of the Pharmaceutical and Food Safety Bureau engages in the issues of greater importance and political significance[9].

There are three Divisions within the Department. Policy Planning and Communication Division supervises the overall coordination (including budget and personnel) of the Department as well as risk communication. The Division holds the Office of Quarantine Station Affairs, which deals with the management of the Quarantine Stations nationwide, and the Office of International Food Affairs, which deals with the issues related to WHO/FAO Codex Alimentarius. Standards and Evaluation Division supervises the setting and amendment of specifications and standards under FSL. The Division holds the Office of Health Policy on Newly Developed Foods, which mainly deals with the issues of so-called "health foods" such as dietary supplements. Inspection and Safety Division supervises the actual implementation of the FSL for both domestic distribution and imports. The Division holds the Office of Imported Foods Safety and the Office of Food Poisoning Outbreak Information Management.

Second groups of organizations are the Regional Bureaus of Health and Welfare, branch offices of MHLW. In terms of the food safety administration, that office is responsible for the issues that should be handled inter-regionally to achieve efficiency. To be more precise, they supervise the Registered Laboratories[10] and HACCP facilities[11].

Third groups of organizations are the various national institutes for health policy. National Institute of Health Sciences conducts testing, research, and studies toward the proper evaluation of the quality, safety, and efficacy of foods, pharmaceutical products, and the numerous chemicals in the living environment. National Institute of Infectious Diseases aims at carrying out extensive and original research projects on a variety of contagious diseases from the standpoint of preventive medicine, improving human health and welfare by suppressing infectious diseases, and clarifying and supporting the scientific background of health and medical administration of the

[9] Working experience of the author at the Department (From September 2002 to August 2003, and from April 2006 to August 2006.)

[10] By several articles of FSL, the food-related businesses are required by the relevant authorities (national or prefectural government) to conduct a third-party inspection to prove that the concerned food stuffs are in line with the specifications and standards of the FSL and its Administrative Ordinances. To secure the quality and neutrality of such inspection, the laboratories that conduct those inspections must meet some standards, that are also prescribed by the FSL. The laboratories need to register to the Regional Bureau of location to conduct such inspection under FSL.

[11] HACCP (Hazard Analysis and Critical Control Polint) method has been incorporated to various food processing facilities in Japan. The government promotes the application of such method by preparing financial and tax incentive to the business operator. By introducing the Comprehensive Sanitary Management and Manufacturing Process, the business operator can voluntarily apply for the approval of the MHLW to obtain the privileged the "HACCP facility" status. The status is renewed in every three years to ensure proper enforcement.

government. And National Institute of Public Health carries out education and training of the personnel engaging in the works of public health (including food safety), environmental hygiene and social welfare, and conducts research in these areas.

Fourth groups of organizations are the Quarantine stations. They are conducting the quarantine for foods according to FSL, human quarantine under the Infectious Disease Control Law and port sanitation. Thirteen main offices are located at the major seaports as well as two major international airports (Narita and Kansai) (See Chart 1-8 for the statistics on imported foods inspection). (See Chart 1-8)

1.2.2.2. Implementation of FSL by local governments

As described, much of the FSL for domestic food production and consumption are implemented by the local governments. In Chart 1-7, as indicated by the asterisk mark memo, the figure "136" is composed of 47 Prefectural Governments, 66 Cities with Public Health Centers, and 23 Special Wards in Tokyo metropolitan area, which has equivalent authority for the implementation of FSL.

The largest unit of local government under Japanese system is the prefectures. There are 47 prefectures in Japan, whose population varies from 0.59 million (Tottori) to about 13 million (Tokyo). According to the Community Health Law, prefectures must settle the Public Health Center. The Community Health Law also prescribes that the twelve Government-Decreed cities (large metropolitan cities other than Tokyo such as Yokohama or Osaka), forty-one[12] Central Cities (cities with more than 0.3 million population; many of them are the capital of the small or mid-size prefectures), and other cities designated by the Cabinet Ordinance authorized by the Community Health Law, must also open its own Public Health Center. Public Health Center conducts various public health activities, such as maternity and child health, mental health, environmental sanitation, etc.. Among them, food safety stipulated by the FSL is included. Basically food sanitation inspectors hired by the local government engage in those businesses. As of the end of Fiscal Year 2008, there are 7,729 food sanitation inspectors throughout the country (see 1.2.1.2. for their role and qualification), and over 3.5 million times of on-site inspection has been conducted in FY 2008. 6,400 counts of administrative sanctions, including the abolishment or suspension of approval for business (see 1.2.1.3.) has been enforced within that FY 2009. (See Chart 1-9)

1.3. Relationship with Codex Alimentarius Commission

Japan has been actively participating into the Codex Alimentarius Commission activities since 1966, three years after its inauguration in 1963. As a member of WTO SPS/TBT Agreement, we are obliged to follow the Codex standard by matching the domestic food regulation. To reflect

[12] As of July 14th, 2011.

the standpoint and concerns of the Japanese citizens, the relevant Ministries (MHLW, MAFF, CAA, etc.) have been not only closely watching the development of discussion but also stating the interest of the country when necessary by sending the officials who are mainly engaged in the Codex-related issues.

