

動物愛護法とイヌの福祉

The Animal Welfare Act and Dog Welfare

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Today, I am going to talk about the Animal Welfare Act, or to give it its full name, the 'Act on Welfare and Management of Animals', for which revision recommendations were submitted on December 21, 2011. This law was previously subject to major revisions in 1999 (when its name was changed from the 'Law Concerning the Protection and Control of Animals'). In addition, a stipulation had been added that the law was to be reviewed at five-yearly intervals. So it was revised again in 2006 when heated discussions once again took place. This time around the plan is to present a bill with major revisions to the Diet in the form of a "lawmaker-initiated bill" during 2012.

At the Ministry of the Environment (MOE) there is a council called the Central Environmental Council and within this council is a section called the 'Animal Welfare Section'. I am the chief of this section. At our 26th section meeting on July 15th 2010, we decided to set up a subcommittee to examine the rights and wrongs about revisions to the Animal Welfare Act and to begin deliberations on the subject. As the Central Environment Council is a large organization it was further agreed that anything decided at the subcommittee level would be considered as a Section decision. In turn, things decided at Section level would be considered as having been decided by the Council. This put the subcommittee in a very important position. Also, the arrangements were to be set up in such a way that the Section Chief became the Chair of the subcommittee.

So the subcommittee began work in August 2010 and completed its first round of deliberations in December 2011. Within the space of 17 months, we held a total of 25 meetings. One extraordinary feature

of the subcommittee was that so many members of the public wished to observe its meetings that access had to be determined by drawing lots. Also, when the subcommittee invited the public to make comments, 120,000 comments were received for the first half of the proceedings and 50,000 comments for the second half. Although the MOE has a large number of councils and committees, no other committee has received so many comments.

In this sense, we can accurately state that a great many people have taken an interest in the Animal Welfare Act. We began our studies in connection with the latest revision of the act in August 2010 and first attempted to assess awareness for the act. According to our survey, the ratio of respondents who knew that the legislation existed was 67% and the ratio claiming to know the content was 24%. So, while a great many people had comments about the proceedings, from the standpoint of the nation as a whole, the number of comments was not very high. Nevertheless, the fact that 67% of the general public knew the name of the act shows that, even then, a considerable number of people were taking an interest in its revision.

In Japan, the ratios for spaying and neutering operations are currently 42% for dogs and 83% for cats. This is a controversial matter, in particular because the rate for cats is quite high.

Compared with four decades ago, the number of dogs and cats abandoned and taken to local public health centers has declined significantly. Back in the 1970s, the number of abandoned dogs alone amounted to 700,000 per year. Japan is the only country in the

world to have reduced the number of abandoned dogs and cats to just a tenth of the 1970s level. The actual published figures depend on how the statistics are interpreted. For example, in the U.S., between 800,000 and 1.2 million cats are destroyed each year. Just as in Japan, these are mainly kittens. As for dogs, according to Dr. Benjamin L. Hart, probably 5 million dogs in the U.S. are abandoned by their owners and destroyed every year. I think that Japanese people are somewhat averse to the idea of killing animals. However, in Japan, even today, over 200,000 cats are destroyed annually. These are mainly kittens because a great many cats give birth to unwanted offspring. It is for this reason that I believe the Japanese people are becoming more aware of the need to spay or neuter their own pets.

There is currently a debate going on about the advantages and disadvantages of issuing animals with an official identification (IDs). From my point of view, IDs are necessary in order to give animals "citizenship", or perhaps I should say they are necessary for instilling recognition that animals have a certain social status. In any case, it is a major advance that the number of animals with an ID increased from 60,000 at the end of 2006 to 330,000 in 2010.

As a result of the revisions to the Animal Welfare Act in 2006, the number of traders subject to the regulations governing animal handling businesses has, as of 2010, expanded dramatically and the number of registered facilities have increased 1.7 times.

Next, I'd like to talk about promoting appropriate treatment for experimental (laboratory) animals and industrial (farm) animals. It is difficult for the MOE to become involved in these two issues because the Ministry of Health, Labour and Welfare (MHLW) and the Ministry of Education, Culture, Sports, Science and Technology (MEXT) have jurisdiction over experimental animals. Likewise, the Ministry of Agriculture, Fisheries and Forestry (MAFF) has jurisdiction over industrial animals. The prevailing attitude in officialdom is that if there is a governing agency for a specific issue, we should leave all matters related to that issue to the agency concerned and not attempt to touch

such matters. Nevertheless, we have given some consideration to the issues mentioned. For example, we conducted a questionnaire and carried out a review of standards. This is one of the merits of having legislation reviewed every five years.

