



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

Date: 8/29/2005

GAIN Report Number: JA5052

Japan

Biotechnology

Local Law on Biotechnology Crop Cultivation

2005

Approved by:

Clay Hamilton
U. S. Embassy

Prepared by:

Tetsuo Hamamoto

Report Highlights:

Hokkaido Prefecture is schedule to enacted its own law on commercial and field trial cultivation of biotechnology crops on January 1, 2006. The rules double the required isolation distance currently required by the national government between conventional and biotechnology crops. It also requires entities to file a report to the governor for isolated field trials, and to have their plans reviewed by the prefectural food safety committee and receive approval from the Governor for release of biotech products to the open environment.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Tokyo [JA1]
[JA]

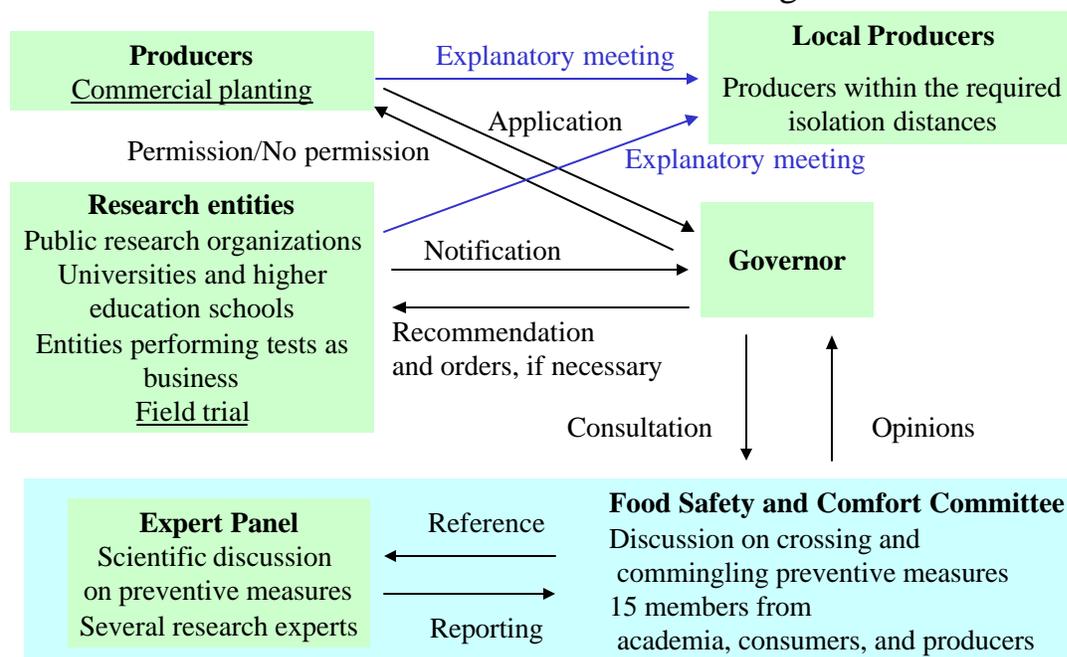
Summary

On January 1, 2006, Hokkaido prefecture, which includes the large agricultural producing island of north Japan, will implement the "Hokkaido Law to Prevent Crossing by Cultivation of Biotechnology Plants," a prefecture law to regulate cultivating of biotech plants for field trial and commercial production. The law requires entities planning to carry out isolated field planting experiments to meet additional requirements, including filing a report to the governor, in addition to meeting the national government requirements. After the report is received, the governor will ask the prefecture's food safety expert committee for its opinions on the appropriateness of the experiments. Based on the opinions, the governor can order the entity to not carry out the experiments. The law also requires entities to obtain permission from the governor for any plans to release biotech products to the open environment for commercial production. The committee will also examine these plans, and if they do not approve, then the governor can order the entity to not carry out the release.

The law also requires public meetings to be held for local producers to explain the proposed tests or cultivation, and doubles the isolation distances required by national government regulations. Violations of the prefecture law could result in imprisonment or a fine. The law was drafted to address emotional concerns over biotechnology as well as concerns from farmers that the presence of biotech crops could damage the image of their crops through consumer's concern about commingling with biotech products. The law will be implemented on January 1, 2006 and will be subject to review every three years. How the law will be implemented and enforced will be key to the future direction of local regulations on biotech research and cultivation in Japan.