To provide the information about the development of discussion at various meetings of Codex and the standpoint of the Japanese government, as well as to hear the opinions about the issues to be discussed at coming Codex meetings, the MHLW and MAFF jointly establish the "Codex Liaison and Consultation Committee". The members of such Committee are composed of representatives of consumer groups, food industry, and academics with relevant expertise. The meeting is held three to six times per year, is open to public, and its minutes and distributed materials are available on the website of the MHLW and MAFF.

2. Stakeholders

2.1. Identifying "stakeholders" of food safety policy

There are numerous numbers of groups within a society of freedom of association, and it is difficult to identify who are the "stakeholders", especially the "stakeholders" of significance to point out. To establish the list of the stakeholders of the Japanese food safety, the author has employed the following measure;

1) Pick up the names of the association from the FSC website who attended either "opinion exchange meeting" or "discussion meeting with concerned associations"[13]

[13] The associations that were invited to the "discussion meeting with concerned associations" (more extensive, face-to-face meeting with the FSC members) are as follows;

Consumers Japan (SHODANREN): includes S*HODANREN, NISHOREN (Consumers Union of Japan), Household Nutrition Study Group, Japanese Consumers' Cooperative Union, Forum for Peace, Human Rights and Environment (Peace Forum), Tokyo Regional Women's Organization, Tokyo Consumer Groups Communication Center, SHUFUREN (Housewives Association)*, among others.

Consumption Science Federation

Nippon Association of Consumer Specialists

Japanese Consumers' Cooperative Union

Japan Fisheries Association

Japan Food Industry Center

Japan Food Service Association

International Life Science Institute

Japan Perfumery and Flavoring Association

from FY 2003 to FY 2010. Selected only from those who were invited by FSC, i.e., those who attended as a general audience and raised the opinion are not included. Only the meetings which could have traced from the FSC website were examined. Those who attended the meeting under the title of a commercial company's name, or other title who could not be regarded as representing any association are not included.

2) Add the names of the groups whose representative(s) is a member of a following governmental councils:

Expert Committee on Planning, Risk Communication and Emergency Response, FSC

Subcommittee on Food Sanitation, Pharmaceutical Affairs and Food Sanitation Council, MHLW

The Council for Food, Agriculture and Rural Area Policies, MAFF

3) List the name of the national-level association(s) if only the name(s) of the regional branch is found.
4) Sort out the names of the association by category.
5) Translate the name into English. When the association has its own website and the website shows its name in English, such name is employed If not, the author has put the original translation.
6) Divide the list to "National" groups and "Regional" groups.
7) Consult with relevant experts of food safety policy for refinement.

Please see Chart 2-1 for the list of the stakeholders.

One issue that should be stressed here is the characteristics of COOPs (cooperative unions) in Japan. Kurimoto (2005) points out that as many of the Japanese COOPs were established in 1960s based on the cooperative purchase groups of the housewives who had concerns for the safety of food and were actively participating in the consumer movements in those days, COOPs take on the character of consumer groups. Such character shows stark contrast with their European counterparts, who historically possess close connection with the labor unions, and are largely regarded as the industry organizations therefore are not in coalition with the consumer movements. Shougenji (2010) claims that the Japanese COOPs have multiple characters of the

Japan Flavor and Fragrance Materials Association

Japan Crop Protection Association

Other than the above, several associations listed in Chart 2-1 (for example, the associations concerning health foods) had the discussion meeting with FSC jointly as a group with the other associations of relative industry.

consumers, food retailers, as well as food processing industry, and such multiple characters has contributed to establish their unique position within the food system in Japan. (See Column 2 for their political activities and influences for the establishment of Food Safety Basic Law and the Food Safety Commission.)

2.2. General public as "stakeholders"

People are concerned about the safety of what they eat in their daily lives; those everyday citizens are, and should be, the primary "stakeholder" for the food safety policy. But for most of the lay people who live their busy days, issues of food safety is only one of the many concerns. They do not, and can not spare much time and effort to understand the risk of food correctly by actively gathering information, nor do they study aggressively about the science by pulling-out the encyclopedia. However, the importance of proper understanding, judgment, and action against the food to avoid/minimize the risk supported by the appropriate distinction of information is hardly denied. Especially in the era of Internet where people could be easily lost by the overflowing of the mixture of true and false information, enhancing appropriate information sharing among the general public is strongly desired. Sometimes public opinions are established with shallow and fragmented, if not incorrect, understanding of the risks and the sciences associated with them, and that might guide the food safety policies to non-optimal ones. To incur the interest of such general public and guide them to appropriate understanding, the role of the transmitter of information, including mass media who are easily reached by those people, is quite important.

