

# Act on the Proper Management and Promotion of Use of Livestock Manure

(Act No. 112 of July 28, 1999)

## (Purpose)

Article 1 The purpose of this Act is to provide for matters required for the management of livestock manure by persons engaged in the livestock industry, as well as to facilitate the proper management and promotion of use of livestock manure by taking measures for promoting the development of facilities for advanced processing of livestock manure systematically, and thereby contribute to the sound development of the livestock industry.

## (Definitions)

Article 2 The term "livestock manure" as used in this Act means the manure of cattle, pigs, chickens, and other domestic animals specified by Cabinet Order.

## (Management Standards)

Article 3 (1) The Minister of Agriculture, Forestry and Fisheries must establish by Order of the Ministry of Agriculture, Forestry and Fisheries the standards to be complied with by persons engaged in the livestock industry of the structure and equipment of facilities used to process or store livestock manure, such as manure sheds, and the method of management of livestock manure (hereinafter referred to as the "management standards").

(2) Person engaged in the livestock industry must manage livestock manure in accordance with the management standards.

## (Guidance and Advice)

Article 4 When finding it necessary to ensure the proper management of livestock manure, a prefectural governor may provide a person engaged in the livestock industry with necessary guidance and advice so that livestock manure is managed in accordance with the management standards.

## (Recommendations and Orders)

Article 5 (1) In cases of provision of guidance or advice pursuant to the provisions of the preceding Article, when finding that a person engaged in the livestock industry is still in violation of the management standards, a prefectural governor may recommend that the person engaged in the livestock industry comply with the management standards while specifying a time limit.

(2) When the person who has received a recommendation pursuant to the

provisions of the preceding paragraph fails to follow the recommendation, a prefectural governor may order that person to take measures concerning that recommendation while specifying a time limit.

(Collection of Reports and On-site Inspections)

Article 6 (1) To the extent necessary for enforcement of the provisions of the preceding two Articles, a prefectural governor may order a person engaged in the livestock industry to submit a necessary report, or have prefectural officials enter any workplace of a person engaged in the livestock industry to inspect items such as the structure and equipment of facilities used to process or store livestock manure, as well as books or documents.

(2) Prefectural officials who conduct an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification and present it to persons concerned.

(3) The authority to conduct on-site inspections pursuant to the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

(Basic Policy)

Article 7 (1) The Minister of Agriculture, Forestry and Fisheries must establish the basic policy for facilitating the promotion of use of livestock manure (hereinafter referred to as the "basic policy").

(2) In the basic policy, matters listed in the following items are to be set forth:

(i) the basic direction concerning the promotion of use of livestock manure;

(ii) matters concerning the setting-up of targets for the development of advanced processing facilities (meaning facilities for advanced processing of livestock manure such as manure sheds equipped with ventilation equipment; hereinafter the same applies);

(iii) basic matters concerning the improvement of technologies related to the promotion of use of livestock manure; and

(iv) other important matters concerning the promotion of use of livestock manure.

(3) The Minister of Agriculture, Forestry and Fisheries, is to modify the basic policy when necessary, due to changes in the circumstances.

(4) The Minister of Agriculture, Forestry and Fisheries, when establishing or modifying the basic policy, must make it public without delay.

(Prefectural Plan)

Article 8 (1) A prefecture may establish the plan for facilitating the promotion of use of livestock manure in the prefecture in line with the basic policy pursuant to the provisions of Order of the Ministry of Agriculture, Forestry and

Fisheries (hereinafter referred to as the "prefectural plan").

- (2) In a prefectural plan, the prefecture is to provide the details of advanced processing facilities to be developed and other targets for the development of the advanced processing facilities.
- (3) A prefecture is to endeavor to specify matters listed in the following items in the prefectural plan, in addition to the targets set forth in the preceding paragraph:
  - (i) the target for use of livestock manure;
  - (ii) matters concerning the improvement of technologies such as the provision of technical training on the promotion of use of livestock manure; and
  - (iii) other necessary matters concerning the promotion of use of livestock manure.
- (4) When formulating or modifying the prefectural plan, a prefecture must make it public without delay, and also report it to the Minister of Agriculture, Forestry and Fisheries.

