

Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply

(Order of the Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment No. 5 of March 7, 2003)

In accordance with the provisions of Article 12, paragraph (1) of the Agricultural Chemicals Regulation Act (Act No. 82 of 1948), this Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply is established as follows.

(Responsibilities of Agricultural Chemical Users)

Article 1 A person that uses an agricultural chemical (hereinafter referred to as an "agricultural chemical user") has the following responsibilities in connection with the use of the agricultural chemical:

- (i) to ensure that it does not harm crops, etc.;
- (ii) to ensure that there is no harm to humans or animals;
- (iii) to ensure that there is no harm to humans that is caused by the use of crops, etc. or by the use of livestock products produced using those crops, etc. as feed;
- (iv) to ensure that there is no harm to humans that is caused by the use of crops, etc. cultivated on farmland, etc. or by the use of livestock products produced using those crops, etc. as feed;
- (v) to ensure that flora and fauna in the human living environment are not harmed, and that any harm to them does not come to be extreme; and
- (vi) to ensure that there is no pollution of the water in an area of public water (meaning an area of public water provided for in Article 2, paragraph (1) of the Water Pollution Prevention Act (Act No. 138 of 1970)), and that the use of any water associated with this pollution (or of aquatic animals and plants contaminated by the pollution) does not result in harm to humans or animals.

(Compliance with Labeling Information)

Article 2 (1) When using an agricultural chemical on crops, etc. that are used for food or feed (hereinafter referred to as "edible crops, etc."), an agricultural chemical user must comply with the following standards:

- (i) the user is not to use that agricultural chemical on edible crops, etc. that are not included in the scope of applicable crops, etc.;
- (ii) the user is not to use the agricultural chemical in a quantity exceeding what is calculated by the appended formula;

- (iii) the user is not to use the agricultural chemical at a dilution that is less than the minimum dilution provided for in Article 14, paragraph (2), item (ii) of the Regulations for Enforcement of the Agricultural Chemicals Regulation Act (Order of the Ministry of Agriculture and Forestry No. 21 of 1951; hereinafter referred to as "the Regulations");
- (iv) the user is not to use the agricultural chemical at a timing other than the timing of use provided for in Article 14, paragraph (2), item (iii) of the Regulations;
- (v) the user is not to use the agricultural chemical in excess of the number of times set forth in the following (a) or (b) during the growing period provided for in Article 14, paragraph (2), item (iv) of the Regulations:
 - (a) if seeds or seedlings that are being used to produce an edible crop, etc. have a number-of-uses indication for each type of active ingredient contained in the agricultural chemicals that a person has used on them as provided in Article 23, paragraph (3), item (i) of the Regulations for Enforcement of the Plant Variety Protection and Seed Act (Order of Ministry of Agriculture, Forestry and Fisheries No. 83 of 1998), the number of times arrived at when the number of uses that has been indicated is deducted from the total number of permitted uses for each type of active ingredient the agricultural chemical contains which is provided in Article 14, paragraph (2), item (v) of the Regulations; or
 - (b) in cases other than as provided in (a), the total number of permitted uses for each type of active ingredient the agricultural chemical contains which is provided for in Article 14, paragraph (2), item (v) of the Regulations.
- (2) An agricultural chemical user must endeavor to use agricultural chemicals safely and properly while abiding by the particulars set forth in Article 16, items (iv), (vi) (limited to the part concerning damage prevention measures), (ix), and (xi) of the Agricultural Chemicals Regulation Act.

(Using Agricultural Chemicals through Fumigation)

- Article 3 If an agricultural chemical user (other than a person that uses agricultural chemicals by fumigating crops, etc. that person has grown themselves) seeks to use an agricultural chemical through fumigation, the user must submit an agricultural chemical use plan that gives the following particulars to the Minister of Agriculture, Forestry and Fisheries by the first day on which the user seeks to use the chemical each fiscal year; the same applies if the user seeks to modify the plan:
- (i) the name and address of the agricultural chemical user; and
 - (ii) that fiscal year's plan for using the agricultural chemical through fumigation.

(Using an Agricultural Chemical from an Aircraft)

Article 4 (1) If an agricultural chemical user seeks to use an agricultural chemical from an aircraft (meaning the aircraft prescribed in Article 2, paragraph (1) of the Civil Aeronautics Act (Act No. 231 of 1952)), the user must submit an agricultural chemical use plan that gives the following particulars to the Minister of Agriculture, Forestry and Fisheries by the first day on which the user seeks to use the chemical each fiscal year; the same applies if the user seeks to modify the plan:

- (i) the name and address of the agricultural chemical user; and
- (ii) that fiscal year's plan for using the agricultural chemical from an aircraft.

(2) The agricultural chemical user referred to in the preceding paragraph must observe the velocity and direction of the wind and endeavor to take the necessary measures to prevent the dispersal of the agricultural chemical to outside the area on which the user seeks to use that chemical from the aircraft (hereinafter referred to as the "target area").

(Use of Agricultural Chemicals at Golf Courses)

Article 5 (1) If an agricultural chemical user seeks to use an agricultural chemical at a golf course, the user must submit an agricultural chemical use plan that gives the following particulars to the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment by the first day on which the user seeks to use that chemical each fiscal year; the same applies if the user seeks to modify the plan:

- (i) the name and address of the agricultural chemical user; and
- (ii) that fiscal year's plan for using the agricultural chemical at the golf course.

(2) The agricultural chemical user referred to in the preceding paragraph must endeavor to take the necessary measures to prevent any runoff of the agricultural chemical to outside the golf course.