The Department of Food Safety of the MHLW held dialogue meetings with representatives of mass media, consumer groups, scholars of various expertise, practitioners of risk communication at local government, etc., and compiled a report for reference of anyone who handles food safety information in 2009. In their final report, various issues are pointed out, including the instruction to the government upon the dissemination of information, characteristics of mass media and attitudes toward them, tendency in recognition of risk by lay consumers, importance of mutual trust between the consumers and authorities who handles the information, and importance of continuous risk communication, among others.

In case of food safety policy, anyone holds some "stake". As indicated in Column 2 for the 2003 food safety reform, the voices of the general public indicated by the accumulated signs of people gathered by the consumer groups could be built up into the massive momentum for the reform. However, the method for participating policy making for general public is not confined to such special occasions; they could show their preference and judgment against the risks of food safety through their daily consumption of foods at shops and supermarkets. Their actions and behaviors are influential to the politicians, bureaucrats and food industry for their decisions, once

indicated in some way such as by newspaper articles or reports. Taking into account the importance of the behavior of consumers in their daily life, the responsibility of the government, mass media, as well as the academic society who are influential to the public should always be reminded. They should regard the general public as another important "stakeholder"; they need be provided with candid, correct, and subjective information in plain, focused yet reliable manner so as to become confident and understanding. (See also 3.3. for the importance of consumer education.)

3. Current Issues (Opportunities and Challenges for the Japanese food safety policy)

3.1. Changing environment surrounding food and eating in Japan and its influence on food safety

Sakai (2008) explains that modern food and eating in Japan has been, and is influenced by the three factors; social, economic, and environment factors.

Social Factors. Historically, Japanese food customs and eating habits have been established with responding to the changes in ingredients and cooking methods, and/or in living environment and regional customs and traditions. Such customs and habits embody in some way the perceptions and methods of securing food safety.

In today's urbanized society, people gather at the metropolitan area to seek for convenient and cultural life and job opportunities, which increases food retailers of massive size to accommodate with the consumption in those densely populated areas. In addition, due to the trend for nuclear family and the increase of married couples of dual income, the time spent for household work, including cooking, is decreasing. This enhances the usage of the processed, ready-to-eat food or half-processed food prepared at giant food factories. Nuclear family weakens the generational ties within the family, which leads to the loss of traditional wisdom for food safety such as hygienic treatment of raw meat or fish that were formerly educated from grandparents and parents to daughters/sons trans-generationally.

The aging of population, currently about one in every four people are over 65 in Japan, further enhances the use of ready-to-eat food as more elderly are living longer life with more frailty, alone after the bereavement with their spouse. Sakai and Kaminogawa points out that under such situation with massive food supply and retail, because of the tendency that the efficiency and reduction of the cost is more evaluated, the risk for insufficient food safety management process would be higher that might become the cause of food poisoning outbreak.

Economic Factors. Due to the increase of population and enhanced living status backed by the economic growth, the demand for food in developing countries is increasing, especially

the demand for livestock. This leads to the massive consumptions for feeding stuff. In addition, the demand for grains is skyrocketing for the production of bioenergy. All of these trends would affect the supply of the imported foods in Japan. Today, about mere 40% (calorie base) is self-sufficient in Japan. Careful attention must be paid to the safety of the imported foods as well as the quantity and the quality. People's attention to the safety of the imported foods is significant, as those substances such as pathogenic bacteria, antibacterial substances, or the residuals of the food additives or pesticides that are not permitted for use in Japan but are sometimes found at the border. Consumers' concern for such substances shows stark contrast with the people's lack of awaness to the food sanitation in their daily life.

Environment Factors. In the past, due to the economic growth by massive production without enough attention paid to the environment, public environmental pollutions were the cause of major food safety problems. With the reflection of such failures, Japan has been coping with the problems of such pollution by introducing and strengthening control and regulation.

The triune framework explained in Chapter 1 need to accommodate with those three changes in food and eating in modern Japan. Eating more food cooked outside of the house with more imported ingredients would make the food production process more invisible for today's ordinary urban consumers, which would lead to more concern and anxiety for the safety of the foodstuff in front of them. Such concern and anxiety might be amplified by the occasional reports of violation of food safety regulation found in the imported foods.

By the separation of risk assessment body and risk management body, transparency of the decision making process for food safety policy has increased. People may be able to access to the disclosed information more easily than in the past, but because of the complexity of the science and little time that could be spent for analyzing governmental data for laypeople, the need for the enhancement not only of the literacy of the consumers for food safety but also of the understandability and credibility of the risk communication should be seriously pursued

3.2. Enhancement of Regulatory Science in Food Safety Policy

It is needless to say that to cope with current health risks caused by the food, enforced measures should be based with modern scientific evidences. Regulatory science in the area of food safety supports the establishment of such scientific evidences. Currently, both MAFF and MHLW provides funding for the research of regulatory science to support their risk management function, and the FSC conducts the technological research on the assessment of the effects of food for health.

