

ENFORCEMENT DECREE OF THE INDOOR AIR QUALITY CONTROL ACT

Presidential Decree No. 27675, Dec. 20, 2016
Amended by Presidential Decree No. 28158, jun. 27, 2017

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Indoor Air Quality Control Act and matters necessary for enforcing said Act. <Amended by Presidential Decree No. 20475, Dec. 28, 2007; Presidential Decree No. 27675, Dec. 20, 2016>

Article 2 (Scope of Application)

(1) "Public-use facilities of the scale prescribed by Presidential Decree" in Article 3 (1) of the Indoor Air Quality Control Act (hereinafter referred to as the "Act") means the following facilities; and in such cases, the total floor area of a facility consisting of at least two buildings shall be calculated by aggregating the total floor area of each individual building: <Amended by Presidential Decree No. 27675, Dec. 20, 2016>

1. Every subway station (including passages for entrance, waiting rooms, station platforms and passages for transfer, and facilities appurtenant thereto);
2. An underground shopping district (including the facilities of underground floors appurtenant to a building on the ground; hereinafter the same shall apply) with a total floor area of at least 2,000 square meters. In such cases, such underground shopping district includes at least two connected underground shopping districts if the aggregate of the total floor area of each individual underground shopping district is at least 2,000 square meters;
3. A waiting room in a railway station with a total floor area of at least 2,000 square meters;
4. A waiting room in a passenger terminal with a total floor area of at least 2,000 square meters;
5. A waiting room with a total floor area of at least 5,000 square meters, among harbor facilities;
6. A passenger terminal with a total floor area of at least 1,500 square meters, among airport facilities;
7. A library with a total floor area of at least 3,000 square meters;
8. A museum or art gallery with a total floor area of at least 3,000 square meters;
9. A medical institution with a total floor area of at least 2,000 square meters or which has at least 100 beds;
10. A postnatal care center with a total floor area of at least 500 square meters;
11. A sanatorium for older persons with a total floor area of at least 1,000 square meters;

12. A national or public child-care center, child-care center of a corporation, workplace child-care center, or private child-care center with a total floor area of at least 430 square meters;
13. Every superstore;
14. A funeral home (limited to underground facilities) with a total floor area of at least 1,000 square meters;
15. Every movie theater (limited to indoor movie theaters);
16. A private teaching institute with a total floor area of at least 1,000 square meters;
17. An exhibition facility (limited to indoor exhibition facilities) with a total floor area of at least 2,000 square meters;
18. A business facility for the business providing Internet computer game facilities with a total floor area of at least 300 square meters;
19. An indoor parking lot (excluding mechanical parking stations) with a total floor area of at least 2,000 square meters;
20. A business facility, the total floor area of which is 3,000 square meters or more;
21. A building with a total floor area of at least 2,000 square meters, used for at least two of the uses (referring to the uses classified pursuant to Article 2 (2) of the Building Act);
22. An indoor concert hall with at least 1,000 seats;
23. An indoor sports facility with at least 1,000 seats;
24. A business facility for the public bath business with a total floor area of at least 1,000 square meters.

(2) Deleted. <by Presidential Decree No. 27675, Dec. 20, 2016>

(3) "Scale prescribed by Presidential Decree" in Article 3 (2) of the Act means 100 households.

(4) "Motor vehicles prescribed by Presidential Decree" in Article 3 (3) 3 of the Act means intercity express buses and nonstop intercity buses, among motor vehicles used for the intercity bus transport business provided for in subparagraph 1 (d) of Article 3 of the Enforcement Decree of the Passenger Transport Service Act. <Newly Inserted by Presidential Decree No. 25262, Mar. 18, 2014>

Article 2-2 (Formulation, etc. of Implementation Plans)

