

ENVIRONMENTAL HEALTH ACT

Act No. 8946, Mar. 21, 2008
Amended by Act No. 9932, Jan. 18, 2010
Act No. 10655, May 19, 2011
Act No. 10892, Jul. 21, 2011
Act No. 10893, Jul. 21, 2011
Act No. 11265, Feb. 1, 2012
Act No. 11619, Jan. 1, 2013
Act No. 11862, Jun. 4, 2013
Act No. 12243, Jan. 14, 2014
Act No. 12524, Mar. 24, 2014
Act No. 13893, Jan. 27, 2016
Act No. 14931, Oct. 24, 2017
Act No. 15583, Apr. 17, 2018
Act No. 15661, Jun. 12, 2018
Act No. 17007, Feb. 18, 2020
Act No. 17326, May 26, 2020
Act No. 17855, Jan. 5, 2021
Act No. 19668, Aug. 16, 2023

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect and maintain national health and ecosystem integrity by investigating, diagnosing and monitoring the effects of environmental pollution, toxic chemicals, etc. on national health and the ecosystem and any damage thereto, thereby preventing threats to national health and establishing measures to reduce these threats.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on Jan. 18, 2010; May 19, 2011; Feb. 1, 2012; Jun. 4, 2013>

1. The term "environmental health" means practice of investigating, assessing, preventing and controlling effects of environmental pollution under subparagraph 4 of Article 3 of the Framework Act on Environmental Policy, toxic chemicals, etc. under subparagraph 7 of Article 2 of the Chemicals Control Act (hereinafter referred to as "environmentally hazardous factors") on human health and the ecosystem;
2. The term "environmental diseases" means diseases found by epidemiological investigations, etc. to be interrelated with environmentally hazardous factors and determined by Ordinance of the Ministry of Environment following deliberations by the Environmental Health Council under Article 9;
3. The term "risk assessment" means activities of systematically reviewing and assessing the exposure to environmentally hazardous factors and toxicity information of environmentally hazardous factors to forecast effects of environmentally hazardous factors on human health and the ecosystem;
4. The term "epidemiological investigation" means activities of diagnosing the cause of harm to health by finding out severity of harm, including diseases and death, caused to health and verifying the interrelation between environmentally hazardous factors and diseases in cases where harm has occurred or is likely to occur to health due to environmentally hazardous factors in a specific population group or a specific area;
5. The term "environmental media" means the air, water, soil, etc. which transmits environmentally hazardous factors to a receptor;
6. The term "receptor" means the ecosystem, including human, animals and plants which are affected by environmentally hazardous factors transmitted through environmental media;
7. The term "children" means persons under 13 years of age;
8. The term "children's activity zone" means an area where children mainly stay or do activities, such as children's play facilities, infant care facilities including nurseries, kindergartens, elementary schools, etc. prescribed by Presidential Decree.

Article 3 (Scope of Application)

This Act shall not apply to matters pertaining to the safety and health of workers for projects or in places of business under the Occupational Safety and Health Act.

Article 4 (Basic Ideology)

Environmental health shall be promoted in accordance with the following basic ideologies:

1. Adequate measures and policy measures shall be arranged to prevent effects on a receptor to an economically and technically feasible extent until an environmentally hazardous factor turns out to be harmless, even in cases where scientific interrelation between environmentally hazardous factors and damage to a receptor is not clearly demonstrated;
2. Classes, such as children, etc. who are sensitive to exposure to environmentally hazardous factors and people in regions having serious environmental pollution shall be preferentially protected and cared for;

3. Plans and policy measures for each environmental medium shall be consolidated and adjusted in the standpoint of protection of receptors;
4. The population groups affected by environmentally hazardous factors shall be allowed to participate in relevant decision-making processes, such as being provided with suitable information about risk, etc.

Article 5 (Responsibilities of the State)

- (1) The State and local governments shall be constantly aware of the effects of environmentally hazardous factors on a receptor and formulate and implement policy measures necessary for protecting a receptor from environmentally hazardous factors.
- (2) The State and local governments shall enhance education and publicity about the environmental health and actively participate in and cooperate with international efforts for the development of the environmental health.
- (3) A business entity shall take necessary measures to prevent effects and damage of environmentally hazardous factors occurring due to business activities on or in relation to a receptor on his or her own initiative and actively participate in and cooperate with environmental health policy measures by the State and local governments.

Article 6 (Formulation of Environmental Health Master Plans)

- (1) The Minister of Environment shall establish an environmental health master plan (hereinafter referred to as "master plan") every 10 years to promote national health by investigating, preventing and controlling the effects and damage of environmentally hazardous factors on a receptor through consultation with the heads of relevant central administrative agencies and deliberations by the Environmental Health Council under Article 9.
- (2) A master plan shall include each of the followings: *<Amended on Jan. 5, 2021>*
 1. Environmental health-related basic policy measures and objectives;
 2. Present status of the effects of environmentally hazardous factors on national health and diseases requiring preparation of environmental diseases and proper policy measures against environmentally hazardous factors and the measures therefor;
 3. Matters concerning effects of environmentally hazardous factors on the ecosystem and damage therefrom;
 4. Matters concerning risk assessment of environmentally hazardous factors;
 5. Investigation, research, analysis, prevention and control plans concerning effects of environmentally hazardous factors on national health;
 6. Special control measures for classes, such as children, senior citizens, pregnant mothers, etc. who are sensitive to exposure to environmentally hazardous factors;
 7. Special control measures for residents in regions vulnerable to environmental pollution, such as neighborhoods in industrial complexes, abandoned mines, traffic congested areas, waste disposal

facilities, etc.;

8. Matters concerning formulation of integrated environmental standards focused on receptors;

9. Administrative and financial support necessary to prevent and control harm to the health of people due to environmentally hazardous factors;

10. Plans to supply financial resources concerning environmental health;

11. Matters concerning international cooperation concerning environmental health;

12. Other matters necessary for promoting environmental health.

(3) Where five years have lapsed since the establishment of a master plan or it is deemed necessary to modify a master plan upon being requested from the head of central administrative agencies concerned, the Minister of Environment may modify a master plan through deliberation by the Environmental Health Council under Article 9.

(4) Except as provided in paragraphs (1) through (3), matters necessary for the method, procedure, etc. of establishing a master plan shall be prescribed by Presidential Decree.

Article 6-2 (Establishment of Regional Environmental Health Plan)

(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as a "Mayor/Do Governor") shall formulate a regional environmental health plan (hereinafter referred to as "regional plan") in accordance with the comprehensive plan after undergoing deliberation by the Regional Environmental Health Council under Article 10-2 (limited to cases where the Regional Environmental Health Councils are established; hereinafter in this Article the same shall apply), considering the regional characteristics of the jurisdiction.

(2) Where five years have lapsed since the establishment of a regional plan or it is deemed necessary to modify a regional plan upon being requested by the Minister of Environment, a Mayor/Do Governor may modify a regional plan.