(Approval of Advanced Processing Facilities Development Plan)

Article 9 (1) A person engaged in the livestock industry may create the plan for the development of advanced processing facilities (hereinafter referred to as the "advanced processing facilities development plan"), and submit it to the prefectural governor who has jurisdiction over the location of the advanced processing facilities pertaining to that advanced processing facilities development plan to obtain approval to the effect that that advanced processing facilities development plan is appropriate.

- (2) In the advanced processing facilities development plan, matters listed in the following items must be included:
  - (i) targets for the development of advanced processing facilities;
  - (ii) the details and time of the development of advanced processing facilities; and
  - (iii) the amount of funds required for the development of advanced processing facilities and the method of procuring.
- (3) A prefectural governor, upon filing of an application for approval under paragraph (1), when finding that the advanced processing facilities development plan is appropriate in terms of the prefectural plan or meets other standards specified by Order of the Ministry of Agriculture, Forestry and Fisheries, is to grant approval for therefor.

(Plan Modification)

Article 10 (1) When intending to modify the advanced processing facilities development plan subject to the approval under paragraph (1), a person who has obtained that approval must obtain the approval of the prefectural

governor who has jurisdiction over the location of the advanced processing facilities pertaining to that advanced processing facilities development plan.

- (2) A prefectural governor may rescind approval under paragraph (1) of the preceding Article when finding that a person who has obtained that approval fails to develop advanced processing facilities in accordance with the advanced processing facilities development plan subject to that approval (or the modified plan when approval for modification has been granted pursuant to the provisions of the preceding paragraph; hereinafter referred to as the "approved advanced processing facilities development plan").
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to approval under paragraph (1).

(Loan of Funds from Japan Finance Corporation)

- Article 11 (1) The Japan Finance Corporation, in addition to its business provided for in Article 11 of the Japan Finance Corporation Act (Act No. 57 of 2007), may conduct a business of providing a person who has obtained approval under Article 9, paragraph (1) with a loan of long-term funds with low interest that contribute to the sustainable and sound development of the livestock industry and are necessary for the development of advanced processing facilities in accordance with the approved advanced processing facilities development plan (limited to funds which are difficult for other financial institutions to finance, and to raise from capital markets).
- (2) The interest rate, due date for redemption, and grace period of the loan of funds provided for in the preceding paragraph is determined by the Japan Finance Corporation to the extent specified by Cabinet Order.
  - (3) With regard to the application of the provisions of Article 11, paragraph (1), item (vi), Article 12, paragraph (1), Article 31, paragraph (2), item (i), (b), Article 41, item (ii), Article 53, Article 58, Article 59, paragraph (1), Article 64, paragraph (1), item (iv), Article 73, item (iii) and Appended Table 2, item (ix) of the Japan Finance Corporation Act in respect of the loan of funds under paragraph (1) as provided by the Japan Finance Corporation pursuant to the provision of the same paragraph, the phrase "business listed in the preceding items" in Article 11, paragraph (1), item (vi) of the same Act is replaced with "business listed in the preceding items and business provided for in Article 11, paragraph (1) of the Act on Proper Management and Promotion of Use of Livestock Manure (hereinafter referred to as the "Livestock Manure Act")"; the phrase "business listed in items of paragraph (1) of the preceding Article" in Article 12, paragraph (1) of the same Act is replaced with "business listed in items of paragraph (1) of the preceding Article and business provided for in Article 11, paragraph (1) of the Livestock Manure Act"; the phrase "or business listed in Appended Table 2, item (ii)" in Article 31, paragraph (2), item (1), (b),