(1) The head of a related central administrative agency shall formulate a detailed plan (hereinafter referred to as "implementation plan") by jurisdiction for implementing the master plan provided for in Article 4-3 (1) of the Act (hereinafter referred to as "master plan"); and shall notify Special Metropolitan City Mayors, Metropolitan City Mayors, Special Self-Governing City Mayors, Do Governors, or Special Self-Governing Province Governors (hereinafter referred to as "Mayors/Do Governors") of the details of the plan, by October 31 each year. <Amended by Presidential Decree No. 27675, Dec. 20, 2016>

(2) A Mayor/Do Governor shall formulate an implementation plan for the relevant Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, or Special Self-Governing Province (hereinafter referred to as "City/Do") pursuant to the relevant master plan and implementation plans of related central administrative agencies, by December 31 each year.

(3) An implementation plan of a related central administrative agency shall expressly specify schemes for controlling indoor air quality and improvement measures, regarding matters under its jurisdiction; and an implementation plan of a City/Do shall expressly specify schemes for controlling indoor air quality and improvement measures for the relevant region.

(4) Where necessary to formulate an implementation plan, the head of a related central administrative agency and a Mayor/Do Governor may hold a public hearing, etc. to hear opinions of relevant experts, local residents, etc.

(5) The head of a related central administrative agency and a Mayor/Do Governor shall submit to the Minister of Environment, an implementation plan for the following year by December 31 each year; and outcomes of implementing an implementation plan in the preceding year by the end of February each year.

<Amended by Presidential Decree No. 27675, Dec. 20, 2016>

Article 3 (Institutions subject to Requests for Submission, etc. of Data)

"Institutions or organizations prescribed by Presidential Decree" in the former part of Article 4-5 (3) of the Act means non-profit corporations or organizations related to the environment incorporated or established under the Civil Act or any other statute.

Article 4 (Substances subject to Risk Assessments)

"Substances prescribed by Presidential Decree, such as fine dust" in Article 4-8 (1) of the Act means the following:

1. Pollutants;
2. Substances publicly notified by the Minister of Environment, for which a risk assessment is deemed necessary because they are likely to substantially harm human health.

Article 4-2 (Composition and Operation of Consultative Body on Control of Indoor Air Quality)

(1) The Consultative Body on Control of Indoor Air Quality established pursuant to Article 4-9 (1) of the Act (hereinafter referred to as the "Consultative Body on Control of Indoor Air Quality") shall be comprised of not more than 15 members, including one chairperson.

(2) A public official in general service of the Senior Executive Service and responsible for affairs on indoor air quality in the Ministry of Environment, shall serve as the Chairperson of the Consultative Body on Control of Indoor Air Quality; and each member of the Consultative Body shall be appointed by the head of the agency to which he/she belongs, from among public officials of Grade IV or higher (including public officials in special service equivalent thereto) who belong to any of the following related central administrative agencies:

1. The Ministry of Education;
2. The Ministry of Trade, Industry and Energy;
3. The Ministry of Employment and Labor;
4. The Ministry of Land, Infrastructure and Transport;
5. The Nuclear Safety and Security Commission;

6. The Korea Forest Service;

7. Any other related central administrative agencies the Minister of Environment deems necessary to consult on and coordinate matters concerning the standards and policies for controlling indoor air quality.

(3) The Chairperson shall convene a meeting of the Consultative Body on Control of Indoor Air Quality where deemed necessary to consult on and coordinate matters concerning the standards and policies for controlling indoor air quality pursuant to Article 4-9 (1) of the Act.

(4) To convene a meeting of the Consultative Body on Control of Indoor Air Quality pursuant to paragraph (3), the Chairperson shall notify the related central administrative agencies specified in any subparagraphs of paragraph (2) of the time, venue, and agenda items of the meeting, seven days before the meeting is held.

(5) The Chairperson shall notify the related central administrative agencies specified in any subparagraphs of paragraph (2) of matters consulted on and coordinated at a meeting of the Consultative Body on Control of Indoor Air Quality.