(3) Where a Mayor/Do Governor modifies a regional plan, he or she shall submit such modified plan to the Minister of Environment without delay: Provided, That the foregoing shall not apply when modifying insignificant matters prescribed by Presidential Decree.

(4) Except as otherwise provided in paragraphs (1) through (3), the details of the regional plan and necessary matters concerning the establishment, change and implementation shall be prescribed by Presidential Decree.

Article 7 (Implementation of Master Plan)

(1) Where the Minister of Environment formulates or modifies a master plan, he or she shall inform the head of relevant administrative agencies of the details thereof without delay.

(2) The head of relevant administrative agencies shall take necessary measures for matters under their respective control to implement a master plan.

(3) When establishing an environmental plan for a Si/Gun/Gu under Article 19 of the Framework Act on Environmental Policy (hereafter referred to as “regional environmental plan” in this paragraph), the head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) shall include the environmental health plan of the jurisdictional area in accordance with the regional plan shall be included in the regional environmental plan. *<Amended on Jan. 5, 2021>*

Article 8 (Cooperation in Formulating Plans)

(1) If necessary for formulating and implementing a master plan or a regional plan, the Minister of Environment or a Mayor/Do Governor may request the heads of related administrative agencies or the head of relevant institutes and organizations to provide cooperation, such as provision of data. *<Amended on Jan. 5, 2021>*

(2) Upon receipt of a request for cooperation under paragraph (1), the head of relevant administrative agencies or the head of relevant institutes and organizations shall comply with such requests unless any special ground exists to the contrary. *<Amended on Jan. 5, 2021>*

Article 9 (Environmental Health Council)

(1) The Environmental Health Council (hereinafter referred to as the "Council") shall be established under the jurisdiction of the Minister of Environment to deliberate on major issues concerning the promotion of environmental health.

(2) The Council shall deliberate upon the following matters: *<Amended on Jan. 27, 2016>*

1. Designation of environmental diseases;
2. Formulation and modification of a master plan under Article 6 (1) and (3);
3. Policy measures concerning the promotion of environmental health;
4. Restriction on application of new technologies or use of new substances acknowledged as risk under Article 12 (1);
5. Standards for in vivo density of environmentally hazardous factors;
6. Settlement of petitions for a health impact investigation under Article 17;
7. Restrictions on use of environmentally hazardous factors under Article 23 (2);
8. Kinds and harmfulness of environmentally hazardous factors which affect children's health under Article 24 (1);
9. Other matters referred for deliberation by the Chairperson.

Article 10 (Composition and Operation of Council)

(1) The Council is composed of no more than 20 members including the chairperson, considering gender. *<Amended on Jan. 5, 2021>*

(2) The Council shall be chaired by the vice-minister of Environment.

(3) Members of the Council shall be commissioned or appointed by the Minister of Environment from among the following persons, who have abundant knowledge and experience in environmental health:

<Amended on May 26, 2020; Jan. 5, 2021>

1. Environmental health specialists;
2. Representatives of environmental health-related civic groups;
3. Persons engaging in environmental health-related industries;
4. The relevant public official.

(4) Where necessary to research and review matters to be deliberated on by the Council in a more specialized manner and to efficiently conduct affairs of the Council, special committees may be established under the Council.

(5) Except as provided in paragraphs (1) through (4), matters necessary for composition, operation, etc. of the Council and special committees shall be prescribed by Presidential Decree.

Article 10-2 (Regional Environmental Health Council)

(1) A regional environmental health council (hereinafter referred to as the “regional council”) may be established under the jurisdiction of a Mayor/ Do Governor to deliberate on major matters related to the promotion of environmental health in the region.

(2) A regional council shall deliberate on the following matters:

1. Formulation and modification of a regional plan under Article 6-2 (1) and (2);
2. Policy measures for the promotion of environmental health in a region under jurisdiction;
3. Handling of petitions for health impact survey under Article 17 of its jurisdiction;
4. Other matters related to the local environment and health that the Mayor/ Do Governor requests for deliberation.

(3) Members of regional councils shall be persons with abundant knowledge and experience in environmental health and shall be commissioned or appointed by the Mayor/Do Governor in consideration of gender from among the following persons:

1. Environmental health specialists;
2. Representatives of environmental health-related civic groups;
3. Persons engaging in environmental health-related industries;
4. A public official working for the region.

(4) Matters necessary for the organization, operation, etc. of regional councils other than those provided for in paragraphs (1) through (3) shall be determined by ordinances of the relevant City/Do in accordance with the standards prescribed by Presidential Decree.

CHAPTER II RISK ASSESSMENT

Article 11 (Risk Assessment and Management of Environmentally Hazardous Factors)

- (1) The Minister of Environment shall conduct risk assessment of environmentally hazardous factors and prepare measures to control environmentally hazardous factors which exceed risk standards prescribed by Ordinance of the Ministry of Environment.
- (2) When the Minister of Environment establishes risk standards under paragraph (1), he or she shall consult in advance with the head of a relevant central administrative agency.
- (3) Except as provided in paragraphs (1) and (2), matters necessary for risk assessment, control, etc. of environmentally hazardous factors shall be prescribed by Presidential Decree.

Article 12 (Restrictions on Application or Use of New Technologies and Substances)

- (1) Where new technologies or substances are acknowledged to have a high risk as a result of risk assessment, the Minister of Environment may restrict application of new technologies or use of new substances through consultation with the heads of relevant central administrative agencies and deliberations by the Council.
- (2) Where the Minister of Environment intends to restrict application of new technologies or use of new substances under paragraph (1), he or she announce a title of technology or a substance subject to restriction, details of restriction, the scope of restriction, etc.
- (3) Paragraph (2) shall not apply to any of the following substances: *<Amended on Jun. 4, 2013>*
 1. Hazardous chemicals defined in subparagraph 7 of Article 2 of the Chemical Substances Control Act;
 2. Chemicals falling under any of the subparagraphs of Article 3 (1) of the Chemical Substances Control Act.

Article 13 (Addition and Assessment of Health Impact Items)

- (1) With regard to administrative plans and development projects prescribed by Presidential Decree among strategic environmental impact assessment under Article 9 of the Environmental Impact Assessment Act or plans and development projects which is subject to environmental impact assessments under Article 22 of that Act, the heads of relevant administrative agencies or a project operator who formulates or implements a plan for projects subject to environmental impact assessment shall note effects of environmentally hazardous factors on national health to review and assessment items and request the Minister of Environment or the head of an environmental local government agency to hold consultation about review and assessment. *<Amended on Jul. 21, 2011>*
- (2) Where the Minister of Environment or the head of an environmental local government agency reviews and assesses effects on national health under paragraph (1), he or she shall take measures, such as collection, etc. of necessary information.
- (3) Matters necessary for a review and assessment method, etc. under paragraph (2) shall be prescribed by Presidential Decree.