However, as Niiyama (2010) points out, the recognition of the regulatory science as a category

of science in general and its application is still not well proliferated both within the academia and at the government . Because of the insufficient evaluation for the regulatory science, both the education opportunities to nurture the specialists to become the researcher or government official and the budget allocation for that area, are not at the satisfactory level in Japan.

Regulatory science supports the establishment of scientific evidences by introducing the mission-driven research and development method, rather than the methods of traditional sciences that are relatively endogenously driven by the substance and technology itself. Regulatory sciences applied to the food safety area extend its area from natural science to humanities and social science, and collaboration among the researchers of various backgrounds is essential to achieve mission-oriented research and development in a practical manner. It is expected that the importance of such regulatory science should be more widely recognized and properly evaluated within the Japanese academia and the government, and more resources would be allocated to that area, even under the difficult budget constraint that the Japanese government is facing currently.

3.3. Enhancement of proper understanding of consumers for health risks caused by food

Karaki (2010) points out that in modern Japan, the two sayings concerning food safety would invite the misunderstanding of the consumers. One is the saying that "the security of the food in Japan is protected". Food safety in Japan is well-protected in terms of artificial chemicals or new technologies such as food additives, pesticides or GMOs. However, foodstuff itself might become the source of health risk by food poisoning, overeating and misbalanced nourishment, or even by the natural chemicals contained in natural foodstuff such as vegetables or fruits. Handling of those non-artificial, traditional risks relies partially to the individual consumers, and sometimes the management for such health risk by today's consumers is inappropriate. This leads to the another saying that "there is no food without risk".

These sayings sound contradictory, but Karaki maintains that there lies the major problem of modern Japan regarding food safety. Consumers would concern for the safety of artificial chemicals and new technologies that are well managed and whose safety is secured, while they tend to be negligent for the effort to choose hygienic and nutritionally appropriate food, which lead to the bad condition for their health.

To overcome such situation, as Karaki points out, it is important for the consumers to be provided with proper scientific education as well as their literacy for the media to accept critically, as sometimes the media doesn't understand the relationship between the quantity of the substances and its functions. With candid and open-minded disclosure of information as a bottom-line, risk communication conducted by relevant authorities should be designed to educate the consumers proper knowledge and cautiousness toward food and eating.

3.4. Measures against nuclear power plant incidents in Fukushima by the Great East Japan Earthquake

On 2011 March 11, 9.0-magnitude earthquake hit the northeast coast of Honshu Island. Due to the earthquake and tsunami, the Tokyo Electric Power Company's Fukushima Daiichi Nuclear Power Plant had several accidents. Higher level of radiation was detected in the neighborhood of the Power Plant. Responding to such accidents, the related governmental agencies related to food safety such as MHLW, MAFF, FSCJ, or CAA has taken various measures, together with the Nuclear Emergency Response Headquarter (NERH) (chaired by the Prime Minister).

As the situation is still ongoing and it is too early to make any form of evaluation at this moment, here we will only describe about the measures taken by the government until January, 2012, in a subjective manner.

3.4.1. Setting the regulation values for radioactive materials

Following the accident happened in the power plant, the MHLW set up the provisional regulation values under Food Sanitation Act by referring the "Indices relating to limits on food and drink ingestion" indicated by the Nuclear Safety Commission of Japan on March 17th. The local governments who are responsible for the domestic food safety were notified on the same day. (See Chart 3-1 for the provisional regulation values)

As the values were only provisional, the MHLW requested the Food Safety Council of Japan (FSCJ) to make an assessment on the effect of the radioactive Nuclides in Foods to the health of the human on March 20th. On March 29th, the FSCJ concluded their "Emergency Report on Radioactive Nuclides in Foods", and notified it back to the MHLW. In the Emergency Report, regarding radioactive iodine (iodine-131), the FSCJ concluded that "the thyroid equivalent dose of 50 mSv per year", which was applied by the MHLW as the provisional regulation value, "was concluded, at the present situation, to be sufficiently safe for prevention of radiation exposure from food." For Radioactive Cesium (Cesium-134, -137), the FSCJ concluded that "the annual effective dose of 5 mSv", which was applied by the MHLW as the provisional regulation value, "was considered as highly conservative in terms of preventing radiation exposure caused by food and securing human health". Based on such conclusion of the FSCJ, the Food Sanitation Commission of the Pharmaceutical Affairs and Food Sanitation Council, a consultative body of MHLW, announced its remarks that, under the present situation, the provisional regulation values set based on the Food Sanitation Act should be maintained on April 4th.

Starting from April 21st, the FSCJ established their "Working Group for an assessment of the effect of radioactive nuclides in food on health" for further discussion. They have held 9

meetings, and on July 26th, they have compiled their draft assessments and conclusions on radioactive materials in food. The FSCJ accepted such draft, and made it advanced to the public comments (July 29th to August 28th).