(6) Except as otherwise expressly provided for in paragraphs (1) through (5), matters necessary for composing and operating the Consultative Body on Control of Indoor Air Quality shall be determined by the Minister of Environment.

Article 5 (Exemption from Education for Owners, etc. of Public-Use Facilities)

"Persons prescribed by Presidential Decree" in Article 7 (1) 3 of the Act means persons responsible for managing public-use facilities, such as the owners, occupants, or managers (hereinafter referred to as "owners, etc.") of any of the following public-use facilities:

1. The owners, etc. of public-use facilities referred to in Article 2 (1) 20 through 23;

2. The owners, etc. of public-use facilities recognized by the Minister of Environment for outstandingly controlling indoor air quality within such facilities to meet both the mandatory standards for indoor air quality provided for in Article 5 (1) of the Act and the guidelines provided for in Article 10 of the Act because no improvement order has been issued to the owners, etc. under Article 10 of the Act; and they meet other criteria prescribed and publicly notified by the Minister of Environment.

Article 6 (Verification of Whether Construction Materials Emit Pollutants)

(1) Where a manufacturer or importer of any construction material specified in any subparagraph of Article 11 (1) of the Act (hereinafter referred to as "construction material") intends to obtain verification as to whether the construction material emits any pollutants under the main sentence of Article 11 (2) of the Act, he/she shall file an application for verification with a testing institution specified in the main sentence of Article 11 (1) of the Act (hereinafter referred to as "testing institution"), as prescribed by Ordinance of the Ministry of Environment.

(2) Upon receipt of an application for verification under paragraph (1), a testing institution shall verify whether any pollutant emitted by the relevant construction material exceeds the emission standards provided for in the main sentence of Article 11 (1) of the Act (hereinafter referred to as "emission

standards"), in compliance with the official test standards for environmental pollution for pollutants referred to in Article 6 (1) 3 of the Environmental Testing and Inspection Act.

(3) Upon completion of verification as to whether any pollutant exceeds the emission standards under paragraph (2), a testing institution shall issue the relevant applicant a test certificate in the Form prescribed by Ordinance of the Ministry of Environment, within 30 days after receipt of the application for verification; and shall submit the results of verification to the Minister of Environment, within seven days from the date the test certificate is issued.

(4) Where a testing institution is unable to issue a test certificate within 30 days due to extenuating circumstances, it may extend the period for issuance only once for a period not exceeding 30 days, notwithstanding paragraph (3). In such cases, the testing institution shall notify the applicant of the reason for the extension and the scheduled processing deadline without delay.

(5) Where an applicant is dissatisfied with the results of verification under paragraph (2), he/she may file an application for re-verification with a testing institution within seven days from the date a test certificate is issued, as prescribed by Ordinance of the Ministry of Environment. In such cases, paragraphs (3) and (4) shall apply mutatis mutandis to the issuance of test certificates based on re-verification.

(6) A test certificate issued under paragraph (3) (including where such provisions are applied mutatis mutandis pursuant to paragraph (5)) shall be valid for three years from the date it is issued.

(7) Except as otherwise expressly provided for in paragraphs (1) through (6), matters necessary for the procedures and method for verifying whether construction materials emit any pollutants shall be prescribed and publicly notified by the Minister of Environment.

Article 7 (Exceptions to Verification of Whether Construction Materials Emit Pollutants)

"Cases prescribed by Presidential Decree, such as where he/she has obtained verification equivalent to that specified in this Act under other statutes" in the proviso to Article 11 (2) of the Act means any of the following:

1. Where the relevant construction material has any of the following certifications; and the Minister of Environment has verified that its compliance with the emission standards was considered in the course of certification, as prescribed by Ordinance of the Ministry of Environment:
 - (a) Certification of the eco-label provided for in Article 17 (1) of the Environmental Technology and Industry Support Act;
 - (b) Certification of collective standards provided for in Article 27 of the Industrial Standardization Act (limited to certification for eco-friendly construction materials);
2. Where the relevant construction material has been verified, as prescribed by Ordinance of the Ministry of Environment, by a testing institution as having the same chemical components, manufacturing process, etc. as the construction materials verified as not exceeding the emission standards under the main sentence of Article 11 (2) of the Act, as prescribed by Ordinance of the Ministry of Environment.