CHAPTER III PREVENTION AND CONTROL OF ENVIRONMENT-RELATED HARM TO HEALTH

Article 14 (Basic Investigations of National Environmental Health)

(1) The Minister of Environment shall conduct basic investigations, every three years, into national environmental health, such as in vivo density of environmentally hazardous factors, status of harm to health resulted from environmentally hazardous factors, the status of outbreak of environmental diseases and other diseases that require appropriate policy measures and measures against environmental hazardous factors and may conduct a joint investigation together with the heads of central administrative agencies concerned, if necessary. *<Amended on Jan. 5, 2021>*

(2) The Minister of Environment shall conduct a close investigation for diagnosis of causes, etc. where any case falling under the following is found to exist as a result of basic investigations under paragraph (1): *<Amended on Jan. 27, 2016>*

1. Where the in vivo density of environmentally hazardous factors in a particular group of population or a particular region is higher than the standard under Article 9 (2) 5;
2. Where harm to health resulted from environmentally hazardous factors is severe;
3. Where an environmental disease frequently occurs in a specific area.

(3) Where it is suspected that a close investigation in question is related to jurisdictional matters of the relevant administrative agency, such as working environmental factors of a business place, ingestion of food, etc., when conducting a close investigation under paragraph (2), the Minister of Environment shall consult with the head of the relevant administrative agency in advance before conducting an investigation and conduct a joint investigation, where necessary.

(4) The Minister of Environment may request the head of the relevant agency to present the following data if necessary for a basic investigation or close investigation under paragraph (1) or (2). In such cases, the head of the relevant agency requested to do so shall comply with such request unless there exists any extenuating circumstance: *<Amended on Jan. 27, 2016>*

1. Data concerning medical benefits under Article 41 of the National Health Insurance Act and health checkups under Article 52 of that Act;
2. Data concerning cancer registration statistics services under Article 14 of the Cancer Control Act and cancer information services under Article 15 of that Act;
3. Data concerning occupations, diseases, causes of death, etc. among statistical data under the subparagraph 4 of Article 3 of the Statistics Act;
4. Data concerning health examination records under Article 7-3 of the School Health Act;
5. Data concerning the attainment, loss, etc. of employees' insured status under Article 15 of the Employment Insurance Act;

6. Data concerning receipt of insurance benefits under Article 36 of the Industrial Accident Compensation Insurance Act;
 7. Data concerning medical benefits under Article 7 of the Medical Care Assistance Act;
 8. Other Data deemed necessary for a basic investigation or close investigation by the Minister of Environment.
- (5) The methods, procedures of a basic investigation and a close investigation and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 14-2 (Survey on Actual Situation of Activity Space for Sensitive Class)

The Minister of Environment or a "Mayor/Do Governor" may conduct an investigation into the actual situation of activity spaces, etc. for the groups of persons who are sensitive to exposure to environmentally hazardous factors under Article 6 (2) 6 to secure basic information necessary for the establishment of environmental health policies.

Article 15 (Health Impact Survey of Environmental-Related Health Damage)

(1) The Minister of Environment shall continuously investigate and evaluate the effects of environmental hazardous factors on the health of the following persons:

1. Classes, such as children, senior citizens, pregnant mothers, etc. who are sensitive to exposure to environmentally hazardous factors;
 2. Specific population groups, such as residents living in regions where there is a high risk of health effects from environmental hazardous factors, such as industrial complexes, abandoned mine areas, and traffic-dense areas;
 3. Specific population groups, such as residents, living in regions where environmental pollution under subparagraph 4 of Article 3 of the Framework Act on Environmental Policy is significant or is likely to be significant, with environmental hazardous factors such as fine dust etc., exceeding the environmental standards under Article 12 of that Act.
- (2) The Minister of Environment and the head of a local government may conduct an epidemiological investigation on a specific population group, including residents in any region whose health is likely or suspected to be harmed as a result of the occurrence of environmental diseases or environmentally hazardous factors.

(3) The Minister of Environment and the head of a local government, if necessary for an investigation under paragraphs (1) and (2) or Article 17, they may request the submission of materials pursuant to Article 14 (4) 1 through 7 to the head of a related agency. In such cases, the head of each relevant agency in receipt of the request to provide data shall comply therewith unless extenuating circumstances exist.

(4) The Minister of Environment or the head of a local government may form and operate a health impact survey team for the surveys under paragraphs (1) and (2) or Article 17, as prescribed by Presidential Decree.

(5) The Minister of Environment may subsidize the expenses incurred in conducting an investigation under paragraph (2) or Article 17 by the head of a local government, within budgetary limits.

(6) Where the Minister of Environment or the head of a local government conducts an investigation pursuant to paragraph (1), (2) or 17, a business entity related to environmentally hazardous factors (referring to a business entity related to the occurrence of environmentally hazardous factors which is the cause of an investigation under paragraph (1) or (2), or Article 17; hereinafter the same shall apply) shall actively cooperate therein and shall not conduct any of the following acts in the course of such investigation:

1. Refusing, interfering with, or evading the investigation without any justifiable ground;
2. Making a false statement or presenting false materials;
3. Intentionally omitting or concealing any fact.

(7) Where the Minister of Environment or the head of a local government conducts an investigation under paragraph (1), (2) or 17, Anyone (excluding business entities related to environmentally hazardous factors) shall actively cooperate and shall not interfere with the investigation, make false statements or conceal facts intentionally without any justifiable ground in the course of such investigation.

Article 16 Deleted. <Jan. 5, 2021>

Article 17 (Petition for Health Impact Surveys)

(1) Where harm to health resulted from environmentally hazardous factors occurs to the people or is feared, the people may petition to the Minister of Environment or the Mayor/Do Governor for an assessment of the effects of environmentally hazardous factors on health. In such cases, the Minister of Environment or the Mayor/Do Governor shall handle petitions according to the following classifications:

1. The Minister of Environment:

- (a) Where it is necessary to conduct investigations covering at least two Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do or Special Self-Governing Province;
- (b) Where a State agency or local government is a direct interested party;
- (c) Where a workplace established and operated after obtaining permission from the Minister of Environment or the Mayor/Do Governor is subject to investigation;
- (d) Where it is deemed that any petition is settled insufficiently by the head of the local government;
- (e) Other cases where the Minister of Environment deems an investigation necessary and does not fall under subparagraph 2;

2. A Mayor/Do Governor: Where harm to health resulted from environmentally hazardous factors has occurred or is likely to occur in his or her jurisdiction in cases not falling under subparagraph 1 (a) through (d).

(2) Where a petition for a health impact survey under paragraph (1) is made, the Minister of Environment shall determine how to handle a petition through review of necessity thereof and deliberations by the

Council.

(3) Where a petition for a health impact survey under paragraph (1) is made, the Mayor/Do Governor shall review the necessity thereof and deliberate on the relevant matters by a regional committee (limited to where a regional council is established; hereafter in this Article the same shall apply) to determine how to handle such petition.