On October 27th, 2011, the FSCJ made their final Risk Assessment Report on Radioactive Nuclides in Foods[14]. The FSCJ concluded that more than around 100mSv of the extra cumulative effective dose: cumulative effective doses of radiation during lifetime, could increase health risk. The amount does not include radiation from natural environment and medical exposure. They also concluded that during childhood, susceptibility to radiation posing a possibility to develop thyroid cancer and leukemia may be higher than adult, and health effects from the extra cumulative exposure below 100 mSv are difficult to be verified based on the current available knowledge. They stated that the "Around 100mSv" is "a rough value", and "is not a threshold", indicating that "health effects from extra cumulative exposure below 100mSv are difficult to be verified based on the current available knowledge". They therefore mentioned that "even if people are exposed to more than "around 100mSv" of the extra cumulative exposure, it will not necessarily mean they will have adverse health effect" and "(around 100mSV during lifetime for extra cumulative effective dose) is the value which the risk management ministries have to consider for appropriate management".

After receiving the Report from the FSCJ, on October 28th, 2011, the Minister for Health, Labour and Welfare stated at a conference of relevant Ministers that she will propose 1mSv per year for the "intervention exemption level", which is lower than the provisional regulation value (5mSv per year) . According to the released announcement, Ms. Yoko Komiyama, the Minister, stated that her proposal to set "1mSv per year for the "intervention exemption level"" was based upon the two reasons; (1) the Codex Alimentarius Commission sets the "1mSv in a year" as an "intervention exemption level" for setting their standard (Codex Standard 193-1995), and (2) according to the results of the monitoring (see 3.4.3.), detected density of the ^{134}Cs and ^{137}Cs has decreased to a respectable degree in most of the foods. She also stated that the judgment was made with listening t the opinions of many experts, while paying attention to the majority of the voices of the public. With such intention, the Minister requested to the Pharmaceutical Affairs and Food Sanitation Council, an advisory committee of the Minister of Health, Labour and Welfare, to set up the regulation value. The Subcommittee on Measures against Radioactive Materials handled the issue. Focal points to be considered were the (1) effect to the children, (2) category of foods to which different regulation values are applied, and (3) treatment of radioactive materials other than radioactive cesium.

The Subcommittee proposed on December 22nd, 2011, that the regulation values should be

[14] See the FSCJ website for English abstract of their Risk Assessment Report on Radioactive Nuclides in Foods. (http://www.fsc.go.jp/english/emerg/abstract_risk_assessment_report.pdf)

10mSv per year for drinking water, 50 mSv per year for milk and infant foods, and 100 mSv per year for other foods (See Charts 3-2). As of January 19th, 2012, they are in the process of public comment, WTO notification, and consultation to the Radiation Council under the Ministry of Education, Culture, Sports, Science and Technology, while the relevant governmental agencies (FSCJ, MHLW, MAFF) are conducting the risk communication. The final regulation is supposed to be issued on March, 2012 and will be enforced in April.

3.4.2 "Guidelines" on inspection plans and shipment restrictions

On April 4th, 2011, the NERH completed "Guidelines on inspection plans and the implementation and lifting of shipment restrictions". Basically the "Guidelines" prescribes two issues; "restriction of shipment and consumption" enforced by the national government, and the "inspection plans" conducted by the prefectural governments[15].

Under the Food Sanitation Law that stipulates the (provisional) regulation value, the local government can only order the particular farm(s) not to ship the contaminated food(s); under the Law they are not authorized to designate particular area that all the farm(s) in that area are not allowed to ship such food(s). The NERH's "Guidelines" were issued under the authority of the Law on Special Measures Concerning Nuclear Emergency Preparedness to restrict the shipping of certain items when the particular item(s) is found widely in a region to be in radiation levels that exceed the provisional regulation values as set in the Food Sanitation Law. The Government exercised such measure because such restriction would prevent the harmful rumor to the particular item(s) produced in other areas, or other items produced in that area[16].

The "Guidelines" also stipulate about the restriction of consumption of certain items. Such restriction is enforced if and when, for example, an extremely high-level concentration of radioactive materials is detected in produce. Under such circumstance, not only the restriction of shipping but the restriction of self-consumption by the producers of the food is enforced.

Restriction of shipping and consumption are frequently updated reflecting the most current situation of the producing areas. They could be found in MHLW webiste (http://www.mhlw.go.jp/english/topics/2011eq/index.html).

3.4.3 Inspections conducted by the local governments

[15] Following the Guidelines, the MHLW issued the "Inspection plans of the local governments", an administrative guidance for the food safety offices of the prefectural governments for their inspection activities according to the Food Sanitation Law.

[16] For the same purpose, the agricultural cooperatives and prefectural governments sometimes ask producers voluntarily to refrain from shipping agricultural products with radiation levels above the provisional regulation values before the restriction by the national government.

The prefectural governments have conducted the inspection of the radioactive materials in food following the "Guidelines".

In the August 4th, 2011 version of the "Guidelines", the prefectures that are asked to conduct the inspection are as follows; Fukushima, Ibaraki, Tochigi, Gunma, Chiba, Kanagawa, Miyagi, Iwate, Aomori, Akita, Yamagata, Niigata, Nagano, Saitama, Tokyo, Yamanashi, Shizuoka. The "Guidelines" indicate that other local governments may be asked to conduct inspection upon necessity.

