

# An Outline of the Act Partially Amending the Plant Protection Act

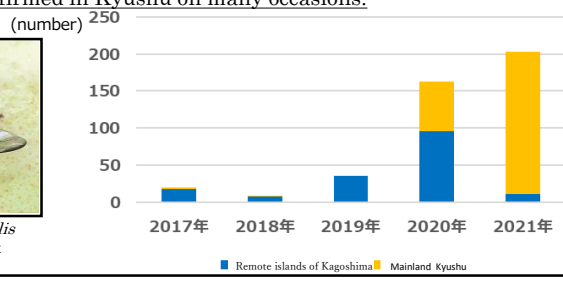
## Background and Aim

○ Against the backdrop of global warming and other changes in the climate as well as increases in the movement of people and things, the risk that harmful plants and animals will be introduced and spread has increased.

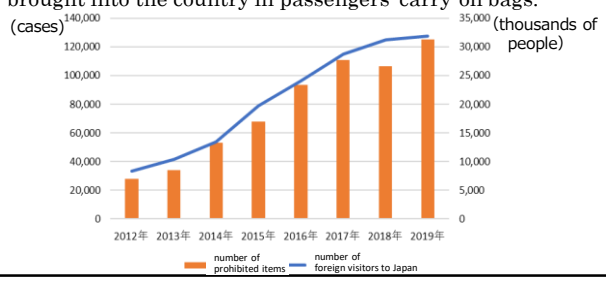
• In recent years, the arrival of the *Bactrocera dorsalis* species complex has been confirmed in Kyushu on many occasions.



*Bactrocera dorsalis* species complex



• There has been an increase in prohibited import items being brought into the country in passengers' carry-on bags.



- Decreasing the environmental load from the use of chemical pesticides is an international agenda.
- Pest control that is dependent on chemical pesticides has led to the development of pesticide resistance in harmful plants and animals.
- ⇒ There is an urgent need to transition to and disseminate integrated pest control—including outbreak prevention—that does not rely solely on pesticides.
- There is also a need to appropriately handle the increased demand for export inspections that comes with the facilitated export of agricultural, forestry, and fishery products and food.



Apple Scab

(An Example of Pesticide Resistance)  
Fungus that is resistant to DMI fungicide, which is a key agent in the control of apple scab, began to appear around 2015.

## Outline of This Act

1. Provisions to implement detection survey projects and expedite emergency pest control
  - (1) This Bill provides for projects targeting certain harmful plants and animals whose presence in Japan has not been confirmed which are meant to survey the extent of those plants' and animals' introduction into the country (detection survey projects), positioning these projects as a part of the law. The Bill also establishes a reporting obligation for those who find that a harmful plant or animal which is subject to the project has been introduced into the country. [Art. 16-6; Art.16-7; Art. 16-8]
  - (2) The Bill provides that, if the Minister of Agriculture, Forestry and Fisheries has prepared standards in advance for the content of pest control against harmful plants and animals that will be targeted for emergency pest control, the 30-day period for informing the public by public notice before implementing emergency pest control against those harmful plants and animals is shortened. [Art. 17-2]
  - (3) The Bill expands the content of emergency pest control measures that can be implemented without public notice. [Art. 18]
2. Provisions that introduce measures to allow the issuance of recommendations and orders concerning pest control (including outbreak prevention) to agricultural workers
  - (1) The Bill establishes a system of basic guidelines (national) and plans (prefectural) to facilitate pest control (including outbreak prevention) for plants and animals designated as harmful species. In addition to this, it introduces measures that allow prefectural governors to establish rules in the prefectural plan which agricultural workers must comply with. [Art. 22-2; Art. 22-3]
  - (2) The Bill introduces measures that allow the prefectural governor to provide agricultural workers with the necessary advice and guidance in keeping with the rules referred to in (1) above, and that allow the governor to issue recommendations and orders if pest control is not being implemented in keeping with these and the governor finds that there is a risk of serious damage to crops. [Art. 24-2; Art. 24-3]
  - (3) The Bill introduces measures for cases in which the Minister of Agriculture, Forestry and Fisheries has issued pest control instructions during an abnormal outbreak of plants or animals designated as harmful species, which allow the prefectural governor to issue recommendations and orders to agricultural workers if pest control is not being implemented in keeping with the rules referred to in (1) above and the governor finds this to be necessary to prevent the rapid spread of plants or animals designated as harmful species. [Same as above]
3. Provisions to enhance the scope of inspections and other activities by plant protection officers and to strengthen their authority
  - The Bill introduces measures that allow items such as agricultural machinery to be made subject to the on-site inspections, import/export quarantines, and domestic quarantines implemented by plant protection officers and to be made subject to measures that are taken for emergency pest control, and it strengthens the authority to inspect inbound and outbound passengers' personal belongings. [Art. 4 et al.]
4. Provisions to arrange an export quarantine framework
  - The Bill introduces measures that allow an entity registered by the Minister of Agriculture, Forestry and Fisheries to conduct part of the export inspection on behalf of plant protection officers if the importing country requires the plant or other item to be exported to have phytosanitary certification from the exporting country. [Art. 10 through Art 10-18]
5. Other Provisions
  - (1) The Bill revises the definitions of harmful plants and animals and harmful plants and animals subject to quarantine to be consistent with international standards. [Art. 2; Art. 5-2]
  - (2) The Bill strengthens the penalties for violations related to import/export quarantine and for violations committed by corporations. [Art. 39; Art 43]
  - (3) The Bill adds preventing outbreaks of harmful plants and animals as one of the purposes of the Act. [Art. 1]
  - (4) The Bill introduces measures for allowing opinions to be heard from persons with the relevant expertise without the need for a public hearing. [Art. 5-2 et al.]