(4) The Minister of Environment or a Mayor/Do Governor shall hear opinions of the head of a related administrative agency in conducting the review under paragraph (2) or (3).

(5) Where it is necessary to conduct an urgent investigation notwithstanding paragraph (2) or (3), the Minister of Environment or the Mayor/Do Governor may omit deliberations by the Council or a regional council. (6) When the committee or a regional committee deliberates on a petition under paragraph (2) or (3), it may deliberate on the petition in private, if the details of the petition fall under any of the following cases:

1. Where it is deemed that matters concerning guarantee of the national security, national defense, unification, diplomatic relations, etc. are likely to clearly harm significant interests of the State, if disclosed;
2. Where prescribed as confidential or closed by other statutes.

(7) Except as otherwise expressly prescribed in paragraphs (1) through (6), matters concerning the procedure and method of filing a petition shall be governed by the Petition Act.

Article 17-2 (Measures Based on Results of Investigation)

(1) When the Minister of Environment or the head of a local government has completed an investigation under Articles 14, 15 (1) and (2) and 17, he or she shall notify the head of the relevant administrative agency of the result.

(2) The Minister of Environment shall take measures necessary for properly managing environmental media and environmentally hazardous factors according to the results of investigation under paragraph (1).

(3) The heads of local governments shall formulate and implement measures, as prescribed by Presidential Decree, to properly control environmental media and environmentally hazardous factors in their jurisdiction in accordance with the results of investigations under paragraph (1).

(4) The Minister of Environment or the head of a local government may request the head of a related administrative agency to establish and implement relevant measures for matters under his or her jurisdiction in order to properly manage environmental media and environmental hazardous factors according to the results of the investigation under paragraph (1).

(5) Where necessary for formulating and implementing measures under paragraph (3), the State may provide the relevant local government with financial and technical support.

Article 18 (Protection of Personal Information, etc.)

Any person who is or has been engaged in affairs related to investigations under Articles 14, 15 and 17 shall not disclose personal information or confidential information which comes to his or her knowledge while conducting his or her duties or use such information for purposes other than the ones related to his or her duties.

Article 19 (Obligations to Compensate for Environmental Diseases)

(1) Any person who causes an environmental disease in another person due to environmentally hazardous factors generated from business activities, etc. shall compensate for accompanying damage. *<Amended on Jun. 12, 2018>*

(2) Where the damage under paragraph (1) has been caused by intention or gross negligence of a business entity, the business entity shall compensate for such damage in an amount not exceeding three times the amount of the damage, in consideration of whether the business entity has been aware of such intention or the likelihood of causing damage, how much efforts the business entity has made to reduce damage, hazard of environmentally hazardous factors, etc. *<Newly Inserted on Jun. 12, 2018>*

(3) Articles 4 through 7 of the Product Liability Act shall apply mutatis mutandis to grounds for exemption from liability, joint liability, restrictions on a special agreement concerning exemption from liability, extinctive prescription, etc.: Provided, That provisions regarding grounds for exemption from liability shall apply mutatis mutandis only to the liability referred to in paragraph (1). *<Newly Inserted on Jun. 12, 2018>*

Article 20 (Support from the State)

(1) The State and local governments may lend administrative and financial support necessary for preventing and controlling the people's harm to health resulting from environmentally hazardous factors. *<Amended on Jan. 14, 2014>*

(2) The Minister of Environment may provide technical and financial assistance required by the owners or managers of children's activity zones referred to in Article 23 (4) in complying with the environmental safety control standards. *<Newly Inserted on Jan. 14, 2014; Mar. 24, 2014>*

Article 21 (Development of Environmental Health Indices)

(1) The Minister of Environment shall develop indices for measuring and assessing the environmental health condition of the people.

(2) Matters necessary for the development of environmental health indices under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 22 (Control of Information and Statistics on Environmental Health)

(1) The Minister of Environment shall formulate and implement policy measures necessary for collecting and managing environmental health-related information and statistics and making use of such information

and statistics for preventing and controlling damage to national health.

(2) The Minister of Environment shall devise policy measures necessary for propagating environmental health-related information and statistics under paragraph (1).

CHAPTER IV HEALTH PROTECTION OF CHILDREN

Article 23 (Risk Control for Children's Activity Zones)

(1) With respect to children's activity zones prescribed in order to protect the health of children, the Minister of Environment shall assess exposure of such zones to environmentally hazardous factors and prescribe, by Presidential Decree, the environmental safety control standards (hereinafter referred to as "environmental safety control standards") for children's activity zones. *<Amended on Feb. 1, 2012>*

(2) Where it is acknowledged that the risk of environmentally hazardous factors is high as a result of assessing exposure under paragraph (1), the Minister of Environment may impose restrictions on the use of environmentally hazardous factors through consultation with the head of relevant central administrative agencies and deliberations by the Council.

(3) Where the Minister of Environment imposes restrictions on the use of environmentally hazardous factors under paragraph (2), he or she shall publicly notify each of the followings:

1. Name of environmentally hazardous factors subject to restrictions;
2. Details of restrictions;
3. Scope of restrictions.

(4) The owner or manager of a children's activity zone shall comply with the environmental safety control standards. *<Amended on Feb. 1, 2012; Mar. 24, 2014>*

(5) Where the owner or manager of a children's activity zone violates restrictions on the use of environmentally hazardous factors under paragraph (2) or the environmental safety control standards, a Mayor, the head of a Si/Gun/Gu, or a superintendent of education may issue orders to the manager or owner of the relevant facilities to improve such facilities or comply with the environmental safety control standards as prescribed by Ordinance of Ministry of Environment. *<Amended on Feb. 1, 2012; Mar. 24, 2014; Feb. 18, 2020>*

(6) In any of the following cases, the manager or owner of a children's activity zone shall undergo an inspection conducted by an inspection agency under Article 23-2 on whether the relevant place has complied with the environmental safety control standards (hereinafter referred to as "compliance inspection"): Provided, That the facilities prescribed by the Ordinance of the Ministry of Environment, such as those that have extended or renovated children's activity zones by using paints, finishing materials, and synthetic resin and synthetic rubber flooring certified with the eco-label under Article 17 of the Environmental Technology and Industry Support Act, shall be deemed to have undergone a compliance inspection: *<Newly Inserted on Mar. 24, 2014; Aug. 16, 2023>*