As of August 4th, 2011, the items that are the subject of the inspection are as listed in Chart 3-3.

As of January 19th, 2012, the August 4th version of the "Guidelines" is the latest.

The inspection will be conducted region by region, which are composed of multiple municipalities. Such division of regions is decided by the prefecture governments to grasp the geographical spread, with taking into account the practices of production (or unloading, in case of fishery products) and labeling of origin.

Inspections should be conducted in multiple municipalities in the targeted region. Inspection in the municipalities where the radioactive materials have been found in the produced foods should be prioritized. Results of inspection of the cesium concentration in the soil, as well as the results of environmental monitoring should also be taken into account upon deciding the target of inspections.

Inspections should be conducted regularly (about once a week on specified days in principle). For the products whose shipping date is fixed, inspections should be conducted at the early stage of shipping (3 days or less from the day of shipping); for other products, the inspection should be conducted regularly.

Results of the inspections are regularly updated in MHLW homepage (http://www.mhlw.go.jp/english/topics/2011eq/index.html).

Column 1: Problems of the responses made by the government for BSE incidents

(Report by the Joint Commission to review and analyze BSE incidents in 2002)

(See Column 2 for the political background of the debate)

The Report by the Joint Commission first reviews thoroughly the activities of MAFF and MHLW since the first occurrence of BSE in Great Britain in 1986. After the extensive review, the Joint Commission extracts seven problems and points of improvement related to the BSE incidents.

(1) Lack of crisis consciousness and framework for crisis management;

(2) Government administration who prioritizes the producers and disregards the protection of the consumers;

(3) Administrative organization whose decision making process is not transparent;

(4) Insufficient coordination between MAFF and MHLW;

(5) Government Administration who does not reflect the view of the experts appropriately;

(6) Not thorough information disclosure and insufficient understanding of the consumer; and

(7) Several problems in the Laws and institutions and need for reform.

The report then goes on to say that these problems are not only confined to the responses against BSE but are observed in common in food safety administration in general, and stress the necessity for overall modification of food safety system to incorporate the risk analysis method. Finally, the report proposes various points to reform the food safety administration, including the establishment of the Food Safety Commission and the Food Safety Basic Law.

Column 2　Major reform of food-safety related Laws in 2003; its political landscape

By the first discovery of BSE-infected cattle in September 2001, people's concern for the safety of the beef skyrocketed. This incident ignited the anxiety of the entire food supply for its safety, and the brunt of the public outcry targeted the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Health, Labour and Welfare (MHLW) for their mishandling of the BSE incidents. The two Ministries jointly set up the independent Joint Commission in November of that year to review their conducts not only to BSE but also to food safety policy in general, and the Commission concluded their report in April 2002. The report clearly criticized the two Ministries for their misbehavior, stated that the food safety policy should prioritize the security of the consumer first of all rather than the interest of the producers and the food industry, and proposed the introduction of risk analysis method for food security policy by introducing new governmental agency to deal with risk assessment apart from the two Ministries that handle risk management.

Under Parliamentary Cabinet System where "the Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State" (article 41 of the Japanese Constitution) and "the Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet" (article 67 of the Japanese Constitution), the Ministers, who are appointed by the Prime Minister, need to obtain consent of the majority of the Diet to formulate and implement the policies, especially policies of great significance such as to change the direction and governmental framework. Until September 2009, the Liberal Democratic Party (LDP) has mostly been the ruling party for more than 50 years. The LDP has directed the Cabinet (Government) to obtain consent of the LDP before submitting the bill to the Diet, and the LDP would hold the authority of modifying the bill. Although the direction by the LDP was in the form of asking for the understanding of the Government, such "pre-approval" system became conventional, and has constituted a basis of the Japanese political system. LDP has within themselves subcommittees to match the subjects, in most cases that matches with each Ministry; and the bills that the Government was preparing must be discussed at each subcommittee and be approved.

In case of 2003 food safety reform, the LDP set up a "Special Subcommittee for Food Safety" in March, 2002, and begun discussion about the food safety policy change in parallel with the governmental debate by the Joint Commission. The Special Subcommittee was composed of politicians who were 1) influential to MAFF, 2) influential to MHLW, and 3) others. In addition to the Special Subcommittee, the Health, Labour and Welfare Subcommittee set up a Working Group to discuss about the food sanitation policy reform, including the reform of the Food Sanitation Law. The WG's proposal was presented in middle May of that year. As the proposal was quite extensive and complete so as to cover almost all issues related food sanitation policy, the Special

Subcommittee used the report as the basis of its own report, which was assembled in about a week later.

