# Law on Special Measures Against Bovine Spongiform Encephalopathy (Law No. 70 of June 14, 2002)

Last amendment: Law No. 119 of July 16, 2003

(Laws and regulations yet to be enforced at the time of last amendment)
Law No. 119 of July 16, 2003 (yet to be enforced)

**(Purpose)**

Article 1 The purpose of this Law is to establish a system for stable supply of safe beef through such measures as the establishment of special measures to prevent the occurrence and spread of Bovine Spongiform Encephalopathy, thereby facilitating the protection of people's health as well as the sound development of beef cattle production and dairy farming, and beef-related manufacturing, processing, distribution, sales and food service businesses.

**(Definition)**

Article 2 For the purpose of this law, "Bovine Spongiform Encephalopathy" means transmissible spongiform encephalopathy listed under Item 15 of the Table in Paragraph 1 of Article 2 of the Domestic Animal Infectious Disease Control Law (Law No. 166 of 1951) that transmits in cattle (hereinafter referred to as "BSE").

**(Responsibility of State and Prefectures)**

Article 3 If any occurrence of BSE is established or suspected, the State and the relevant prefecture(s) (including the relevant city/cities with one or more health centers; the same applies hereinafter) shall be responsible for promptly taking necessary measures for the prevention of BSE spread, among others, pursuant to the basic program prescribed in the succeeding article.

**(Basic Program)**

Article 4

1. The Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare shall establish a basic program regarding measures to be taken by the State and the relevant Prefecture(s) if any occurrence of BSE is confirmed or suspected (hereinafter referred to as the "Measures" in this article) (hereinafter referred to as the "Basic Program").

2. The Basic Program shall stipulate the following:
   - (i) Basic policy on the Measures
   - (ii) Duration of the Program
   - (iii) Matters regarding measures for the prevention of BSE transmit
   - (iv) Matters regarding communication of accurate information
   - (v) Matters regarding cooperation among administrative agencies and local governments involved
   - (vi) Other important matters regarding the Measures

3. If the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare intend to establish, or change any part of, the Basic Program, they shall consult with the head(s) of administrative agencies involved.

4. If the Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare establish, or change any part of, the Basic Program, they shall publish the established or changed program without delay as well as notifying all prefectures of such program.

**(No Use of Feed Containing Cattle Meat-and-Bone Meal as Ingredient)**

Article 5 1. Feed containing cattle meat-and-bone meal as an ingredient shall not be given to cattle, pursuant to separate designations by law or by order subordinate thereto.

2. Feed for cattle or that may be given to cattle containing cattle meat-and-bone meal as an ingredient shall not be sold, or produced or imported for sale, pursuant to separate designations by law or by order subordinate thereto.

3. The regulations established under the provisions of the preceding two paragraphs shall be reviewed based on scientific findings on BSE, and necessary revisions and other measures shall be taken based on the results of such review.

**(Reports and Inspections of Dead Cattle)**

Article 6 1. Upon death of any cattle over a certain number of months of age designated by Ministry of Agriculture, Forestry and Fisheries Ordinance, the veterinarian who conducts an autopsy on the cattle body (in cases where the body has not been autopsied by a veterinarian, the owner) shall, without delay, report such death to the Governor of the prefecture having jurisdiction over the location of such cattle body, unless notification shall be given pursuant to the provisions of Article 13, Paragraph 1 of the Domestic Animal Infectious Disease Control Law or otherwise designated by Ministry of Agriculture, Forestry and Fisheries Ordinance.

2. The Governor of the prefecture who received a report under the provisions of the preceding paragraph shall order the owner of the cattle body so reported to submit the cattle body to inspections by livestock disease prevention and control officers pursuant to the provisions of Article 5, Paragraph 1 of the Domestic Animal Disease Control Law; provided, however, that this does not apply to cases designated by Ministry of Agriculture, Forestry and Fisheries Ordinance as those in which such inspections are difficult to conduct due to such reasons as the geographical conditions.