1. When a children's activity zone is newly set up;
 2. When any expansion or repair is conducted in excess of the scale prescribed by Presidential Decree.
- (7) Necessary matters concerning the time, methods, procedures, etc. for a compliance inspection to be conducted under the main clause of Article 23 (6) shall be prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted on Aug. 16, 2023>*
- (8) An inspection agency under Article 23-2 shall issue the manager or owner of a children's activity zone a certificate attesting to the results of compliance inspection, as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted on Mar. 24, 2014; Aug. 16, 2023>*
- (9) The manager or owner of a children's activity zone shall not let anyone use the children's activity zone that fails to meet the compliance inspection. *<Newly Inserted on Mar. 24, 2014; Aug. 16, 2023>*
- (10) A Mayor, the head of a Si/Gun/Gu, or a superintendent of education may order any manager or owner who has not undergone a compliance inspection in accordance with paragraph (6) to receive a compliance inspection of whether the children's activity space complies with the environmental safety control standards as prescribed by Ordinance of the Minister of Environment. *<Newly Inserted on Jan. 27, 2016; Feb. 18, 2020; Aug. 16, 2023>*

Article 23-2 (Designation of Inspection Agencies)

- (1) In order to conduct a specialized and technological examination and inspection on whether environmentally hazardous factors whose use is restricted under Article 23 (2) are used or not, whether the environment safety control standards under paragraph (4) of that Article are complied with, and whether the environmentally hazardous factors publicly notified in accordance with the latter part of Article 24 (3) are used or sold, the Minister of Environment may designate national environment research institutes under the jurisdiction of the Ministry of Environment, public health and environment research institutes under the Public Health and Environment Research Institute Act, or non-profit corporations prescribed by Ordinance of the Ministry of Environment as examination and inspection agencies of environmentally hazardous factors (hereinafter referred to as "inspection agencies") as prescribed by Ordinance of the Ministry of Environment: Provided, That agencies prescribed by Presidential Decree shall be deemed designated as inspection agencies. *<Amended on Jan. 27, 2016>*
- (2) A person who intends to be designated as an inspection agency under the main clause of paragraph (1) shall be equipped with technological personnel and facilities prescribed by Presidential Decree.
- (3) Where an inspection agency designated under the main clause of paragraph (1) intends to alter important matters prescribed by Ordinance of the Ministry of Environment, it shall report such intention to the Minister of Environment. In such cases, the Minister of Environment in receipt of a report on modification shall review the details thereof and accept it if it complies with this Act. *<Amended on Jan. 5, 2021>*
- (4) An inspection agency shall comply with the matters prescribed by Ordinance of the Ministry of Environment, such as the preparation, preservation, etc. of documents related to examination and

inspection. *<Newly Inserted on Jan. 27, 2016>*

(5) The Minister of Environment may, where an inspection agency falls under any of the following subparagraphs, either cancel its designation, or order the suspension of its business for a fixed period of up to six months, as prescribed by Ordinance of the Ministry of Environment: Provided That in any case falling under any of subparagraph 1 through 3, the Minister shall cancel its designation: *<Amended on Jan. 27, 2016>*

1. Where it is designated by fraud or other improper means;
2. Where it issues a false certificate of inspection results by intention or gross negligence;
3. Where it conducts its business during the suspension period of business;
4. Where it fails to commence its business of inspection within one year from the date when it has been designated as an inspection agency, or it has no record of conducting any inspection business for a consecutive one-year period;
5. Where it comes to fall short of the standards for technological personnel and facilities under paragraph (2);
6. Where it fails to make a report of alteration under paragraph (3);
7. Where it fails to implement the matters to be complied with under paragraph (4).

(6) The procedures and standards for the cancellation of designation and the suspension of business under paragraph (5), and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. *<Amended on Jan. 27, 2016>*

Article 23-3 (Education)

The Minister of Environment may provide educations on environmental health to the managers or owners of children's activity spaces.

Article 23-4 (Certification of Environmental Safety of Children's Activity Spaces)

(1) The Minister of Environment may, upon the application of the manager or owner of any children's activity space for environmentally safe children's activity space certify the children's activity space as environmentally safe facility after evaluating whether such space is environmentally safe.

(2) Where any children's activity space which has been granted the certification in accordance with paragraph (1) comes to fall under any of the following subparagraphs, the Minister of Environment may cancel its certification: Provided, that the Minister shall cancel its certification in cases falling under subparagraph 1: *<Amended on Apr. 17, 2018>*

1. Where the person obtains certification by fraud or other improper means;
2. Where its manager or owner is punished pursuant to a penalty provision or administrative fine falling under Article 31 (1) 3, 31 (2), or 33 (limited to where an administrative fine is imposed due to a violation of Article 29 (1) 1);

3. Where its manager or owner is punished pursuant to a penalty provision or administrative fine falling under Article 14 (1) 1 or 2, Article 16 (2) or (3) 1, 3, 5, 5-2, 6, 7 of the Indoor Air Quality Control Act;
4. Other cases prescribed by Ordinance of the Ministry of Environment, in which it is deemed difficult to maintain the certification.

(3) Necessary matters concerning the standards, periods, procedures, methods, etc. of certification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 24 (Control of Hazardous Substances for Use by Children)

(1) The Minister of Environment may prepare and publicly notify a list of the kinds of environmentally hazardous factors contained in toys, stationery, disposable diapers, wet tissues, etc. mainly used or touched by children (hereinafter referred to as "children's supplies"), affecting children's health, and their risks following deliberations by the Council. *<Amended on Mar. 24, 2014; May 26, 2020>*

(2) The Minister of Environment shall devise adequate measures, such as execution of risk assessment, etc. of children's supplies, in order to control environmentally hazardous factors under paragraph (1). *<Amended on Feb. 1, 2012; Mar. 24, 2014>*

(3) If any risk is found to exceed the risk standards under Article 11 (1) as a result of the risk assessment under paragraph (2), the Minister of Environment may restrict or ban the environmentally hazardous factors from being used or sold for any children's supplies or children. In such cases, the Minister of Environment shall publicly notify the names of the relevant environmentally hazardous factors and the contents of restriction or prohibition thereof. *<Newly Inserted on May 19, 2011; Mar. 24, 2014>*

(4) If the Minister of Environment restricts or bans environmentally hazardous factors from being used for or sold for any children's supplies or children pursuant to paragraph (3), he or she shall consult with the relevant ministries. *<Newly Inserted on May 19, 2011; Mar. 24, 2014>*

(5) The Minister of Environment may order any person who has failed to comply with the details of announcement under paragraph (3) to stop selling products for uses in children's supplies or for children or recall the children's supplies. *<Newly Inserted on May 19, 2011; Mar. 24, 2014>*

(6) Where an environmentally hazardous factor is deemed to have a high risk as a result of risk assessment under paragraph (2), the Minister of Environment may recommend the business entity who manufactures, imports and sells the environmentally hazardous factor in question (hereinafter referred to as "relevant business entities") to suspend selling the aforementioned factor for use by children or to recall the aforementioned factor. *<Amended on May 19, 2011>*

(7) Where it is deemed to be difficult to eliminate effects on children's health by making recommendations of sale suspension or recall under paragraph (6), the Minister of Environment may announce the fact that he or she recommends the relevant business entities to suspend sale or recall. *<Amended on May 19, 2011>*