Thus, by the end of May 2002, both the Government and the ruling LDP had prepared its own proposal for food safety reform respectively. The content of those proposals were quite close; which means that the LDP has given consent to the framework of the governmental reform. Therefore it was easy that the Cabinet would make its decision to submit the major reform bills to the existing food safety related laws at the Ordinary Session of the Diet, which would start in January, 2003. Such coordination was realized by the extensive co-work of the politicians and government bureaucrats, backed by the influential lobbying of the stakeholders, such as the Japanese Consumers' Co-Operative Union. Starting from 1999, JCCU gathered about 14 million signs of the consumers supporting for the petition that asks for the major overhaul of the food safety policies. Signatures of 14 million people are hardly negligible. It was incredible that the petitions were submitted by the politicians of both Houses from LDP conservatives to left-wing Socialists or Communists. The LDP politicians, especially those who have been interested in health policy and were influential to MHLW, were quite keen on the trend of the consumers attitudes toward food safety, and were tactical so as to embrace the JCCU as their supporting vehicle to move on the food safety reform, which sometimes had faced serious opposition of the producer-oriented politicians backed the agricultural, fisheries or food industry lobbyists.

By the September 2009 regime change, currently the Democratic Party of Japan (DPJ) is the party in power. They criticized LDP's decision making way as secretive and inviting collusion between the "bosses" in each LDP subcommittee and government bureaucrats, so at first they try to abolish such "subcommittee pre-approval" system, and would like to give back the authority to submit the bill to the Diet by each Minister and his politically-appointed Vice Ministers and Parliamentary Secretaries. Many of the DPJ politicians were dissatisfied with such process, because, unlike LDP politicians, they cannot influence their views to the governmental policies unless they are appointed to the Ministries under that system. Because of such frustration within the Party, now DPJ's decision making process has moved to incorporate "subcommittee" system, which is sometimes pointed out as partial revival of the LDP system.

Other than the issues related to the safety of the foods in relation to the Fukushima No.1 nuclear power plant, several troubles related to food safety had taken place, such as the food poisoning outbreak for raw meat for consumption without any cooking at a Korean BBQ chainstore. These troubles have changed the way that the particular item(s) be handled, but have not invited the tremendous governmental reshuffle such as found in 2003 reform or the establishment of the Consumer Affairs Agency that require difficult skills for managing the stakeholders and obtain consensus among them. The incidents of the nuclear power plant are still ongoing, and the responses of the Government and the politicians are still focused on the emergency responses,

whose objectives are clear and are relatively easier to reach consensus. Therefore, it is too early to evaluate how the new policy-making process would change the way that the government cope with the major overhaul of any system, including the governmental system such as the food safety administration, that require political dexterity.

Column 3　Establishment of Consumer Affairs Agency (CAA)

Consumer Affairs Agency was established on September 1st, 2009. The establishment of new Agency to which certain jurisdictions of the various Ministries have been transferred together with the personnel was the first case in 38 years, after the establishment of the Environment Agency (now the Ministry of the Environment) in 1971.

Former Prime Minister Yasuo Fukuda wrote in his E-mail Magazine in April 2008 that "we are now in an age in which initiatives centered on the consumers give rise to new value and stimulate our economy" rather than "focusing on the manufacturer" and the businesses. Under the governmental policy where the promotion of the industries was prioritized and the interest of the consumers was of second importance, the authority of the bureau that handled consumer affairs, then placed under the Cabinet Office, was weak, and was unable to function as the "control tower" to guide the turf-minded Ministries. Such structural defects were one of the reasons of the accidents that the consumers suffered. Typical example was the suffocation caused by the Konjaku jello; the MHLW proclaimed that it was not the matter of food sanitation, the MAFF stated that they could not regulate the shape of the Konjaku jello but only regulate the labeling of the ingredients, and the METI (Ministry of Economy, Trade and Industry) maintained the Konjaku jello is not the "products" that are regulated by the Consumer Products Safety Law. Another example related to food safety that triggered to invite the aforementioned ardent statement and consumer-oriented action by the Prime Minister and his Cabinet among other accidents such as the case of carbon monoxide intoxication by instantaneous gas water heater, was the food-poisoning case of imported frozen dumpling from China. Lack of coordination and cooperation between the MHLW, local governments and the health centers was pointed out and harshly criticized.

To overcome such problems, the newly-established Consumer Affairs Agency (CAA) was authorized to function as the "control tower" of consumer affairs, including food safety, by collecting any information related to consumer affairs in an integrated manner, holding the authority to request to other Ministries to take necessary action to prevent the damage of the consumers under their jurisdiction, and recommending or ordering directly to the businesses to operate in an appropriate manner, if no other Ministry holds the authority.