Now, I will tell you briefly about what we discussed during our first 25 meetings at the Central Environmental Council and what we submitted in our report. Firstly, a major focus of our discussions was the subject of animal handling businesses. Based on our discussions, we produced a report recommending that late-night sales be prohibited. Essentially, we urged that the display and sale of puppies and kittens should be prohibited after 8 pm. But we decided it would be unrealistic to try to prohibit all animal-related activities after 8 pm. As the Director of the Japan Kennel Club, Nagamura-san, has said people of today are busy, myself included. I come home at 11 pm after which I take my dog for a walk. If that sort of behavior were to be prohibited, it would be a very bad thing for dogs.

Concerning this issue, our main question was, knowing that there are buyers who visit pet shops while drunk, would it be acceptable to restrict the shopping convenience to such people in order to reduce the stress placed on the animals, particularly where these animals were young dogs and cats?

The same reasoning also applies to mobile retailers (sales vans, etc.). In many of the more mountainous regions of Japan where most of the local residents are elderly people, there are mobile shops that travel around selling daily goods. Because these shops help to support the lives of the elderly, these retailers should not be subject to regulation per se. But because we see no end to the examples of mobile retailers selling animals in a way that negatively impacts the health and safety of these animals, the subcommittee reported that some sort of regulation is required to deal with such cases.

Another thing we looked at was 'Internet Retailing'. The Internet is a very convenient method for people wanting to buy an animal from excellent breeders located far

away. But in principle, pet sales not permitted except when the selling is conducted face-to-face. The Internet is a very good way to exchange information between people located far away from each other. But it is not permissible for people to sell a pet animal without the buyer seeing it first or without there being a face-to-face explanation about the animal being given to the purchaser.

These days, the scale of the auction business has become huge, so we also reported that it is necessary to improve transparency and thoroughly disclose information about auction markets.

A major task that had remained from the time of the previous revision was deciding the minimum age at which puppies and kittens could be sold. Our recommendations were based on debating how long puppies and kittens need to stay with their mother in order to experience sufficient maternal love and attention and obtain the initial education they need from their mother. We gave this discussion a very high priority.

There was quite a diversity of opinion on the issue. The thinking on the animal industry side, including the pet retailers, was that the minimum age should be 45 days. At present, the industry is employing a self-regulated minimum age of 40 days and they believe 45 days is a figure they can aim at in the future.

Meanwhile, Dr. James Serpell, who was mentioned earlier by Professor Uchiyama, has published accurate data resting on a scientific foundation suggesting that seven weeks should be the minimum age for separating puppies and kittens from their mothers. Also, within the developed world, there are some countries and states that use eight weeks as the minimum age. I don't know the rationale behind settling on eight weeks, but perhaps it has been implemented on an experimental basis. This issue has been passed down to us named as "the eight weeks of age problem". As chair of the subcommittee, I felt that seven weeks of age was the best figure, because it was backed by a scientific rationale.

Another reason is that there are six or seven guide dog associations in Japan established as foundations, although the number of dogs managed by each is not particularly large. Guide dog associations entrust puppies to ordinary families (puppy workers) for a certain period. When the dogs are returned, they select those they consider to have the aptitude to be a guide dog and then train them up. In Japan, puppies are usually handed over to puppy workers at the age of 50 days. This is just over seven weeks of age. If a minimal legal limit of eight weeks of age were to be established, these associations would have to delay the time they hand over the puppies to the puppy workers.

In the National Diet, however, the Democratic Party of Japan is sticking with eight weeks of age, while the Komeito political party say that seven weeks is good, so I don't know how things will finally be decided. There is also a possibility that the minimum age may differ according to the breed of dog. The JKC recognizes approximately 150 breeds, and the development of puppies does differ according to the breed. It would be quite rough if we were to simply group all breeds together and employ a common standard to cover them all. I think the best way would be to tentatively decide on a general minimum age of seven weeks, then single out specific breeds for which a higher minimum age is required. After that, before the next revision of the law five years from now, we should acquire scientific data to provide a reason for raising the minimum age to eight weeks and then revisit this issue at the time of the next revision. To decide to establish a minimum age of eight weeks just because certain other countries have done so is not an appropriate way for a sovereign nation to determine legislation.

