The Animal Welfare Act: Yesterday, Today, and Tomorrow
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Who Are We?

The Order of St. Francis (the American Anti-Vivisection Society) is the oldest non-profit animal organization in the United States dedicated to ending experimentation on animals in research, testing, and education. AAVS also opposes and works to end other forms of cruelty to animals. We work with students, grassroots groups, individual activists, the media, other national organizations, government officials, members of the scientific community, and advocates in other countries to legally and effectively end the use of animals in science through education, advocacy, and the development of alternative methods to animal use.

AAVS has two main divisions, each involved in specific activities: Activism is the outreach and advocacy movement and will play an important role in the expansion of animal welfare ideals.

FOR THE ANIMALS!

A Dalmatian, A Camera, AND CONGRESS: THE HISTORY OF THE ANIMAL WELFARE ACT

By Marcia Perry, AAVS Outreach Coordinator

Spearheaded by the death of Pepper who was sniped and sold to a laboratory, and a Life magazine expose, the Animal Welfare Act was enacted in 1966, becoming the first law in the U.S. written specifically to protect the welfare of animals.

THE WHO, WHAT, WHERE, WHEN, WHY, AND HOW OF THE ANIMAL WELFARE ACT

By Crystale Schaeffer, M.A. Ed., AAVS Outreach Director

Who does the Animal Welfare Act cover? What is its purpose? Where can I find more information? Why was it enacted and amendments added? Why is it important? How do I protect animals?

THE ANIMAL WELFARE ACT: CREATING A LEGACY THROUGH THE LAW

By Nancy Disney, Doris Day Animal League

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EADA AUDIT REVEALS SHORTCOMINGS IN ANIMAL WELFARE ACT ENFORCEMENT

By Crystale Schaeffer, M.A. Ed., AAVS Outreach Director

Last year, the U.S. Department of Agriculture conducted an audit of its Animal, Plant, and Health Inspection Service and its Animal Care and Use Committees.

MESSAGE TO OUR MEMBERS

We at AAVS believe it is important to reflect on the beauty of nature and importance of protecting animals and the environment.

TRIBUTES

Special friends honored and remembered.

ARDF UPDATE

Although the Animal Welfare Act was written solely to set minimal standards of care and treatment for animals, the IBS amendments stipulate that researchers consider and use, if available, alternatives other than animals in their experiments.

Printed on recycled paper.
A Dalmatian, a Camera, and Congress: The History of the Animal Welfare Act

By Nicole Perry, AAVS Outreach Coordinator

A mericans have long been concerned about the treatment of animals. In fact, the first U.S. law established to protect animals dates back to 1861 with the enactment of the Massachusetts “Body of Liberties.” The Liberties were drafted by early American colonists and proclaimed that “No man shall exercise any tyranny or cruelty toward any brute creation for the use of man.” Over 200 years later, the first federal animal protection law, the 24-hour Law of 1877, was enacted, requiring that livestock be rested and watered once every 24 hours during transport. This important legislation was championed by AAVS founder Caroline Earle White who helped to connect many who violated it. In addition to this federal law, many states had anti-cruelty statutes, but none extended to the laboratory environment.

It was not until 1966 that the most fundamental standards for the use of animals in biomedical research were set with the advent of the Laboratory Animal Welfare Act, later known as simply the Animal Welfare Act (AWA). The AWA has since become the basis for creating a national animal protection law. In addition to regulating the use of animals in laboratory settings, the AWA has also, through amendments, extended its reach to cover animals used in other areas, such as exhibitors and dealers.

To this day, the AWA remains the only federal law designed to cover animals who are used by dealers, exhibitors, transporters, and researchers. Lamentable, since it formally excludes birds, cats, and mice, for use in research, the law covers only a mere five percent of animals used in experiments.

On August 24, 1966, President Lyndon Johnson signed the Laboratory Animal Welfare Act into law with the promise of protecting animals used (and stolen for use) in research. Upon signing the act, Johnson avowed, “Science and research do not compel us to tolerate the kind of inhumanity that has been involved in the business of supplying stolen animals to laboratories, or which is sometimes involved in the careless and callous handling of animals in some of our own laboratories. This bill will put an end to these things. As Dr. Wyman warned, the AWA did put an end to some abuses—but certainly not all of them.