**(Inspections for BSE at Abattoirs)**

Article 7 1. Any carcasses, viscera, blood, bones or hide of cattle over a certain number of months of age designated by Ministry of Health, Labour and Welfare Ordinance which have been dressed in an abattoir shall not be transported outside the abattoir without being tested for BSE by meat inspections conducted by the Governor of the prefecture or the Mayor of the relevant city with one or more health centers pursuant to separate designations by law or by order subordinate thereto; provided, however, that this does not apply to cases that fall under the proviso to Article 14, Paragraph 3 of the Abattoir Law (Law No. 114 of 1953).

2. Owners or managers of abattoirs shall, pursuant to separate designations by law or by order subordinate thereto, dispose of cattle brains, spinal cords and other parts of cattle designated by Ministry of Health, Labour and Welfare Ordinance (referred to as the "specified materials from cattle" in the succeeding paragraph) by incineration so that they will cause no sanitary trouble; provided, however, that this does not apply to cases where permission was given for the cattle body parts by the Governor of the prefecture or the Mayor of the city with one or more health centers as materials for research purposes or otherwise designated by Ministry of Health, Labour and Welfare Ordinance.

3. When slaughtering or dressing cattle in an abattoir, slaughterers and other persons slaughtering or dressing animals shall, pursuant to separate designations by law or by order subordinate thereto, handle cattle bodies to avoid contamination of cattle carcasses and viscera for human consumption with the specified materials from cattle.

**(Recording Information on Cattle)**

Article 8 1. The State shall take necessary measures to establish a system for recording and managing information of individual cattle, including without limitation the date of birth and history of transfer.

2. Cattle owners (in cases of cattle managed by entities other than the owners, managers) shall ensure that each of their cattle wears an identification ear tag and shall provide information necessary for recording and managing the information mentioned in the preceding paragraph.

**(Measures for Business Stability of Cattle Producers, etc.)**

Article 9 The State shall, within the duration of the program prescribed in the Basic Program, take necessary measures to promote business stability of cattle producers and other entities engaged in beef-related manufacturing, processing, distribution sales or food service businesses whose businesses have become unstable due to the occurrence of BSE.

**(Request for Cooperation)**

Article 10 1. The Minister of Agriculture, Forestry and Fisheries and the Minister of Health, Labour and Welfare may request such organizations as incorporated administrative agencies, municipalities, organizations of veterinarians, organizations of cattle producers, etc., or corporations engaged in testing, research or inspections related to BSE to provide BSE experts and other necessary cooperation.

2. Governors of prefectures and Mayors of cities with health centers may request the State and such organizations as incorporated administrative agencies, other municipalities, organizations of veterinarians, organizations of cattle producers, etc., or corporations engaged in testing, research or inspections related to BSE to provide cooperation regarding inspections for BSE and other necessary cooperation.

**(Dissemination of Correct Knowledge)**

Article 11 The State and municipalities shall make efforts to enhance people's understanding of BSE by disseminating knowledge of the characteristics of BSE and other correct knowledge concerning BSE through educational activities and public and relations activities, etc., and shall fully ensure that people's opinions are widely reflected in the enforcement of measures to be taken under this Law.

**(Establishment of Systems for Investigation and Research)**

Article 12 The State and prefectures shall make efforts to establish a testing system for BSE; to establish a system for investigation and research into the prevention of BSE and related human disease, to promote research and development on such prevention and to disseminate results thereof; to train researchers; and to take other necessary measures.

**Supplementary Provisions Excerpts**

**(Enforcement Date)**

Article 1 This Law shall come into force after the elapse of twenty days from the date of promulgation; provided, however, that the provisions of Article 6, Paragraph 2 shall come into force on April 1, 2003.

**(Transition Measures Regarding Penal Provisions)**

Article 7 The former penal provisions shall be applicable to acts conducted prior to the enforcement of this Law and to those that are conducted following the enforcement of this Law but to which the former penal provisions are applicable pursuant to the provisions of Article 3, Paragraph 4 and the preceding article of the Supplementary Provisions.

**(Revision of Food Safety Administration of National Government)**

Article 8 In view of the failure to prevent the occurrence of BSE, the national government shall consider a drastic revision of its food safety administration throughout the chain from production to consumption from the viewpoint of enhancing cooperation among the Cabinet Office and related ministries.