Article 8 (Mark for Construction Materials)

Where any construction material falls under any of the following cases, a manufacturer or importer of the construction material may attach thereto a mark verifying such fact, as prescribed by Ordinance of the Ministry of Environment:

1. Where the construction material has been verified as not exceeding the emission standards under the main sentence of Article 11 (2) of the Act;
2. Where the construction material falls under any subparagraph of Article 7.

Article 9 (Reporting on Radon Management Plans)

(1) Upon formulating a radon management plan pursuant to Article 11-4 (1) of the Act, a Mayor/Do Governor shall report to the Minister of Environment on the details thereof, within 30 days from the date it is formulated, pursuant to Article 11-4 (3) of the Act.

(2) A Mayor/Do Governor shall report to the Minister of Environment on the outcomes of implementing the radon management plan formulated under paragraph (1) in the preceding year, by the end of February each year.

Article 10 (Exemption from Measurement, etc. of Indoor Air Quality)

"Persons prescribed by Presidential Decree" in Article 12 (1) 3 of the Act means the following persons:

1. The owners, etc. of public-use facilities who have undergone an examination of pollution levels pursuant to Article 13 (4) of the Act, for any pollutants gathered pursuant to Article 13 (1) of the Act; and in such cases, they are exempt from measuring indoor air quality and recording and preserving the results thereof under Article 12 (1) of the Act (hereafter in this Article, referred to as "measurement, etc.") only for the year during which the examination of pollution levels has been conducted; and they are exempt from measurement, etc. for the following year if the measurement, etc. have already been conducted in the relevant year;
2. Persons provided for in subparagraph 1 or 2 of Article 5.

Article 11 (Designation, etc. of Indoor Environmental Management Centers)

(1) To designate an Indoor Environmental Management Center (hereinafter referred to as "Center") pursuant to Article 12-3 (1) of the Act, the Minister of Environment shall formulate a plan to designate an Indoor Environmental Management Center and publicly announce it on the website of the Ministry of Environment for at least 20 days.

(2) A person that intends to be designated as a Center shall file an application for designation with the Minister of Environment, within the period for application publicly announced pursuant to paragraph (1), as prescribed by Ordinance of the Ministry of Environment.

(3) "Requirements prescribed by Presidential Decree" in Article 12-3 (1) of the Act means the following:

1. The business objectives and plan must suit the objectives of designation provided for in Article 12-3 (1) of the Act (hereinafter referred to as "objectives of designation");
2. The applicant shall have human resources, an organization, facilities, equipment, etc. necessary for conducting surveys, research, and technological development to accomplish the objectives of

designation;

3. The applicant must be capable of securing finances to operate a Center seamlessly;

4. The applicant must have conducted research or surveys in the field of indoor environments.

(4) Detailed standards for the requirements specified in each subparagraph of paragraph (3) shall be prescribed and publicly notified by the Minister of Environment.

(5) Upon receipt of an application for designation of a Center under paragraph (2), the Minister of Environment may organize an examination team consisting of experts, etc. in the field of indoor environments to examine whether the applicant satisfies the requirements specified in each subparagraph of paragraph (3).

(6) Upon designating a Center pursuant to Article 12-3 (1) of the Act, the Minister of Environment shall publicly announce such designation on the website of the Ministry of Environment.

(7) Except as otherwise expressly provided for in paragraphs (1) through (6), matters necessary for the designation, operation, etc. of Centers shall be prescribed by Ordinance of the Ministry of Environment.