Regarding limitations on breeding dogs and cats, an opinion was raised that for protecting breeding dog health, stricter controls should be exercised over irresponsible breeders who currently use high breeding frequencies and short breeding intervals. On the other hand, another opinion was expressed that optimum breeding frequencies and intervals should differ according to the breed, because some breeds can breed more frequently without problem while others

cannot. So it is difficult to regulate breeding in a single uniform way. The subcommittee came to recognize that we should leave breeding regulations unchanged and treat it as an animal welfare issue. Accordingly we decided not to submit any concrete proposals regarding maximum breeding frequencies at this time.

Another issue on which we were unable to set numerical values was the standardization of rearing facilities. I will talk more about this later but, in order to guarantee the five freedoms for animals, it is important that animals can move about freely and be free from hunger and thirst. To this end, breeding facilities need to be set up in a way that matches the requirements of specific dog or cat breeds. We found this it difficult to make a scientifically based judgment on this issue. So in its report the subcommittee recommended that an expert committee comprised of specialists in ecology, etc., should discuss the issue. I expect that the MOE will establish such a committee.

Although the subcommittee was comprised of 16 members, these people came from a variety of other fields and most were not experts on the subject at issue. That is why our report recommended that a specialist committee be established as a future task.

Over the course of our work we examined a great many points. Firstly, we studied the addition of other kinds of business. We received insistent appeals from operators of animal carcass cremation and burial services who told us they wanted to be registered as animal handling businesses. Usually, businesses in most industries dislike being registered. My impression was that the reason why these operators also want to be registered as animal handling businesses is to be socially authorized. However, Article 2 (Fundamental Principle) of the Animal Welfare Act begins with the phrase, "In light of the fact that animals are living beings." With this in mind, the majority of subcommittee members took a negative stance on the issue, believing that such companies, although they do handle animal carcasses, are unsuitable to be classified as animal handling businesses.

The majority opinion was that it was more meaningful to discuss this issue as a hygiene issue than an animal handling business issue. On the other hand, some members did argue that if Japanese pet owners were asked if it would be acceptable to dispose of their dead pet's carcass in the same way as raw garbage, perhaps 90% of them would disagree. Obviously, people are emotionally attached to their pets in the same way that they are attached to human family members. They remain so even after their pets have died. This being the case, rather than handling the carcasses as raw garbage, the view was expressed that disposal should be regulated under the Animal Welfare Act and the companies performing this disposal should be accepted as animal handling businesses. While holders of this opinion were in the minority this time, the argument may be brought up again in future.

Also, the opinion was voiced that amphibians and fish should be added to the classes of animals covered by the Animal Welfare Act. Currently, the act applies only to mammals, birds and reptiles. Its scope does not extend to amphibians, fish or invertebrates. Under the current legal situation, if somebody were to tear a live frog limb from limb, they would not be liable to prosecution under the law. The subcommittee agreed that it would be natural to include amphibians and fish under the scope of the Animal Welfare Act but the majority opinion was that it would be premature to include these classes at present.

However, there is the problem of many cases in which amphibians and fish raised as pets are abandoned because their owners are no longer able to take care of them. As a result they live here and there in the wild as alien species. In particular, exotic freshwater fish proliferate in rivers and lakes across the country causing environmental problems. During the subcommittee meetings, the opinion was expressed that traders in live amphibians and fish should be controlled under the Animal Welfare Act in order to crack down on the situation. However, the majority opinion was that this issue should be discussed from the standpoint of biodiversity in Japan and the preservation of native species rather than from an animal welfare standpoint.

So it should not be an issue to which the Animal Welfare Act is applied.

The issue of whether the Animal Welfare Act should be extended to cover the raising of experimental animals was subject to a lively debate in which the pros and cons were hashed out. As I mentioned earlier, without more sufficient time to discuss such issues in depth, this subcommittee cannot solve the problems related to experimental animals and industrial animals. Our discussions remained bogged down on the pros and cons behind the issues.

Next, we talked about homes for old dogs and cats, which is another problem. It is younger women who most frequently say that they would worry about their pet, and would want a pet care service to take over after they die. So they make arrangements to transfer ownership of their animals while they are still alive. But the operators of these facilities ask for significant amounts of money, and their industry is expanding rapidly. The subcommittee concluded that such businesses should be subject to regulation as animal handling businesses.

Moreover, animal welfare organizations frequently handle live animals, as do organizations that find foster families for animals, and carry out other activities. But although these organizations handle animals, we agreed that they require a different response.

There are also vocational schools raising a large number of dogs and cats for educational purposes rather than for profit per se. If we include trimming schools, there must be over one hundred such places in Japan. We concluded that it is necessary to consider putting these vocational schools into the same framework as businesses from the perspective of how the animals are treated under their roof.