**Pepper’s Story**

Purportedly, the disappearance of one dalmatian started it all. Before Pepper disappeared from her yard on June 5, 1965, the issue of stolen animals for research was not a well-known public concern. However, Pepper’s disappearance and tragic demerit—sparked a national drama that led to the introduction of a bill that would later become the Laboratory Animal Welfare Act.

After frantically searching their neighborhood, a distraught family learned that Pepper’s family had left her. Apparently, the family contacted the Animal Welfare Institute, a sanctuary group in Washington, DC, which used its powers to contact Representative Joseph Resnick (D-NY), the Congressman in the dealer’s district. Unfortunately, even Resnick’s personal attempts to intercede failed, and it finally took police pressure to discover that Pepper had been sold to a New York hospital where she was used in an experiment and died on the operating table. The family, Resnick, and the nation were devastated.

Angered by this injustice, Resnick decided to introduce a bill that would prevent such wrongs from ever happening again. His cause was noble, and his passion strong, but along the way, he was met with much opposition.

**"Den of woes"**

Fortuitously, around the time that Resnick was seeking support for his bill, Life magazine published the article “Concentration Camps For Lost and Stolen Pets,” documenting the horrors of class B animal dealerships, businesses that sell animals for use in scientific research. Being the month that Life magazine nearly goes out of business that month, Life had the opportunity to educate a great number of people about the poor conditions in which these dogs and cats lived. And it did. The public was outraged. More letters were written in response to the February 4, 1966 spread than any other article written in the history of Life magazine, including articles about the Vietnam War.

Stan Wyman, photographer of the shocking photographs, detailed the saddest sight was a dead beagle who had frozen beneath a wooden crate. In addition to these descriptions, readers saw the eyes of real dogs, loving and innocent like the eyes of the dogs sitting next to them, or running in their backyards, or sleeping on their beds.

Life warned readers that “50 percent of all missing pets have been stolen by ‘dognappers,’ who in turn sell them to dealers.” In other words, many of the dogs in his pictures were probably people’s companion animals.

Soon after the issue hit the stands, there was a flood of public support for Resnick’s bill—and political support as well. Wyman’s article had been handled-delivered to every member of Congress.

**“It is up to the Congress!”**

With passion and fury after Pepper’s death, Representative Resnick presented a bill that strictly defined the terms “dealer” and “edibles.” The bill mandated that dealers be licensed and inspected by the U.S. Department of Agriculture (USDA), and required that all laboratories purchase only from licensed dealers. Additionally, Resnick called upon the Secretary of Agriculture to set humane standards for animal care and use.

Once Resnick’s bill began wading through the House of Representatives, a similar bill was introduced into the Senate by Senator Warren Magnuson (D-WA). A self-proclaimed “friend of the medical researcher,” Magnuson had earlier helped usher in legislation that created the Cancer Institute at the National Institutes of Health, both in Bethesda, Maryland. Upon the introduction of Resnick’s companion bill, he said, “I would like to emphasize that the issue before us today is not the merits or demerits of animal research. We are interested in curtailing petnapping, catnapping, dognapping, and protecting in such a way that these dogs and cats can live. And it did. The public was outraged. More letters were written in response to the February 4, 1966 spread than any other article considered curing medical research. I have always considered myself a friend of the medical researcher. Yet, we do not think we can allow the needs of research, growth, and discovery to be put ahead of the theft of a child’s pet or the growth of unsavory animal dealers.”

From the beginning, both bills faced opposition, but the exposure in Life magazine helped build public support. Twenty other bills had been introduced on the subject, and their nuances were being considered. Finally, on September 2, 1966, Resnick’s bill had a chance to be heard in the House Agriculture Committee, chaired by Representative W.R. Poage (D-TX). Poage was the author of the Humane Slaughter Act, and championed Resnick’s bill when it came to his Committee. Christine Stevens, President of the Animal Welfare Institute (AWI), submitted this testimony in favor of the bill.