Article 12 (Revocation, etc. of Designation of Indoor Environmental Management Centers)

"Where it constitutes any other grounds prescribed by Presidential Decree" in Article 12-3 (3) 4 of the Act means any of the following:

1. Where the relevant Center fails to perform the assigned duties for at least six consecutive months without just cause;

2. Where the objectives of designation have been accomplished, or it is deemed unnecessary for the relevant Center to remain.

Article 13 (Delegation of Authority)

(1) The Minister of Environment shall delegate the following authority to the head of a basin environmental office or the head of a regional environment office pursuant to Article 13-2 (1) of the Act:

1. Issuing an order to suspend verification business pursuant to Article 11 (5) of the Act;

2. Issuing an order to submit or report data pursuant to Article 11 (6) of the Act;

3. Imposing and collecting administrative fines pursuant to Article 16 (1) of the Act, or Article 16 (3) 3 or 4 of the Act;

4. Receiving results of verification pursuant to Article 6 (3) (including where such provisions are applied mutatis mutandis pursuant to Article 6 (5)).

(2) The Minister of Environment shall delegate the following authority to the President of the National Institute of Environmental Research pursuant to Article 13-2 (1) of the Act:

1. Conducting risk assessments pursuant to Article 4-8 (1) of the Act;

2. Verifying certification pursuant to subparagraph 1 of Article 7.

Article 14 (Entrustment of Duties)

(1) The Minister of Environment shall entrust the following duties to the Korea Environment Corporation incorporated under the Korea Environment Corporation Act, pursuant to Article 13-2 (2) of the Act:

1. Establishing a measuring network (limited to measuring networks for automatic measurement) and making measurements pursuant to Article 4-6 of the Act;
2. Constructing and operating the Indoor Air Quality Monitoring Network to control indoor air quality pursuant to Article 12-4 of the Act.

(2) A Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall entrust his/her duties concerning education for the owners, etc. of public-use facilities provided for in Article 7 (1) and (2) of the Act, to the head of an Environmental Preservation Association established under Article 59 of the Framework Act on Environmental Policy or to the head of an institution he/she recognizes as capable of conducting such education, pursuant to Article 13-2 (2) of the Act. In such cases, the Special Self-Governing City Mayor, Special Self-Governing Province Governor, or the head of the Si/Gun/Gu shall publicly notify the name and address of an institution entrusted with the duties, its representative, and the details of the duties entrusted.

Article 15 (Review of Regulation)

The Minister of Environment shall review the appropriateness of the following matters every three years (referring to the day before each third anniversary from the base date), counting from the following relevant base date; and shall take measures, such as making improvements:

1. Verifying whether construction materials emit any pollutants; recognizing exceptions to such verification; and submitting data under Articles 6 and 7: January 1, 2017;
2. Revoking the designation of Indoor Environmental Management Centers under Article 12: January 1, 2017;
3. Criteria for imposing administrative fines under Article 16 and the attached Table: January 1, 2017.

Article 16 (Criteria for Imposing Administrative Fines)

The criteria for imposing administrative fines pursuant to Article 16 of the Act shall be as specified in the attached Table.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on May 30, 2004.

Article 2 Omitted.

ADDENDA <Presidential Decree No. 19954, Mar. 23, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 25, 2007.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 20475, Dec. 28, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2008: Provided, That the amended provisions of Article 2 (2) 3 shall enter into force on April 4, 2008; and the amended provisions of Article 2 (2) 4 shall enter into force on May 26, 2008.

Article 2 (Special Exceptions to Applicable Scales of Child-Care Facilities)

Notwithstanding the amended provisions of Article 2 (1) 10, "total floor area exceeding 430 square meters" specified in the amended provisions of Article 2 (1) 10, shall be "total floor area exceeding 860 square meters" for child-care centers of corporations, workplace child-care centers, and private child-care centers until December 31, 2010.

