

Japan's comments on the Terrestrial Code and the proposed amendment of the Terrestrial Code in the Code Commission Report of the March 2009 meeting

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1. General Comments

Japan appreciates the great efforts of the Commission in compiling the massive report and examining a large number of comments from the Members within time constraints.

Japan notes that some of Japan's comments were left out. Since the Code Commission is not open to all interested Members, responses of the Commission to Members' comments in a report are essential for Members to resolve their concerns. Japan believes that such communication contributes to reach consensus in elaborating Codes. In this regard, Japan would like to ask the Commission to provide continuously its responses to the Members' comments in a report, especially when Members' comments were not reflected in the draft Codes.

Japan would also like to emphasize the importance of Members' involvement. As interaction between Members and the Commission is a key for elaboration of Codes, Japan requests the OIE to fully utilize the two-year-adoption procedure as announced by the OIE in October 2005 to ensure sufficient time for Members' consultation.

2. Glossary (Annex XXXIII)

Specific Comments

(Proposed Text)

GLOSSARY

For the purposes of the *Terrestrial Code*:

Communication

means the discipline of interactively informing, influencing, and motivating individual, institutional and public audiences, ~~preferably on the basis of interactive exchanges about animal health, animal welfare and related public health and food safety issues and any other~~ issues falling under ~~the mandate of the OIE and~~ the competence of the *Veterinary Services*.

Crisis

means a time of great danger, difficulty or uncertainty when problems related to animal health, public health and/or food safety any issue falling under the mandate of the OIE and the competence of the Veterinary Services require immediate action.

Crisis Communication

means the process of providing information of potentially incomplete nature within **extreme** time constraints that allows an individual, affected and/or interested parties, an entire community or the general public to make best possible decisions ~~and be informed of and/or accept~~ policy decisions and rationale behind policy decisions during a crisis.

(Rationale)

1) Communication

Japan believes that the interactive nature is essential and not optional for communication as is mentioned in Point 3a) of the Report of OIE Ad hoc Group on Communication in September 2008. Japan believes that one-way expression of opinions can not be defined as communication.

In order to make the Code more understandable for Members and other people concerned, areas should be specified rather than referring to “the mandate of OIE.”

Considering that definitions will be used by Members, Japan notes that the scope of the proposed draft is too limited since an issue need to fall under both the OIE mandate and the competence of the Veterinary Services.

2) Crisis

Some issues falling under the mandate of the OIE can not be recognized as crisis by its nature such as animal welfare. Crisis should be confined to issues related to animal or human health.

3) Crisis Communication

Every communication faces time constraints, but crisis communication is made under the situation that time is more limited. Therefore the word “extreme” should be added to define the nature of crisis communication more precisely.

One-way information does not suffice as communication and it is essential that policy decisions and its rationale are accepted even under a crisis so that the public can make best decisions.

3. Foot and Mouth Disease (Annex XXXV)

Specific Comments on Article 8.5.5 bis

Japan suggests that the Commission not apply the concept of disease free compartment to FMD in the Code.

(Rationale)

FMDV is highly contagious and can spread by air-borne infection, and there is no appropriate scientific evidence which ensures that the proposed requirements for a FMD free compartment are sufficient.

Even if there are to be a FMD free compartment, there is currently no practicable or economically feasible biosecurity measures available. The Commission should keep the article under study until it obtains sufficient scientific knowledge on biosecurity measures for FMD free compartments and is ready to develop a common guideline acceptable for both importing and exporting countries.

It should be noted that the Code Commission itself mentioned that the OIE should not proceed to grant official recognition of FMD free compartment until the practical implementation of the concept for compartment of avian influenza and Newcastle disease would be studied in detail.

4. Anthrax (Annex XXXVI)

Specific comments

Article 8.1.7.; Recommendations for the importation of milk and milk products intended for human consumption

Japan notes the difference between the content of the proposed draft and that of the reference mentioned. Sa Xu, et al. mentioned six-log-unit viability reductions of *B. anthracis* spores in milk were achieved at 120°C for 16 seconds in the reference whereas the proposed heat treatment is 120°C for 10 seconds. Japan requests the Committee to explain why the proposed heat treatment duration is different from the duration in the reference.

Article 8.1.8. – 8.1.13.

One of the references mentioned is a personal communication. As the personal communication is not accessible to Members, Japan requests the Committee to give rationale for the amendments.

Article 8.1.9.; Recommendations for importation of skins and trophies from wild animals

Japan notes the difference between the content of the proposed draft and that of the reference mentioned. For instance, in the “Guidelines for the Surveillance and Control of Anthrax in Humans and Animals. 3rd edition”, WHO mentions that, for example, materials and equipment may be fumigated in fumigation chambers of 1 to 3 m³ using 15–50 ml of 37% formaldehyde solution diluted 2–3 fold with water, with the ambient temperature ($\geq 18^{\circ}\text{C}$), and exposure time overnight (at least 4 hours, but preferably more than 12 hours). But the Commission proposes “fumigation with formaldehyde 400 mg/m³, at relative humidity 30%, at $> 15^{\circ}\text{C}$ for 4 hours” as a procedure to ensure the destruction of *B. anthracis*. Japan requests the Committee to give rationale for each amendment.

Article 8.1.11.; Procedure for the inactivation of *B. anthracis* spores in wool and hair

Japan notes the difference between the content of the proposed draft and that of the reference mentioned. For instance, in the “Guidelines for the Surveillance and Control of Anthrax in Humans and Animals. 3rd edition,” WHO mentions that the Duckering process which is one of the established disinfection protocols involves five stages, each of 10 minutes immersion in disinfectant at 40.5°C. But the Committee proposes the five step disinfection procedure, each of 10 minutes immersion at 45.5°C. Japan requests the Committee to explain rationale why the degrees are different from each other.

Article 8.1.14.; Procedure for the disinfection of surfaces in animal houses, buildings contaminated with *B. anthracis*

Japan requests the Committee to inform Members of the background and rationale of the amendments. In the reference, WHO mentions that effective disinfection of spores on surfaces in rooms, animal houses, unused feed, etc. can be extremely difficult and that it may not be possible to achieve this completely under some circumstances.

5. Glossary

Specific Comments

(Proposed Text)

Glossary

Animal welfare

means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear, and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Regarding measures to meet the mentioned requirements, in some cases or countries, priorities other than animal welfare may prevail. ~~Animal welfare refers to the state of the animal;~~ ¶The treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.

(Rationale)

Japan recognizes that the Delegate of the United States of America raised concerns about the definition of “animal welfare” adopted in 2008, due to the lack of time to review the proposed definition. Japan shares the same concerns as the Delegate of the USA, and would like to propose to modify the definition as above, believing that implementation of animal welfare standards should take into account other priorities, such as needs of people for animal products, cultural backgrounds or different infrastructure of each member country.

Japan notes that the examples of components in the adopted definition of animal welfare include some subjective elements (e.g. “comfortable” and “distress”) and advanced measures (e.g. “able to express innate behaviour” and “appropriate shelter”). Japan is concerned that expensive animal welfare measures would result in an obstacle to small industries to follow the standard, especially where such measures do not contribute to improve productivity, animal health or sanitary status of animal products.

Considering that these issues are of higher priority than animal welfare in many countries including both developing and developed countries, Japan believes definition of “animal welfare” should contain a provision for flexibility. Flexibility in animal welfare standards is important to facilitate countries to implement animal welfare measures according to its diverse situations including difference in social awareness.