On the other hand, ways to ease restrictions were also on our agenda. Simply strengthening regulations may only result in local government personnel becoming too busy to the point of exhaustion. Of course, it would be wonderful if the local government departments

responsible for implementing the regulations could increase their staff numbers or budgets, but in the present financial climate, this would be difficult.

Accordingly, we believe that instead of pushing for uniform regulation across the board, it would be better to use more flexible strategies to deal with highly professional operations such as animal hospitals, zoos and aquariums.

However, for some species, there are some things that must be more strictly explained. When importing various species from overseas and selling them in Japan as pets, it is necessary to increase the traceability of each individual animal with a clearly stated 'country of origin'. Also, such animals sometimes need extra special attention.

There are some animals for which more detailed explanations are needed, but then again, does a species such as the Mongolian gerbil really need the same degree of detailed explanation as a dog? Accordingly, explanations that differ according to the species or breed are required.

Another item on the subcommittee's agenda was the increasing of penalties. Although penalties for various offenses under the act had already been raised during the previous revision, nobody was opposed to further increases. In the old days, regardless of how bad the animal abuse case, the maximum fine was 50,000 yen. This was the same level of penalty as a minor offense such as urinating in the street.

Under the previous revision, the maximum fine for abusing an animal was increased to 1 million yen and, in addition, prison terms were introduced. However, within the Invasive Alien Species Act, which is under MOE jurisdiction, the penalties for some offenses can carry prison terms of up to three years and fines of up to 3 million yen for individuals (or 100 million yen in the case of corporations).

It is noteworthy that more severe penalties were instituted when the Food Sanitation Act was revised

recently. So I think it is possible that the penalties for animal abuse will also be increased. In reality, a balance should be maintained between the penalties imposed under different laws. From the standpoints of both ordinary and legal commonsense, penalties related to animal welfare offenses should not be markedly different or unreasonably low. While we were unsure of what result might be achievable, the subcommittee did agree that the penalties for these offenses should be increased.

It is difficult to apply such legislation to the handling of experimental animals or industrial animals. At the previous revision, it was decided to adhere to the '3Rs' of 'replacement, reduction and refinement', thereby reducing the number of experiments that need to employ animals. Instead alternative methods should be used. Major pharmaceutical makers and the cosmetics industry practice the 3Rs by installing councils to oversee the policy. At universities, there are medical and agricultural departments that have installed councils. However, liberal arts faculties also occasionally perform animal tests and some of these departments have not installed appropriate councils.

In addition, some food makers perform animal tests, but it is difficult to grasp the extent. So on the subcommittee, opinions were expressed that it would be good to introduce a notification or registration system.

In Japan the welfare of experimental animals is carried out under a system of voluntary controls. But in many other countries their welfare is evaluated by external inspectors, etc. Among the subcommittee members two opposing opinions were voiced. The first was that, as there have been requests from universities and research institutions that conduct animal experiments but which make efforts to observe the 3Rs, so we should respect their efforts and maintain a wait and see attitude, at least for the time being. The other opinion was that, whatever these institutions may say, it is generally doubtful whether fairness can be guaranteed by voluntary controls alone, and animal experimentation cannot be treated as an exception. So this issue will be

discussed again in the future.

Concerning industrial animals, there was an opinion that the five freedoms should be more clearly stated. However, the subcommittee concluded that, since the five freedoms apply not only to industrial animals but to all animals kept by humans, it would be more appropriate to clearly state the five freedoms as a philosophy applied to animals as a whole.

With that, I complete my summary of the subcommittee's discussions on eight major tasks applicable to the revision of the Animal Welfare Act.

Thank you very much for listening.

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【Slide 1】

動物愛護管理法の改正の効果(平成22年時点)

- **動物取扱業の規制対象業種の拡大**
改正動物愛護管理法によって動物取扱業の登録施設数が**約1.7倍に増加した**
(平成17年度末:19,893 → 平成21年4月1日:36,101)
- **実験動物の適正な取扱いの推進**
国内の実験動物を取り扱う施設に対して、「実験動物の飼養並びに苦痛の軽減に関する基準」等の遵守状況について実態を把握するため、アンケート調査を実施された。
- **産業動物の適正な取扱いの推進**
環境省において「産業動物の飼養及び保管に関する基準」(昭和62年10月9日総理府告示第22号)の見直しについて検討された。

