Japan Federation of Bar Associations

Statement by the Chairman

Concerning the Government’s “Provisional Guideline for the Utilization of School Buildings, Grounds, and Related Facilities in Fukushima Prefecture.”

(April 22, 2011)

On April 19, the government released its “Provisional Guideline for the Utilization of School Buildings, Grounds, and Related Facilities in Fukushima Prefecture,” and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) immediately issued a directive of the same name to the Fukushima Prefectural Board of Education. The guideline states that “In areas where pupils are able to commute to school, the provisional standard for determining the utilization of school buildings, grounds, and related facilities shall be a reference level of 1 to 20 mSv per year after the state of emergency has been brought under control.” The guideline’s radiation limit is as much as 20 times the commonly accepted international standard of 1 mSv/year, which has been in effect until now. MEXT explained that it based its decision “on the need to balance safety with the benefit to society of having children continue their studies.”

However, the government’s position raises a number of questions, which we outline below.
1. Since exposure to even small amounts of radiation can result in serious illness later in life, it goes without saying that all exposure to radiation should be kept to an absolute minimum. The government bases its new radiation limit on the International Commission on Radiological Protection’s Publication 109 (Recommendations for the Protection of People in Emergency Exposure Situations), which gives the same maximum radiation dose for both children and adults. Many researchers, however, have reported that children are far more vulnerable to the effects of radiation than adults. Moreover, children are also more susceptible to the long-term effects of radiation, demonstrating higher probabilities of developing radiation-induced illnesses. In view of these considerations, children should be afforded the maximum possible protection from all radiation exposure.

2. MEXT bases its demarcation of controlled areas on Article 3, Clause 1(1) of the Ordinance on the Prevention of Ionizing Radiation Hazards (Ministry of Health, Labour and Welfare, 2001). The Ordinance defines a controlled area as “The area in which the total of the effective dose due to external radiation and the active dose due to radioactive substances in the air may exceed 1.3 mSv quarterly.” Clause 3 prohibits persons other than those with business there from entering the controlled area. A quarterly (three-month) dose of 1.3 mSv adds up to 5.2 mSv per year. The maximum dose permitted by the new guideline, however, far exceeds that limit. Moreover, the Ordinance was enacted to regulate activities involving radiation work and therefore assumes that
some degree of control over the degree of radiation exposure is possible. The current situation, however, involves an ongoing crisis, and exposure due to changing weather conditions is entirely possible. The guideline must take full account of such unforeseen factors.

3. The previously adopted radiation standard (1 mSv per year per person) took into account various social and economic factors, carefully balancing “safety” with the “benefit to society.”

Weighing the social benefits of attending contaminated schools against the dangers of radiation exposure is inappropriate and problematic. Considering the policy intent of the 1 mSv/year limit, we are forced to conclude that easing the radiation standard in the midst of an accident compromises the safety and welfare of the citizenry.

4. The new guideline prohibits or severely restricts outdoor educational and playtime activities in schoolyards, sandboxes, and other outside facilities. We seriously doubt that the schooling provided under such constrained and limiting circumstances can ensure children a proper learning experience.

In view of these problems, the Japan Federation of Bar Associations asks that the following remedial measures be taken.

1. Promptly retract the new guideline and related directives. Arrange for several specialized agencies and institutes to set up appropriate
monitoring activities at primary and secondary educational institutions in Fukushima prefecture and publicize their findings without delay.

2. Establish a considerably lower radiation limit for children. At schools where radiation levels exceed that value, promptly remove contaminated soil, decontaminate school grounds and facilities, cover contaminated spots with soil from uncontaminated areas, and take all other measures necessary to ensure the children’s safety. Alternately, enable children to attend schools in areas where radiation levels remain within permissible bounds.

3. Where children must be relocated to other schools because radiation levels have exceeded the standard limit, implement the following measures, taking care not to separate children from their parents and communities unless absolutely necessary: arrange for children to be admitted to neighboring schools in safe areas, secure additional school buses and other means of transportation allowing them to commute, and where necessary, build temporary school buildings and related facilities outside the contaminated zone.

4. Where children must live apart from their parents and communities for their own safety, arrange for their room and board. Also, establish a system staffed by professionals who can help the children deal with the psychological and emotional trauma resulting from the earthquake, tidal waves, nuclear accident, and separation from their families.
5. Establish an oversight system to ensure that children who relocate are not subjected to bullying and other forms of discrimination and are able to receive a proper education in neighboring schools.

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[This text is an English translation of the original Japanese.]

Source:
Statement of April 22, 2011, Collected Statements of the Chairman,
Japan Federation of Bar Associations
(http://www.nichibenren.or.jp/ja/opinion/statement/110422_2.html)