(8) The Minister of Environment may request the head of relevant central administrative agencies concerned to take proper measures, such as sales suspension, improvement, collection, or destruction of children's supplies which contain environmentally hazardous factors acknowledged to have a high risk

under paragraph (6), and the head of relevant central administrative agencies concerned shall comply with such request except in extenuating circumstances. <Amended on May 19, 2011; May 26, 2020>

(9) Upon requesting the heads of the related central administrative agencies concerned to take proper measures under paragraph (8), the Minister of Environment shall announce the matters prescribed by Presidential Decree, such as the relevant children's supplies and the facts requested. In such cases, the Minister of Environment shall have prior consultation with the heads of central administrative agencies concerned on the matters he or she intends to announce. <Newly Inserted on Jan. 14, 2014>

(10) A person who intends to manufacture or import children's supplies shall indicate in easy terms whether they contain any environmentally hazardous factors, the content thereof, etc. announced under paragraph (3) on the children's supplies. <Newly Inserted on Mar. 24, 2014>

(11) The procedures, methods, etc. concerning the recommendation and announcement of facts recommended and facts requested and the goods subject to indication of content of environmentally hazardous factors and the methods, details, etc. of indication under paragraphs (6), (7), (9) and (10) shall be prescribed by Presidential Decree. <Amended on May 19, 2011; Jan. 14, 2014; Mar. 24, 2014>

Article 24-2 (Obligation to Report by Relevant Business Entities)

(1) When a relevant business entity becomes aware of the fact that environmentally hazardous factors or children's supplies containing environmentally hazardous factors, sold on the market, have failed to comply with the details of public notice under Article 24 (3) or paragraph (10) of that Article, it shall immediately report such fact to the Minister of Environment.

(2) Where a relevant business entity intends to take measures such as voluntary recall after the report is filed under paragraph (1), it shall report the methods and procedures, etc. to the Minister of Environment as prescribed by Presidential Decree.

(3) If a plan for taking measures, such as voluntary recall under paragraph (2) is deemed insufficient to control hazardous substances for children's use, the Minister of Environment may request a relevant business entity to take supplementary measures, and in such cases, the relevant business entity shall take measures requested unless there is a compelling reason not to do so.

(4) After taking measures such as voluntary recall pursuant to paragraph (2), a relevant business entity shall submit the results and measures for prevention of recurrence to the Minister of Environment as prescribed by Presidential Decree.

(5) Where a relevant business entity has taken any of the following measures on the grounds of hazard in a foreign country with respect to environmentally hazardous factors or children's supplies containing environmentally hazardous factors sold on the market, or where he or she has become aware of the fact that another relevant business entity has taken such measures, he or she shall immediately report it to the Minister of the Environment, as prescribed by presidential decree: Provided, That this shall not apply if the relevant business entity has taken and reported measures such as voluntary recall under paragraph (2):

1. If a relevant business entity has received an order or recommendation from a foreign government for measures such as recall, and taken action, such as recall;
2. If a relevant business entity has taken action, such as voluntary recall.

[Previous Article 24-2 moved to Article 24-3 <Aug. 16, 2023>]

Article 24-3 (Formulation of Self-Management Plans)

(1) A relevant business entity may make and implement a self-management plan, as prescribed by Ordinance of the Ministry of Environment, in order to discourage the use and sale of environmentally hazardous factors for children. <Amended on Jan. 1, 2013>

(2) The Minister of Environment may partially subsidize a business entity who makes and implements a self-management plan under paragraph (1), within budgetary limits.

[Moved from Article 24-2 <Aug. 16, 2023>]

Article 25 (Provision of Information on Risk to Children)

The Minister of Environment shall systematically collect information on the toxicity and risk of environmentally hazardous factors influencing children's health and inform people of such information through website, etc. <Amended on Mar. 24, 2014>

Article 25-2 (Support for Medical Treatment for Children)

The Minister of Environment may provide support for the health checkup and treatment, etc. of children, where it is likely or suspected to cause health harm caused by the occurrence of environmental diseases or environmentally hazardous factors, as prescribed by Presidential Decree.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 26 (Designation and Operation of Environmental Health Centers)

(1) The Minister of Environment may designate and operate any of the national and public research institutes, universities, national and public hospitals, private hospitals, etc. as an environmental health center for the purposes of supporting investigations, research, education and technical development, and epidemiological investigation for identifying, monitoring, preventing and controlling harm to health caused by environmentally hazardous factors and supporting investigations and assessment of the effects of environmentally hazardous factors on health. <Amended on Jan. 27, 2016>

(2) The Minister of Environment shall, in the case of designating an environmental health center in accordance with paragraph (1), designate it for a fixed effective period of up to five years, which is prescribed by Presidential Decree based on the designation purposes, project characters, etc., and may re-designate it when its effective period expires. <Newly Inserted on Jan. 27, 2016>

(3) The State may, within budgetary limits, grant an environmental health center designated or re-designated pursuant to paragraph (1) or (2) (hereinafter referred to as an “Environmental Health Center”) a subsidy for all or part of the expenses necessary for conducting its project. *<Amended on Jan 1, 2013; Jan. 27, 2016>*

(4) Matters necessary for the standards and procedures for the designation redesignation of Environmental Health Centers, as well as the operation, etc. thereof shall be prescribed by Presidential Decree. *<Amended on Jan 1, 2013; Jan. 27, 2016>*

Article 26-2 (Appraisal of Environmental Health Centers)

(1) The Minister of Environment shall evaluate Environmental Health Centers in accordance with the following classifications: *<Amended on Jan. 27, 2016>*

1. Periodic appraisal: To appraise, once a year, business performance, etc. of an Environmental Health Center in the previous year (if a comprehensive appraisal under subparagraph 2 has been conducted, the periodic appraisal for the relevant year shall be omitted.);
2. Comprehensive appraisal: To appraise the overall operation of an Environmental Health Center when the effective period under Article 26 (2) expires.

(2) In order to appraise Environmental Health Centers under paragraph (1), the Minister of Environment may organize and operate the Environmental Health Center Appraisal Board, which consists of environmental health specialists, etc., as prescribed by Ordinance of the Ministry of Environment.

(3) Where the Minister intends to conduct an appraisal under paragraph (1), he or she shall inform in advance the head of the relevant Environmental Health Center of the standards for the appraisal, timing thereof, etc., as prescribed by Presidential Decree. (4) The Minister of Environment may take any of the following measures depending upon the results of the appraisal conducted under paragraph (1): *<Amended on Jan. 27, 2016>*

1. Issuance of a warning and stoppage of the subsidy prescribed in Article 26 (3);
2. Issuance of a warning and reduction of the subsidy prescribed in Article 26 (3);
3. Increase of the subsidy prescribed in Article 26 (3).

(5) Matters necessary for the appraisal, etc. of the Environmental Health Center, other than those prescribed in paragraphs (1) through (4), shall be prescribed by Ordinance of the Ministry of Environment.