【Slide 5】

中央環境審議会動物愛護部会(第26回)が、**平成22年7月15日(木)**に、環境省第一会議室において開催され、(1)動物愛護管理基本指針の点検 報告のあと、**(2)小委員会が設置された。**

The Subcommittee to study the welfare and management of animals was set up under the Animal Welfare Working Group of Japan's Ministry of the Environment's Central Environmental Council on **July 15th, 2010.**

【Slide 2】

答申1:動物取扱業の適正化

- **深夜販売を禁止。**夜8時以降の幼齢動物(イヌ・ネコ)の展示販売を禁止。
- **展示販売時間の総量を規制。**十分な休息時間をとることが必要。動物へのストレスを軽減するためには、購入者の利便性を制約することは許容される。
- **移動販売は、動物の健康と安全に支障をきたす場合には、なんらかの規制が必要。**
- **インターネット販売は、対面販売や現物確認の義務化が必要。**
- **オークションは、市場の公開等の透明性を確保。**

【Slide 6】

動物愛護管理のあり方検討小委員会は 25回の検討を重ねた

The subcommittee met 25 times between August 2010 and December 2011.

すなわち、第1回の平成22年8月から、最終回(第25)回の平成23年12月まで、**17カ月間に25回開催。**2時間の開催時間も、途中から2.5時間に延長

【Slide 3】

答申2:犬猫の幼齢動物の販売日齢

- この課題は、前回の法改正から宿題となっていたものである。
したがって、**検討の優先順位は高い。**
- 今回、具体的な数値を答申した。
45日齢、7週齢、8週齢の三案。
(民主党は8週齢、公明党は7週齢を支持)

【Slide 7】

動物愛護管理法の認知度(平成22年度時点)

- 現時点の「動物愛護管理法」の認知度は約67% ※。法律の内容まで知っている人の比率は約24%にとどまっていた。
- 犬猫の不妊・去勢措置の実施率は、犬で約42%、**猫で約83%**であった。
- 動物ID普及推進会議(AIPO)へのマイクロチップの登録数が、**約33万件に増加**(H18年度末:6万件)。

※環境省による一般市民を対象としたアンケート調査(平成21年度に実施)、インターネットによる無作為抽出調査。サンプル数2,505

【Slide 4】

答申3:イヌ・ネコの繁殖制限

繁殖を業とする事業者に対する規制。
母体を健全に守るために、繁殖回数および繁殖間隔の規制が必要である。
一方、品種の違いによって一律の規制が困難であるという意見もある。

答申4:飼育施設の適正化

動物種や品種に合わせた飼育施設が必要。
数値基準は、可能な限り、**科学的根拠に基づく必要。**
専門家で構成される委員会でも論議すべき。

【Slide 8】

答申5:業種追加の検討

- 動物の死体火葬・埋葬業
動物が命あるものという定義からみて、現状では**否定的意見が大勢**。
- 両生類・魚類販売業者
時期尚早との意見が大勢。
- 実験動物生産業者については、**賛否両論を併記**。
- 老犬・老猫ホームは、**登録が必要**。
- 動物愛護団体は、**他とは異なる対応が必要**。
- 専門学校等の教育目的の団体は、なんらかの形で**枠組みに入れる**ことを検討。

【Slide 9】



答申6:緩和すべき事項

- 年1回の研修は、動物病院や動物園・水族館など専門性の高い業種については、ある程度の工夫が必要。
- 動物種によっては、さらに厳格な説明すべき項目がある半面、少ない説明で十分な場合があるとの意見があり、きめ細やかな説明項目の設定を検討する。

【Slide 10】

答申7:罰則の引き上げ

前回の改正でも罰則を引き上げたが、

- **環境省で所管している外来生物法**では、個人懲役3年、罰則300万、法人1億円。
- 他の法律、たとえば食品衛生法も改正時に**厳しい罰則を定めた**という経緯がある。
- 動愛法も、再度引き上げることが必要。

【Slide 11】

答申8:実験動物と産業動物の福祉

- 前回の法改正で3Rを導入した結果、大学、製薬メーカー、化粧品業界などは、協議会を設けて**3Rを遵守している**。
- しかし大学でも様々な学部があり、食品メーカーなどでも実験動物を用いているところがあり、全体が把握できていない状況がある。
- 届出制、あるいは登録制を導入するか、それ以外の何らかの仕組みをつくるのか、今後の検討が必要。
- 「**五つの自由**」の概念を、産業動物に限定せず、動物全体に対する理念として明記する。

【Slide 12】