Schematic chart of the framework of the law

Schematic Chart of the Framework under the Hokkaido Biotech Planting Law



Purposes of the Law

- To prevent crossing and commingling of crops and to avoid confusion in the production and distribution of locally produced crops
- To coordinate between industrial activities pertaining to the development of biotechnology plants and production activities of conventional agricultural products
- To protect Hokkaido residents' health and promote Hokkaido industry

Legal framework

Category of Planting	Requirements
Ordinary (commercial) cultivation (other than field trials) – PERMISSION required	<ol style="list-style-type: none"> 1. Producers hold explanatory meetings for local stakeholders** and then apply to the Governor. 2. The Governor consults with the “Food Safety and Comfort Committee” and then makes a decision on issuing permission or not. 3. The Governor may issue recommendation for planting, order discontinuation or additional necessary measures, or cancel the permission, if necessary.

<p>Isolated field trials (planting for research purposes by research entities*) – NOTIFICATION required</p>	<ol style="list-style-type: none"> 1. Research entities hold explanatory meetings for local stakeholders** and then notify the Governor. 2. The Governor consults with “Food Safety and Comfort Committee”. 3. The Governor may issue recommendation for planting, or order discontinuation or additional necessary measures, if necessary.
-------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*: The research entities include public (national and local government) research organizations, universities and other schools of higher education, and entities who perform tests for hire. These entities must meet the following standards: an entity with a test site, manned by at least two well-trained researchers (more than two years of experience in plant biotech research with high education in biology or agronomy), that may be used solely for cultivation, storage, management and research of biotech plants by segregating other plants.
 **: Local stakeholders are producers who cultivate conventional crops within the range of required isolation distances of individual crops.

Conditions to be followed

1. Designation of a responsible manager
2. Maintaining appropriate crossing and commingling prevention measures
3. Keeping and maintaining records on disposal of biotechnology plants and shipping of the crops
4. Implementation of monitoring measures and reporting the results to the Governor
5. Measures taken in the cases of actual or possible crossing or commingling and reporting the results to the Governor

Details of appropriate crossing and commingling prevention measures:

- Crops to be covered by the law are: rice, soybean, corn, rapeseed, and sugar beet.
- Isolation distances must exceed those listed below, except when measures other than isolation distances are applied.

Crop	Hokkaido isolation distance	MAFF isolation distance
Rice	300 meters*	26 meters
Soybean	20 meters	10 meters
Corn	1,200 meters	600 meters
Rapeseed	1,200 meters	600 meters
Sugar beet	2,000 meters	Not determined

* biotech rice can be planted within 52 meters of rice that has more than a two week difference in its flowering period. However, biotech rice cannot be planted within 300 meters of rice if the flowering periods are within 2 weeks.

- Measures other than isolation distances include; difference in flowering period, removal of flower or plant to prevent pollen generation, measures physically preventing pollen drift such as wind net, flower wrapping and insect traps.

Monitoring and penal regulations

- The Hokkaido government can perform on-site inspections to ensure effective implementation of the law
- Hokkaido residents who are aware of actual or possible crossing or commingling of

biotech and non-biotech plants can request that appropriate actions be taken by the Governor

- If there is a violation, the following penalties may be imposed.

Violation	Penalty
Ordinary Cultivation without permission	Imprisonment up to one year or fine up to 500,000 yen
Violation against order to discontinue cultivation	Fine up to 500,000 yen
Violation against taking necessary measures to prevent crossing or commingling	Fine up to 300,000 yen
Violation against reporting monitoring results	Fine up to 200,000 yen

(100 yen is around 1 USD as of 2005)

Future implication

Hokkaido prefecture is the first local government to enact this kind of law. There is concern that other prefectures, especially rice producing prefectures such as Niigata, will copy this legislation.

The industry press has noted that the way that this law is implemented and enforced will be key to the future direction of local regulations on biotech research and cultivation in Japan. Questions about the effects of the law have already risen as Hokkaido Food Safety and Comfort Committee's Expert panel has requested the prefecture agricultural research station to verify the effectiveness of the safety factor on reducing possibility of crossing (the current law doubles the national standards as provided by the Ministry of Agriculture, Forestry and Fisheries (MAFF) as a way to ensure additional safety). However, technically, even this type of test could be banned under the new legislation.