**Supplementary Provisions (Law No. 55 of May 30, 2003) Excerpts**

**(Enforcement Date)**

Article 1 This Law shall come into force on the date designated by Cabinet Order but no later than three months following the date of promulgation; provided, however, that the provisions listed in the following items shall come into force on the date designated in the respective items:

(i) The provisions of Article 4, and Article 9, Article 10 (excluding the part related to the Food Safety Commission prescribed in Article 22 of the Food Safety Basic Law (Law No. 48 of 2003) (hereinafter referred to as the "Food Safety Commission" in this article and Article 10 of the Supplementary Provisions) and Articles 12, 13 and 29 of the Supplementary Provisions: the date of promulgation

**Supplementary Provisions (Law No. 119 of July 16, 2003) Excerpts**

**(Enforcement Date)**

Article 1 This Law shall come into force on the date of enforcement of the Law for Incorporated Local Administrative Agencies (Law No. 118 of 2003).

**(Delegation of Other Transition Measures to Cabinet Order)**

Article 6 Other than those prescribed in these Supplementary Provisions, transition measures necessary for the enforcement of this Law shall be stipulated by Cabinet Order.

# Enforcement Regulation for the Law on Special Measures Against Bovine Spongiform Encephalopathy under the Jurisdiction of the Ministry of Health, Labour and Welfare (Ministry of Health, Labour and Welfare Ordinance No. 89 of July 1, 2002)

Last amendment: Ministry of Health, Labour and Welfare Ordinance No. 26 of March 14, 2003

In accordance with the provisions of Article 7, Paragraphs 1 and 2 of the Law on Special Measures Against Bovine Spongiform Encephalopathy (Law No. 70 of 2002), the Enforcement Regulation for the Law on Special Measures Against Bovine Spongiform Encephalopathy under the Jurisdiction of the Ministry of Health, Labour and Welfare is stipulated as follows:

**(Age in Months of Cattle Subject to Inspections for BSE at Abattoirs)**

Article 1 The age in months designated by Ministry of Health, Labour and Welfare Ordinance mentioned in Article 7, Paragraph 1 of the Law on Special Measures Against Bovine Spongiform Encephalopathy (hereinafter referred to as the "Law") shall be zero months of age.

**(Specified Materials from Cattle)**

Article 2 The body parts designated by Ministry of Health, Labour and Welfare Ordinance mentioned in Article 7, Paragraph 2 of the Law shall be the head (except the tongue and cheek meat), spinal cord and ileum (limited to a two-meter portion from its junction with the cecum) of cattle.

**(Exemption from Obligation to Incinerate Specified Materials from Cattle)**

Article 3 The cases designated by Ministry of Health, Labour and Welfare Ordinance mentioned in Article 7, Paragraph 2 of the Law shall be as follows:

(i) Cases where the materials are to be tested by inspections conducted by the Governor of the prefecture (in cases of cities with health centers, the Mayor; the same applies to the succeeding item) pursuant to the provisions of Article 7, Paragraph 1 of the Law

(ii) Cases where the materials are approved by the Governor of the prefecture as those to be used in the testing and examinations of drugs and medical devices prescribed in the Pharmaceutical Affairs Law (Law No. 145 of 1960)

(iii) Cases where the materials are to be tested by inspections conducted by prefectural veterinary inspectors or livestock disease prevention and control officers pursuant to the provisions of Article 51, Paragraph 1 of the Domestic Animal Infectious Disease Control Law (Law No. 166 of 1951)

**Supplementary Provisions Excerpts**

**(Enforcement Date)**

Article 1 This Ministerial Ordinance shall come into force on the date of enforcement of the Law (July 4, 2002).

**(Transition Measures)**

Article 2 During the period until October 17, 2002, the references to "head (excluding the tongue and cheek meat)" in the provisions of Article 2 shall be read as "brain, eyes".

Supplementary Provision (Ministry of Health, Labour and Welfare Ordinance No. 26 of March 14, 2003)

This Ordinance shall come into force on the date of promulgation.