Article 27 (Revocation of Designation as Environmental Health Centers)

(1) The Minister of Environment may revoke the designation of an Environmental Health Center in any of the following cases or issue an order for business suspension for a period not exceeding six months: Provided, That in cases falling under any subparagraph 1 or subparagraphs 3 through 5, the designation shall be revoked: *<Amended on Jan. 1, 2013; Jan. 27, 2016>*

1. Where the environmental health center is designated, re-designated or operated in a false or other unjustifiable manner;

2. Where an Environmental Health Center comes to fall short of the standards for designation or redesignation referred to in Article 26 (4) and is deemed to be difficult to achieve the purpose of designating an Environmental Health Center;
 3. Where it is deemed inappropriate to continue to maintain the relevant Environmental Health Center, as the result of a comprehensive appraisal conducted under Article 26-2 (1) 2;
 4. Where the warnings under Article 26-2 (4) 1 or 2 are received on two or more occasions within three years;
 5. Where the purpose of designating an Environmental Health Center is achieved, or where it is deemed unnecessary to continue to maintain an Environmental Health Center.
- (2) Matters necessary for the procedures, standards, etc. for revocation of designation, and business suspension under paragraph (1) shall be prescribed by Presidential Decree. <Amended on Jan. 1, 2013>
- (3) Deleted. <Feb. 1, 2012>

Article 27-2 (Establishment and Operation of Center for Prevention and Management of Environmental Diseases)

- (1) The Minister of Environment and the heads of local governments may establish and operate a center for the prevention and management of environmental diseases by zone for the dissemination of information on environmental diseases and other diseases requiring appropriate policy measures and measures for environmental hazardous factors, medical support and the operation of educational and hands-on activities, etc. <Amended on Jan. 5, 2021>"
- (2) The Government may bear all or some of the expenses incurred in conducting business of the center for the prevention and management of environmental diseases provided for in paragraph (1) within budgetary limits.
- (3) Matters necessary for the establishment, operation, etc. of a center for the prevention and management of environmental diseases provided for in paragraph (1) shall be prescribed by Presidential Decree.

Article 28 (Fostering and Support of Environmental Health Specialists)

The Minister of Environment and the heads of local governments may subsidize all or some of the expenses incurred in executing the projects relevant to fostering of specialists having expertise and special qualifications and related research and investigations for the purposes of the promotion of environmental health, within budgetary limits.

Article 28-2 (Establishment and Operation of Comprehensive Information System for Environmental Health)

- (1) The Minister of Environment shall establish and operate a comprehensive information system for environmental health to support policies for environmental health related to the risk assessment and control under Article 11, the investigation under Article 14, the risk control for children's activity spaces

under Article 23, and control of hazardous substances contained in children's supplies, etc. under Article 24, and to collect and distribute the relevant information.

(2) The Minister of Environment shall provide the relevant entities, including local governments, and the public with the information obtained through the comprehensive information system for environmental health under paragraph (1).

(3) Matters necessary for the establishment, operation, etc. of the comprehensive information system for environmental health under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 29 (Reporting and Inspections)

(1) Where prescribed by Ordinance of the Ministry of Environment for the purpose of monitoring the observance of restrictions on the use of environmentally hazardous factors for children's activity zones, the Minister of Environment (only applicable to subparagraphs 2 and 3), the head of a Si/Gun/Gu, or a superintendent of education (only applicable to subparagraph 1) may order any of the following persons to make a report or submit documents as necessary and have relevant public officials enter facilities, places of business, etc. to inspect relevant documents, facilities, equipment, etc.: *<Amended on Feb. 1, 2012; Mar. 24, 2014; Feb. 18, 2020>*

1. The manager or owner of a children's activity zone under Article 23 (4);
2. Relevant business entities under Article 24;
3. An inspection agency.

(2) Public officials who enter such facilities or conduct inspections under paragraph (1) shall carry a certificate indicating their legitimate authority and produce it to relevant persons.

(3) Where necessary for the risk control of children's activity spaces under Article 23 and the control of hazardous substances contained in children's supplies, etc. under Article 24, the Minister of Environment, a Mayor, the head of a Si/Gun/Gu, or a superintendent of education may take specimens or request an inspection agency to take specimens. *<Amended on Jan. 27, 2016; Feb. 18, 2020>*

(4) The Minister of Environment, a Mayor, the head of a Si/Gun/Gu, or a superintendent of education shall, where taking a specimen in accordance with paragraph (3), request an inspection agency to conduct an examination and inspection thereon. *<Newly Inserted on Jan. 27, 2016; Feb. 18, 2020>*

Article 29-2 (Fees)

(1) Where an inspection agency conducts an examination and inspection under Article 23-2, it may receive fees from a person who has requested the examination and inspection.

(2) Fees under paragraph (1) shall be determined by the inspection agency within the limit prescribed by Ordinance of the Ministry of Environment.

Article 29-3 (Hearings)

Where the Minister of Environment intends to impose any of the following dispositions, he or she shall hold a hearing: *<Amended on Jan. 27, 2016>*

1. Cancellation of designation of an inspection agency under Article 23-2 (5);
2. Cancellation of designation of an Environment Health Center under Article 27 (1).

Article 30 (Delegation and Entrustment of Authority)

(1) The Minister of Environment may partially delegate his or her authority vested under this Act to the heads of affiliated institutions, as prescribed by Presidential Decree. *<Amended on Feb. 18, 2020>*

(2) The Minister of Environment may entrust part of his or her duties under this Act to relevant corporations or organizations as prescribed by Presidential Decree.

CHAPTER VI? PENALTY PROVISIONS

Article 31 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: *<Amended on May 19, 2011; Mar. 24, 2014>*

1. A person who fails to comply with restrictions on application of hazardous technologies or use of hazardous materials under Article 12 (1);
2. A person who divulges any personal or confidential information learned in the course of carrying out his or her duties to others or use it for purposes other than the performance of his or her duties, in violation of Article 18;
3. A person who fails to comply with an order for improvement of a children's activity zone or an order for compliance with the environmental safety control standards under Article 23 (5);
4. A person who fails to obey an order for sales suspension or recall under Article 24 (5).

(2) A person who, in the course of an investigation under Article 15 (2) or 17, violates Article 15 (6), commits an act falling under any of the subparagraphs of that paragraph, shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won. *<Newly Inserted on Jan. 5, 2021>*

(3) Any of the following persons shall be sentenced to imprisonment with labor for not more than one year, or to a fine not exceeding 10 million won: *<Amended on Mar. 24, 2014; Jan. 27, 2016; Jan. 5, 2021; Aug. 16, 2023>*

1. A manager or owner who fails to comply with an order to conduct a compliance inspection, in violation of Article 23 (10);
2. A person who allows anyone to use a children's activity zone that is unfit for a compliance inspection, in violation of Article 23 (9).

