

## THE UNITED STATES-JAPAN JOINT COMMITTEE

SUBJECT: Cooperation Concerning Environmental Matters (28 September 2015)

### 1. References:

a. Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

b. Agreement between Japan and the United States of America on Cooperation in the Field of Environmental Stewardship Relating to the United States Armed Forces in Japan, Supplementary to the Agreement Under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan.

c. Memorandum to the Joint Committee on Notification Procedures for Unusual Occurrences, 31 March 1997.

d. Memorandum to the Joint Committee on Procedures for Authorizing Visits to U.S. Facilities and Areas, 2 December 1996.

e. Memorandum to the Joint Committee on Cooperation Concerning Environmental Matters, 29 November 1973.

### 2. Purpose:

Recognizing the two governments' successful efforts for environmental stewardship and the obligation of the United States of America under Article III of reference 1a to carry on operations in the facilities and areas in use by the United States armed forces (hereinafter referred to as "facilities and areas") with due regard for the public safety, as well as the provisions in Article II of reference 1a addressing the return of facilities and areas to Japan, this memorandum establishes procedures so that specified Japan authorities have appropriate access to the facilities and areas in two cases, as provided in Article 4 of reference 1b.

### 3. Procedures for access following a contemporaneous environmental incident, i.e., a spill:

Upon notification under the provisions of reference 1c of a contemporaneous environmental incident, i.e., a spill:

a. Relevant authorities of the Government of Japan or a prefectural or local municipal government, through the regional Defense Bureau or Defense Office (DB), may request, through the local base commander, Commander, United States Forces, Japan (COMUSJAPAN) or

designee, that relevant authorities of the Government of Japan or a prefectural or local municipal government be allowed to conduct on-the-spot observations of the actions of the United States armed forces in addressing the spill. Desiring to maintain friendly relationships with local communities and to enhance cooperation for environmental stewardship, COMUSJAPAN or designee will give all due consideration to the request. In formulating a response, COMUSJAPAN or designee will take into account whether granting the request would interrupt military operations, compromise force protection, or hinder the management of the facilities and areas, and respond as promptly as practicable. If approved, any such observations may only be conducted in a manner that does not interfere with the actions of the United States armed forces in addressing the spill or with other operations.

b. In conjunction with any request for an on-the-spot observation referred to in 3a., relevant authorities of the Government of Japan or a prefectural or local municipal government, through the DB, may also request to take samples in conjunction with any sampling conducted by the United States armed forces. Such requests will include detailed information about what type of sampling activity is being sought, such as media (water, soil, or air) and location. COMUSJAPAN or designee will approve each individual request for sampling. If approved, any such sampling may only be conducted in a manner that does not interfere with the actions of the United States armed forces in addressing the spill or with other operations.

c. The method and procedures for execution of such observations and for obtaining such samples, as well as the standards to be used and the sharing of results of such samples, will be handled by the relevant authorities of the two governments through the Joint Committee framework, including the Environmental Subcommittee.

#### 4. Response in case of an environmental situation that could affect the facilities and areas:

When there is a reasonable ground to believe that there has been a release of hazardous materials, hazardous wastes, or hazardous substances originating from outside the facilities and areas in a manner that could affect the welfare of the community within such facilities and areas:

a. COMUSJAPAN may request the Government of Japan to conduct an investigation. Through the Joint Committee framework, the Government of Japan will consult on the processes for investigation and share the results promptly after the investigation is complete.

b. The Government of Japan will take appropriate measures to address the environmental situation, subject to the laws and regulations of Japan.

#### 5. Procedures for access for site surveys associated with the return to Japan of the facilities and areas:

a. Relevant authorities of the Government of Japan or a prefectural or local municipal government, through the DB, may request, through the local base commander, COMUSJAPAN or designee to have access prior to return (APR) to the facilities and areas and will normally have such access when all of the following conditions are met:

- i. A date for return of the facilities and areas has been established at the Joint Committee;
- ii. The access does not interrupt the military operations of the United States armed forces, compromise force protection, or hinder the management of the facilities and areas; and
- iii. APR is for the purpose of conducting environmentally or culturally based surveys, which may include cultural asset surveys involving excavation, to facilitate prefectural or local municipal governments' planning of land use after the return of the facility and area.

b. Such surveys may be conducted no more than 150 working days prior to the return date established in the Joint Committee. COMUSJAPAN or designee will determine the precise number of days after reviewing the proposed survey plan.

c. Access may be granted prior to a date being established under 5.a.i. or to the date established in 5.b. when it is bilaterally decided, for instance, access contemplated in the Okinawa Consolidation Plan or during its periodic reviews.

d. A local implementing arrangement regarding such surveys will be made between the United States Forces, Japan representative and the relevant DB.

6. With respect to the subjects this memorandum addresses, references 1.c., 1.d., and 1.e. will not be applied, except for the notification provisions of reference 1.c. insofar as they are applied under 3. above. Any issues related to the implementation of the terms of this memorandum will be settled in accordance with the procedures stipulated in Article 5 of reference 1.b.