(Use of Agricultural Chemicals in Residential Areas)

Article 6 When using an agricultural chemical on the site of a residence, school, daycare, hospital, park, or other facility where people live, stay, or frequently visit, or on land adjacent thereto, an agricultural chemical user must endeavor to take the necessary measures to prevent the dispersal of the agricultural chemical.

(Use of Agricultural Chemicals in Paddy Fields)

Article 7 When using an agricultural chemical in a paddy field, an agricultural chemical user must endeavor to take the necessary measures to prevent any runoff of the agricultural chemical.

(Use of Agricultural Chemicals That Need to Be Covered)

Article 8 When using an agricultural chemical containing chloropicrin, an agricultural chemical user must endeavor to take the necessary measures to prevent the agricultural chemical from volatilizing from the soil on which it has been used.

(Bookkeeping and Records)

Article 9 Having used an agricultural chemical, an agricultural chemical user must endeavor to enter the following particulars in books:

- (i) the date that the user used the agricultural chemical;
- (ii) the place that the user used the agricultural chemical;
- (iii) the crops, etc. on which the user used the agricultural chemical;
- (iv) the type or name of the agricultural chemical that the user used; and
- (v) the amount the user used per unit area or the dilution of the agricultural chemical that the user used.

Supplementary Provisions

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Agricultural Chemicals Regulation Act (Act No. 141 of 2002) comes into effect (March 10, 2003).

(Repeal of the Ministerial Order Establishing Standards for the Scope of Applicable Pests and Usage with Which Users Must Comply When Using Agricultural Chemicals That Persist in Crops or Soil)

Article 2 The Ministerial Order Establishing Standards for the Scope of Applicable Pests and Usage with Which Users Must Comply When Using Agricultural Chemicals That Persist in Crops or Soil (Order of the Ministry of Agriculture and Forestry No. 24 of 1971) is repealed.

(Transitional Measures)

Article 3 To apply the provisions of Article 2, paragraph (1), item (i), until otherwise provided for by law, the term "edible crops, etc." in that item is deemed to be replaced with "edible crops, etc. (excluding those approved by the Minister of Agriculture, Forestry and Fisheries)."

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment No. 8 of November 5, 2003]

This Ministerial Order comes into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment No. 2 of June 21, 2004]

- (1) This Ministerial Order comes into on the day that marks the passage of one year counting from the date of promulgation.
- (2) If the user of an agricultural chemical uses an agricultural chemical that bears an indication under Article 2, paragraph (2) of the Supplementary Provisions of the Ministerial Order Partially Amending the Regulations for Enforcement of the Agricultural Chemicals Regulation Act (Order of the Ministry of Agriculture, Forestry and Fisheries No. 54 of 2004; hereinafter referred to as the "Amending Ministerial Order") before this Ministerial Order comes into effect, in Article 2, paragraph (1), item (v) of the Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply, the phrase "sowing (" is deemed to be replaced with "sowing and planting (including preparation for the sowing or planting;" and the phrase "(...) the total number of times of use prescribed in Article 7, paragraph (2), item (iv) of the Regulations" is deemed to be replaced with "(hereinafter referred to as the 'growing period' in this item), (...) the total number of permitted uses for each type of active ingredient that the agricultural chemical contains (meaning the total number of times that an agricultural chemical containing the relevant active ingredient may be used during the growing period; this refers the total numbers of permitted uses in each separate category, if the total number of permitted uses is indicated separately for each timing or mode of use)."
- (3) Even after this Ministerial Order enters into effect, the provisions of Article 2 of the Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply as before its amendment by this Ministerial Order remain in force regarding the use of an agricultural chemical that bears an indication under Article 7 of the Regulations for Enforcement of the Agricultural Chemicals Regulation Act (Order of the Ministry of Agriculture and Forestry No. 21 of 1951) as prior to its amendment by the Amending Ministerial Order.
- (4) Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Ministerial Order enters into effect, and to conduct that a person engages in after this Ministerial Order comes into effect in a situation regarding which prior laws are to remain in force pursuant to the provisions of the preceding paragraph.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry

and Fisheries and Ministry of the Environment No. 1 of May 20, 2005]

This Ministerial Order comes into effect as of June 21, 2005; provided, however, that the provisions amending Appended Table 1 come into effect as of the date of promulgation.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment No. 3 of November 30, 2018] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Agricultural Chemicals Regulation Act comes into effect (December 1, 2018).

(Transitional Measures upon Partial Amendment of the Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply)

Article 2 The provisions of Article 5, paragraph (1) of the Ministerial Order Establishing Standards with Which Users of Agricultural Chemicals Must Comply as amended by the provisions of Article 1 apply to the submission of an agricultural chemical use plan under that paragraph which is done in or after fiscal year 2019.

Supplementary Provisions [Order of the Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment No. 5 of June 28, 2019]

This Ministerial Order comes into effect as of the date on which the provisions set forth in Article 1, item (ii) of the Supplementary Provisions of the Act Partially Amending the Agricultural Chemicals Regulation Act (Act No. 53 of 2018) come into effect (April 1, 2020).

Appendix (Re: Article 2)

$Q = Q_0 (A / A_0)$

Q is calculated as the amount of agricultural chemical to be used that an agricultural chemical user is to comply with.

Q_0 is the maximum amount to be used per unit area as prescribed in Article 14, paragraph (2), item (i) of the Regulations.

A is the area of the farmland, etc. on which the user seeks to use the agricultural chemical.

A_0 is the unit area prescribed in Article 14, paragraph (2), item (i) of the Regulations.