(4) Any person who uses or sells environmentally hazardous factors for use by children in violation of the restriction or ban under Article 24 (3) shall be punished by imprisonment with labor for not more than six months or by a fine not exceeding five million won. <Newly Inserted on May 19, 2011; Jan. 5, 2021>

(5) Any person who fails to indicate or falsely indicates the content of environmentally hazardous factors of children's supplies in violation of Article 24 (10) shall be punished by a fine not exceeding two million won. <Newly Inserted on Mar. 24, 2014; Jan. 5, 2021>

Article 31-2 (Reduction of or Exemption from Punishment)

When a person who committed an offense specified in Article 31 (4) or (5) completes measures, such as voluntary recall pursuant to Article 24-2 (4), the punishment upon such person may be reduced or exempted.

Article 32 (Joint Penalty Provisions)

(1) When the representative of a corporation or an agent or employee of, or other persons employed by, the corporation commits an offence under Article 31 in connection with the business affairs of the juristic person, not only shall such violator be punished, but the corporation shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

(2) When an agent or employee of, or other persons employed by, the individual commits an offence under Article 31 in connection with the business affairs of the individual, not only shall such violator be punished, but the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the individual has not neglected to pay due attention and supervision concerning the relevant business affairs in order to prevent such violation.

Article 33 (Administrative Fines)

(1) A person who, in the course of an investigation under Article 15 (1), commits an act falling under any subparagraph of paragraph (6) of that Article, in violation of paragraph (6) of that Article, shall be punished by an administrative fine not exceeding 15 million won. <Newly Inserted on Jan. 5, 2021>

(2) A person who falls under any of the following subparagraphs shall be subject to an administrative fine not exceeding five million won: <Amended on Jan. 27, 2016; Jan. 5, 2021; Aug. 16, 2023>

1. A person who fails to undergo a compliance inspection under Article 23 (6);
2. A person who becomes aware of the fact that environmentally hazardous factors have been used or sold for children's use or that children's supplies have not been labeled or falsely labeled as containing environmentally hazardous factors, but who fails to report it, in violation of Article 24-2 (1);
3. A person who fails to report the methods and procedures of measures such as voluntary recall, in violation of Article 24-2 (2);

4. A person who fails to take measures requested by the Minister of the Environment without special reasons, in violation of Article 24-2 (3);
 5. A person who takes measures such as voluntary recall but fails to submit the results of measures taken and measures for preventing recurrence, in violation of Article 24-2 (4);
 6. A person who fails to file a report on the fact that he or she has taken measures in a foreign country such as recall due to hazard, or that another relevant business entity has taken such measures even after he or she becomes aware of that, in violation of Article 24-2 (5);
 7. A person who, without good cause, fails to comply with an order for necessary reporting and submission of materials, or refuses, interferes with, or evades inspections by relevant public officials in accordance with Article 29.
- (3) Any person who obstructs an investigation, or makes a false statement or conceals any fact intentionally without justifiable grounds in violation of Article 15 (7) shall be punished by an administrative fine not exceeding three million won. *<Newly Inserted on Jan. 5, 2021>*
- (4) An administrative fine under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, a Mayor, the head of a Si/Gun/Gu, or a superintendent of education, as prescribed by Presidential Decree. *<Amended on Feb. 18, 2020; Jan. 5, 2021>*

ADDENDA *<Act No. 8946, Mar. 21, 2008>*

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That Article 13 shall enter into force January 1, 2010.

Article 2 Deleted. *< Jan. 1, 2013>*

Article 3 (Special Case of Application concerning Risk Control in Children's Activity Zones) Article 23 shall apply to children's activity zones newly established on or after this Act enters into force.

ADDENDA *<Act No. 9932, Jan. 18, 2010>*

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDUM *<Act No. 10655, May 19, 2011>*

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 10892, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 10893, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11265, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Special Case of Application concerning Risk Control in Children's Activity Zones)

From January 1, 2016, Article 23 shall apply to children's activity zones established before March 22, 2009: Provided, That Article 23 shall apply to children's activity zones determined by Presidential Decree in consideration of types and sizes of children's activity zones from January 1, 2018.

ADDENDA <Act No. 11619, Jan. 1, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 2 of the Addenda to the Environmental Health Act (Act No. 8946) shall enter into force on January 1, 2013.

Article 2 (Transitional Measures concerning Appraisal of Environmental Health Centers)

Where an Environmental Health Center designated under Article 26 (1) as at the time this Act enters into force has undergone an appraisal of business performance, etc. under paragraph (3) of the former Article 26, it shall be deemed to have undergone a periodic appraisal of the relevant year under the amended provisions of Article 26-2 (1) 1.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 12243, Jan. 14, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Announcement of Fact Requested for Measures, such as Prohibition of Sale of Children's Supplies)

The amended provisions of Article 24 (9) shall also apply to children's supplies against which the measures requested by the Minister of Environment to the heads of relevant central administrative agencies to take measures, such as prevention of sale, before this Act enters into force have not been taken yet.

ADDENDUM <Act No. 12524, Mar. 24, 2014>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 24 (1) through (5), (10), and (11) and 31 (4) shall enter into force on January 1, 2015.

ADDENDA <Act No. 13893, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Effective Period of Environmental Health Center)

The Minister of Environment shall determine the effective period for an Environmental Health Center, which is designated and operated in accordance with the previous provisions as at the time this Act enters into force, within three months after this Act enters into force, as prescribed in the amended provision of Article 26 (2).

ADDENDUM <Act No. 14931, Oct. 24, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 15583, Apr. 17, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 15661, Jun. 12, 2018>

This Act shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 17007, Feb. 18, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2021. (Proviso Omitted.)

Article 2 (Preliminary Measures to Transfer Affairs)

(1) The head of a relevant central administrative agency shall formulate necessary for a full-scale transfer of the central administrative authority and affairs to local governments under this Act and shall report said measures to a standing committee of the National Assembly not later than three months before the date of entry into force of this Act.

(2) The Committee on Autonomous Decentralization under Article 44 of the Special Act on Local Autonomy and Decentralization, and Restructuring of Local Administrative Systems may specialize in investigating and evaluating required personnel and financial resources in advance under paragraph (1).

Article 3 (General Transitional Measures concerning Administrative Dispositions, etc.)

Any disposition or other acts taken or conducted by an administrative agency under the previous provisions as at the time this Act enters into force shall be deemed a disposition or acts taken or conducted by an administrative agency under the provisions of this Act; and any application, report, or other acts filed with or conducted toward an administrative agency under the previous provisions shall be deemed an application, report, or acts filed with or conducted toward an administrative agency under the provisions of this Act.

Article 4 Omitted.

ADDENDUM <Act No. 17326, May. 26, 2020>

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDUM <Act No. 17855, Jan. 5, 2021>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 19668, Aug. 16, 2023>

This Act shall enter into force six months after the date of its promulgation.

Last updated : - -