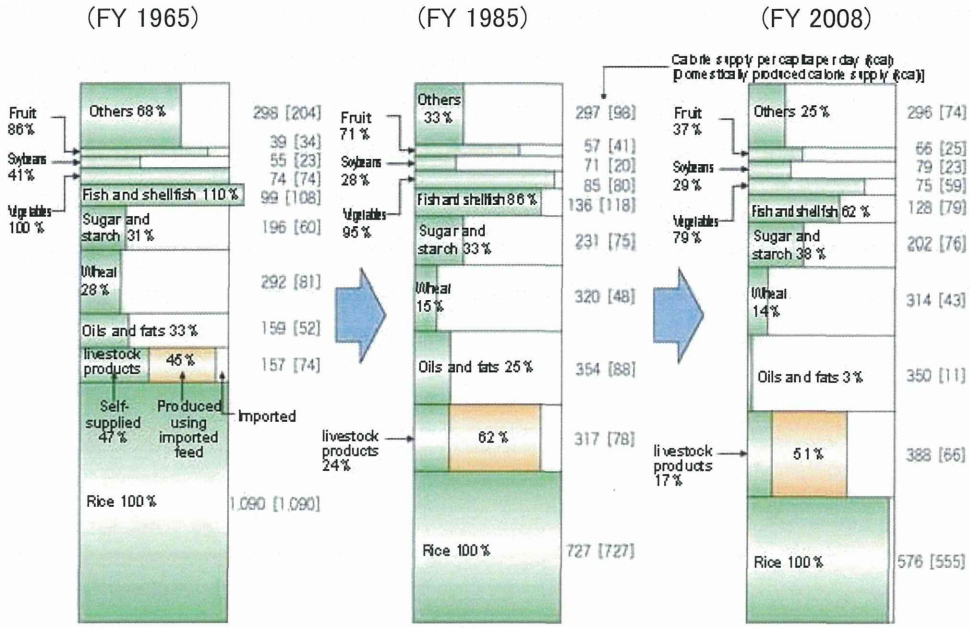
In addition, the regulating authorities for food labeling were transferred to the CAA from MAFF and MHLW. The authority for enforcement of the relevant articles of the Japan Agricultural Standards (JAS) Law, Food Sanitation Law and Health Promotion Law (stipulating the nutritional labeling, including for so-called "health foods") is now under CAA.

Since its inaugulation in September, 2009, CAA has aggressively tackled with various issues from the standpoint of the consumers. Examples of their activities related to food safety are;

"Food SOS Project – "ECONA (formerly a "Food for Specified Health Use" – oil using concentrated diacylglycerol)" as a sample case", "Study group for health foods labeling", administrative guidance for false and misleading labeling of health foods found on the internet, information assembling and disclosure on trans fat acid, "Study group for nutritional fact labeling", review of "use-by date" labeling system, expansion of the scope of disclosure of the original country of the ingredients for processed foods, and study for the unified legal structure for food labeling, among others. We need to watch closely to the activities of CAA so that they truly "serve as a focal point for opinions and complaints from the public, directly reflect them to policy, and will serve as the helmsman of the government of which the consumer is protagonist"[17].

[17] Former Prime Minister Fukuda's Speech to the 169th Session of the Diet (January 18th, 2008)

Chart 1-1　Changes in the food self-sufficiency ratio in Japan by product (on a calorie supply basis)



	FY1965	FY1985	FY2008
The food self-sufficiency ratio (calorie supply basis)	73%	53%	41%
Calorie supply per capita per day	2,459 kcal	2,597 kcal	2,473 kcal
Number of farm households	5,660,000	4,380,000	2,520,000
Commercial farm households	—	3,310,000	1,750,000
Number of farmers mainly engaged in farming	8,940,000	3,460,000	1,970,000
≥65 years old	—	20%	59%
Cultivated land	6,000,000 ha	5,380,000 ha	4,630,000 ha
Total planted area	7,430,000 ha	5,660,000 ha	4,270,000 ha
Utilization rate of cultivated land	124%	105%	92%

Source: MAFF's Food Balance Sheet, Census of Agriculture and Forestry, Statistics on Movements in Agricultural Structure, and Statistics on Cultivated Land and Planted Area

Source: FY2009 Annual Report on Food, Agriculture and Rural Areas in Japan, MAFF

Chart 1-2 Incidents of massive public significance related to food safety in Japan (after WWII)

1953	Occurrence of Minamata Disease
1955	Baby formula contamination by arsenic
1963	Massive outbreak of Cholera
1968	PCB contaminated-oil scandal
1982	Massive food-poisoning incident by well water
1982	Occurrence of E. coli O-157
1984	Massive food-poisoning incident by seasoned lotus root
1985	Poisoning scandal for wine contaminated by polyethylene glycol
1986	Imported foods possibly contaminated by Chernobyl nuclear accident
1996	Massive outbreak of E. coli O-157
2000	Massive food-poisoning case caused by processed milk
2001	First case of BSE-infected cattle found in Japan
2002	Food fraud scandal (mislabeling of meat)
2002	Issue of illegal pesticide residue in imported frozen spinach
2004	Outbreak of norovirus at elderly nursing homes
2007	Konjaku jello accidents
2008	Food-poisoning case of imported frozen dumpling
2008	Illegal distribution of contaminated rice
2011	Food-borne illnesses by contaminated raw meat

Source: MHLW presentation (2010)

Reference: Sakai, Kaminogawa (ed.) (2008)