# 植物防疫法の一部を改正する法律の概要

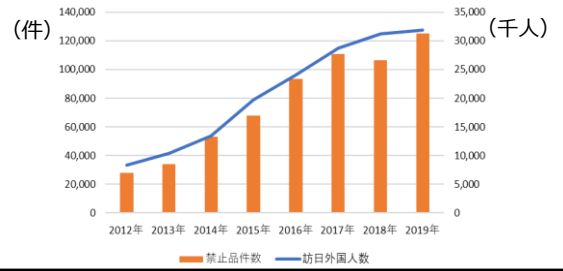
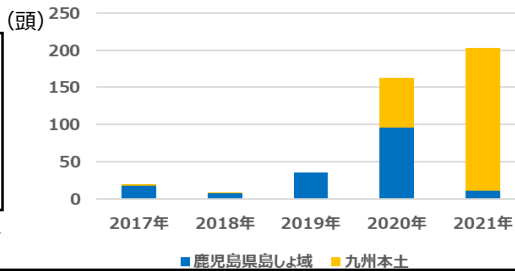
## 背景・趣旨

○ 温暖化等の気候変動、人やモノの移動の増加を背景として、**有害動植物の侵入・まん延リスクが増加**。

- ・ ミカンコミバエ種群について、近年、九州で多数の飛来が確認
- ・ 旅行者の手荷物を介して持ち込まれる**輸入禁止品が増加**



ミカンコミバエ種群



- 化学農薬の使用に伴う**環境負荷の低減**が国際的に課題。
- 化学農薬に依存した防除により**有害動植物の薬剤耐性**が発達。  
→ **発生の予防も含めた、農薬だけに頼らない総合的な防除への移行・普及**が急務。
- 加えて、**農林水産物・食品の輸出の促進**に伴う輸出検査ニーズの増大に**的確に対応**する必要。



リンゴ黒星病

(薬剤耐性の例)  
2015年頃からリンゴ黒星病の基幹防除剤であるDMI剤への耐性菌が発生

## 法律の概要

### 1. 侵入調査事業の実施及び緊急防除の迅速化

- ① 国内に存在することが確認されていない等の有害動植物の一部を対象に、**国内への侵入の状況等を調査する事業(侵入調査事業)**を法に位置付け。当該事業の**対象有害動植物の侵入等を認めた者の通報義務**を措置。【第16条の6・第16条の7・第16条の8】
- ② 農林水産大臣が、緊急防除の対象となる有害動植物について、**防除内容等に係る基準をあらかじめ作成した場合には、当該有害動植物に対する緊急防除を行う際の告示による事前周知期間(30日間)を短縮**。【第17条の2】
- ③ 緊急防除のうち告示を省略して実施することができる**措置の内容を拡充**。【第18条】

### 2. 発生予防を含めた防除に関する農業者への勧告、命令等の措置の導入

- ① 指定有害動植物に関し、**発生の予防を含めた防除を推進するための基本指針(国)、計画(都道府県)の制度**を創設。加えて、都道府県知事は、**当該計画において農業者が遵守すべき事項を定めることができるよう措置**。【第22条の2・第22条の3】
- ② 都道府県知事は、農業者に対し、①の農業者が遵守すべき事項に即して**必要な助言、指導**を行うとともに、それに即した防除が行われず、**農作物に重大な損害を与えるおそれがあると認めるときに勧告、命令**を行うことができるよう措置。【第24条の2・第24条の3】
- ③ 指定有害動植物の**異常発生時**に農林水産大臣が防除に関する指示をした場合には、都道府県知事は、農業者に対し、①の農業者が遵守すべき事項に即した防除が行われず、**指定有害動植物の急激なまん延を防止するために必要があると認めるときに勧告、命令**を行うことができるよう措置。【同上】

### 3. 植物防疫官の検査等に係る対象及び権限の強化

- 植物防疫官が行う立入検査、輸出入検疫及び国内検疫並びに緊急防除のために講じる**措置の対象に農機具等の物品を追加**することができるよう措置し、**出入国旅客の携帯品に対する検査権限を強化**。【第4条等】

### 4. 輸出検疫体制の整備

- 輸入国が輸出国の植物検疫証明を必要としている植物等の輸出に当たり、**農林水産大臣の登録を受けた者が植物防疫官に代わり輸出検査の一部を実施**することができるよう措置。【第10条～第10条の18】

### 5. その他

- ① **有害動植物及び検疫有害動植物の定義**を、国際基準と整合的となるよう改正。【第2条・第5条の2】
- ② 輸出入検疫に関する違反や、法人による違反に対する**罰則を強化**。【第39条・第43条】
- ③ 法目的に、**有害動植物の発生の予防**を追加。【第1条】
- ④ **公聴会の開催によらずに学識経験者等への意見聴取**を行えるよう措置。【第5条の2等】