighborhood vegetable plots, boats ferrying rivers, lively shopping districts, and others that take advantage of regional characteristics. People who have lived in these neighborhoods many years while suffering from illnesses add to these ideas their feelings of attachment to the neighborhoods, and the hope that the children of the next generation will be healthy.

The initiative of the Nishiyodogawa Association for Pollution Patients and Their Families is a pioneering effort among these community development activities. The Association created the “Nishiyodogawa Redevelopment Plan,” which seeks cooperation in community development from the companies that were defendants in the Nishiyodogawa Pollution Lawsuit, and on six occasions since 1991 area residents, the companies, and the local government have tendered proposals for a relationship under which all can cooperate.

In March 1995 plaintiffs reached a compromise agreement with the companies in the Nishiyodogawa Pollution Lawsuit, and in September 1996 part of the monetary settlement was used to establish a foundation called the Center for the Redevelopment of Pollution-damaged Areas in Japan (Aozora Foundation), whose job is to actualize redevelopment plans.

In July 1998 another compromise was reached with the national government and Hanshin Expressway Public Corporation under which, in exchange for dropping demands by the plaintiffs for payment of damages, the parties will cooperate in improving street environments in the Nishiyodogawa area and in redeveloping the area.

■ Aozora booklet

A blue sky for our children: Bringing dragonflies back to the city

Aozora Foundation is a nonprofit organization (NPO) working for the redevelopment of pollution-damaged areas. Our studies and practical activities are creatively carried out from the standpoint of pollution victims and community members, and aimed at rejuvenating local areas and environments.

Types of Activities

- Developing pollution-free communities
- Relating the experience of severe pollution
- Learning about nature and the environment
- Making life worthwhile for pollution victims

In mainly these four areas we conduct studies, make recommendations, hold public lectures, symposiums, and other events with citizen participation, gather documents and source materials, provide information, host observation tours and trainees, lend support for school classes, conduct international exchanges, and more.

A Brief History

The 1978 lawsuit over air pollution in Osaka’s Nishiyodogawa area ended in a March 1995 settlement in which the plaintiffs and nine defendant corporations agreed to work together to redevelop pollution-stricken areas. Pollution victims wished for a future with a blue sky, which they had hoped the lawsuit would achieve. To pass that wish on to the next generation, in September 1996 they donated part of the settlement to establish the Center for the Redevelopment of Pollution-damaged Areas in Japan (Aozora Foundation, i.e., Blue Sky Foundation; under Environment Ministry jurisdiction). This foundation is the first of its kind in Japan.

Developing Pollution-Free Communities

Urban environments need improvement because automobile pollution is still serious in major cities. We therefore make recommendations for people- and environment-friendly road policy, work on practical experimentation and dissemination of eco-friendly driving habits to cut CO2 emissions, offer classes on street conditions in which people together consider traffic problems and work out practical solutions, promote the use of environmental impact assessments that have citizen participation, and run other programs. We are also working on urban development that makes the most of the Nishiyodogawa area's history and community.

Relating the Experience of Severe Pollution

We have undertaken the preservation and organization of documents on citizen movements and court cases, and community source materials that inform people about pollution and the damage it has caused in Nishiyodogawa and other parts of Japan. The Nishiyodogawa Library on Pollution and the Environment has been created in the Aozora building for this purpose, and it is open to everyone.

Other initiatives include collaboration with schools and developing educational materials, hosting people for observation tours and training, and exchanges with Asian environmental NGOs.

Learning about Nature and the Environment

Local citizens, including children, participate in our efforts to gather environmental information available from our immediate environment and living things in our midst. In addition to surveys of indicators like dandelions and shed cicada skins, and surveys of organisms in the Yagura coast mud flat, we develop recommendations for protecting the valuable pockets of nature remaining in cities.

Making Life Worthwhile for Pollution Victims

Pollution victims want to recover their health, which was damaged by air pollution, and continue living meaningfully where they've always lived, free of worries. To improve the health of aging pollution victims and give them purpose in life, we provide instruction in horticulture, water relaxation, and other activities. We also perform studies to understand patient convalescence, and consider what assistive measures are needed for aging pollution victims.