Article 3 (Transitional Measures concerning Maintaining Indoor Air Quality)

Persons responsible for managing child-care facilities newly subject to the Act under the amended provisions of Article 2 (1), such as the owners, occupants, or managers thereof, shall maintain indoor air quality of the child-care facilities in compliance with the standards for maintaining indoor air quality provided for in Article 5 of the Act, within three months from the date this Act enters into force.

ADDENDA <Presidential Decree No. 22888, Apr. 6, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 2 (2) shall enter into force on January 1, 2012.

Article 2 (Special Exceptions to Applicable Scales of Private Teaching Institutes, etc.)

(1) Notwithstanding the amended provisions of Article 2 (2) 8, "total floor area exceeding 1,000 square meters" specified in Article 2 (2) 8, shall be "total floor area exceeding 2,000 square meters" for private teaching institutes until December 31, 2012.

(2) Notwithstanding the amended provisions of Article 2 (2) 10, "total floor area exceeding 300 square meters" specified in the amended provisions of Article 2 (2) 10, shall be "total floor area exceeding 500 square meters" for facilities for the business providing Internet computer game facilities until December 31, 2013.

Article 3 (Transitional Measures concerning Maintaining Indoor Air Quality)

Persons responsible for managing movie theaters, private teaching institutes, exhibition facilities, or facilities for the business providing Internet computer game facilities newly subject to the Act under the amended provisions of Article 2 (2), such as the owners, occupants, or managers thereof, shall maintain indoor air quality of such facilities in compliance with the standards for maintaining indoor air quality provided for in Article 5 of the Act, within six months from the date this Act enters into force.

Article 4 (Transitional Measures concerning Administrative Fines)

(1) For applying the criteria for imposing administrative fines for an offense committed before this Decree enters into force, the former provisions shall apply, notwithstanding the amended provisions of the attached Table.

(2) Administrative fines imposed for offenses committed before this Decree enters into force, shall be included in the calculation of the number of offenses under the amended provisions of the attached Table.

ADDENDA <Presidential Decree No. 23356, Dec. 8, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 8, 2011. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Presidential Decree No. 23967, Jul. 20, 2012>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 22, 2012. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 25262, Mar. 18, 2014>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 23, 2014.

Article 2 (Transitional Measures concerning Maintaining Indoor Air Quality)

Persons responsible for managing sanatoriums for older persons newly subject to the Act under the amended provisions of Article 2 (1) 11, such as the owners, occupants, or managers thereof, shall maintain indoor air quality of such facilities in compliance with the standards for maintaining indoor air quality provided for in Article 5 of the Act, within six months from the date this Act enters into force.

Article 3 (Transitional Measures concerning Geriatric Hospitals)

Notwithstanding the amended provisions of Article 2 (2) 3, the former provisions shall apply to any national or public geriatric hospital with a total floor area of at least 1,000 square meters, among geriatric hospitals provided for in Article 2 of the Addenda to the Welfare of Older Persons Act (as partially amended by Act No. 10785).

ADDENDA <Presidential Decree No. 27675, Dec. 20, 2016>

Article 1 (Enforcement Date)

This Decree shall enter into force on December 23, 2016.

Article 2 Omitted.

Article 3 (Relationship with other Acts)

Any citation of the former Enforcement Decree of the Indoor Air Quality Control in Public-Use Facilities, etc. Act, or of any provisions thereof, in any other statute as at the time this Decree enters into force, shall be deemed a citation of this Decree or the corresponding provisions of this Decree in lieu of the former Enforcement Decree of the Indoor Air Quality Control in Public-Use Facilities, etc. Act or

any provisions thereof, if such corresponding provisions exist herein.

ADDENDUM <Presidential Decree No. 28158, Jun. 27, 2017>

This Decree shall enter into force on June 28, 2017: Provided, That the amended provisions of subparagraph 2 (d) of the attached Table shall enter into force on December 28, 2017.