Article 41, item (ii) and Article 64, paragraph (1), item (iv) of the same Act is replaced with ", business listed in Appended Table 2, item (ii) or business provided for in Article 11, paragraph (1) of the Livestock Manure Act"; the phrase "business of providing information for users of these business operations pursuant to the provisions of item (v) of the same paragraph" in them is replaced with "business listed in Article 11, paragraph (1) of the Livestock Manure Act and business of providing information for users of these business operations pursuant to the provisions of Article 11, paragraph (1), item (v)"; the phrase "business of providing information for users of these business operations pursuant to the provision of item (v) of the same paragraph" in Article 53 of the same Act is replaced with "business provided for in Article 11, paragraph (1) of the Livestock Manure Act and business of providing information for users of these business operations pursuant to the provision of Article 11, paragraph (1), item (v)"; the phrase "this Act" in Article 58 and Article 59, paragraph (1) of the same Act is replaced with "this Act, the Livestock Manure Act"; the phrase "Article 11" in Article 73, item (iii) of the same Act is replaced with "Article 11 and Article 11, paragraph (1) of the Livestock Manure Act"; and the phrase "or business of providing a loan of funds as listed in the right-hand columns of Appended Table 1, item (i) to item (xiv)" in Appended Table 2, item (ix) of the same Act is replaced with ", business of providing a loan of funds as listed in the right-hand columns of Appended Table 1, item (i) to item (xiv) or business provided for in Article 11, paragraph (1) of the Livestock Manure Act."

(Promotion of Research and Development)

Article 12 The State and prefectures are to endeavor to promote research and development of technologies and make the results thereof widely known in order to improve the necessary technologies for the promotion of fertilization and other use of livestock manure.

(Collection of Reports)

Article 13 A prefectural governor may request a person engaged in the livestock industry with approval under Article 9, paragraph (1) to submit a report on the status of implementation of the approved advanced processing facilities development plan.

(Transitional Measures)

Article 14 When an order is established, revised, or abolished under the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be prescribed by that order to the extent deemed reasonably necessary in connection with that establishment,

revision, or abolition.

(Penal Provisions)

Article 15 A person who has violated an order under the provisions of Article 5, paragraph (2) is punished by a fine of not more than 500,000 yen.

Article 16 A person who has failed to make a report or has made a false report under the provisions of Article 6, paragraph (1) or Article 13, or has refused, obstructed, or evaded an inspection under the provisions of Article 6, paragraph (1) is punished by a fine of not more than 200,000 yen.

Article 17 When a representative person of a corporation, or an agent, employee, or other worker of a corporation or an individual has committed an act of violation under either of the preceding two Articles with regard to the business of that corporation or individual, not only the offender but also the corporation or individual is punished by the penalty prescribed in the relevant Article.

### **Supplementary Provisions**

This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine (9) months from the date of promulgation.

### **Supplementary Provisions [Act No. 28 of April 11, 2001] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two (2) months from the date of promulgation.

### **Supplementary Provisions [Act No. 58 of May 25, 2007] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2008.

(Transitional Measures concerning Penal Provisions)

Article 8 Prior laws continue to govern the applicability of penal provisions to acts committed before the date of enforcement of this Act.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Article 2 to the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

## **Supplementary Provisions [Act No. 39 of May 2, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Article 5, paragraph (1) of this Act and Article 47, and Article 22 to Article 51 of the Supplementary Provisions come into effect as of April 1, 2012.

(Transitional Measures upon Partial Revision of the Japan Finance Corporation Act)

Article 50 Beyond what is provided for in the preceding paragraph, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Transitional Measures concerning Application of Penal Provisions)

Article 51 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of the provisions of the proviso of Article 1 of the Supplementary Provisions.

## **Supplementary Provisions [Act No. 105 of August 30, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Transitional Measures concerning Penal Provisions)

Article 81 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into effect (for the provisions listed in items of Article 1 of the Supplementary Provisions, such provisions; hereinafter the same applies in this Article) and prior laws continue to govern the applicability of penal provisions to conduct that a person engages in after this Act comes into effect but that, pursuant to the provisions of these Supplementary Provisions, is to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 82 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.