“The unaccountable reluctance of scientific groups to act with firmness to stop abuses means that it is up to Congress to supply the mandatory standards and inspection. Breeders, dealers, scientific institutions, and manufacturers of equipment for sale to laboratories all have a vested interest in animal experimentation, whether or not it produces results beneficial to humanity. It is beyond their powers to police themselves, for there are too many pressures preventing them from doing an honest and effective job. Therefore, we earnestly request the Congress to enact this Poage bill, H.R. 12488, which can, through inspection and licensing, promptly bring an end to the widespread abuses in the handling and housing of animals by those who sell and those who buy experimental animals and which will prevent theft of pets for sale to laboratories.”

Unfortunately, after two hearings, the bill passed the House in a stripped-down version that covered only cats and dogs, did not require mandatory inspections of dealers, did not extend to the laboratory environment at all. On its way through the Senate, however, the bill had yet another chance to transform. Senator Mike Mononroe (D-Okl) wrote an amendment that restored coverage of laboratory animals and, despite pressure from the National Institutes of Health, the bill passed the Senate in a vote of 85 to 0. With just as much celerity, the bill was signed into law on August 24, 1966 by President Johnson,
A Dalmatian, a Camera, and Congress: The History of the Animal Welfare Act

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Not all animals are used in research facilities. But regrettably, many more are used in the circus ring, zoos, and commercial breeding facilities. That year, the Act was expected to save the lives of millions of warm-blooded animals except farmed animals. The Act was further strengthened by requiring an animal to be used in research if it did not interfere with the experiment. Laboratories were also required to provide data on their animal use to the USDA, setting a precedent for accountability.

Largely, but most notably, the Act was renamed the Animal Welfare Act, and extended its reach outside the laboratory system to cover circuses, zoos, and commercial breeding facilities.

In 1976, the Act was further amended to include all warm-blooded animals—birds, bats, sea mammals, and even dolphins. But regrettably, it did not interfere with the experiment. In doing so, it extended its reach outside the laboratory system to cover circuses, zoos, and commercial breeding facilities.

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Largely, but most notably, the Act was renamed the Animal Welfare Act, and extended its reach outside the laboratory system to cover circuses, zoos, and commercial breeding facilities.
or four decades, the Animal Welfare Act (AWA) has been protecting animals from inhumane treatment and neglect. Originally enacted in 1966 to protect only cats and dogs from theft and their arbitrary sale and use in experiments, the AWA has had its current scope since amendments in 1970, 1976, 1985, 1990, and 2002. Today the AWA is federal legislation that outlines standards of care and treatment for certain warm-blooded animals who are used in experiments, bred for commercial sale, exhibited, and/or transported.

The Animal Care (AC), a program of the USDA’s Animal and Plant Health Inspection Service (APHIS), administers and enforces the AWA by licensing and registering facilities and conducting both scheduled and unannounced inspections and investigations.

The animals

The AWA affords a level of protection for a wide range of species, and defines “animal” as “any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal” used for research, teaching, testing, experimentation, or exhibition purposes, or as a pet.1 However, if enough species fall under the protection of the AWA, the few warm-blooded animals not covered number in the hundreds of millions, as outlined in the 1972 amendment. For example, farmed animals such as cows, pigs, and chickens who are raised for human consumption and who are used in research to “improve agriculture so that they grow faster and leaner in more humane treatment and conditions” are not covered by the AWA.

Class B dealers (who commonly obtain animals through pound seizure and meet AWA regulations. Such facilities include exhibitors like zoos, circuses, and marine life (lobsters, crabs, clams, etc.).

Industry

All businesses and individuals who work with animals covered by the AWA must be licensed and/or registered with AC and meet AWA regulations. Such facilities include exhibitors like zoos, circuses, and marine life (lobsters, crabs, clams, etc.).

Regulations

The Animal Welfare Act outlines the acceptable minimal standards of care and treatment of certain animals used in research, bred for commercial sale, transported, and/or exhibited to the public. AWA regulations offer definitions for the term “animal” (laid out by floor requirements, outdoor living, etc.), proper handling (training techniques, etc.), sanitation (cage cleaning, proper removal of waste, etc.), nutrition (balanced, varied diets), water availability, protection from extreme weather and temperatures, and veterinary care (treatment and diagnosis, proper handling of animals, euthanasia, etc.). APHIS acknowledges that these regulations are minimum standards, and on its “Animal Welfare Act” factsheet, APHIS states, “Although [the legal] requirements establish acceptable standards, they are not ideal.” Furthermore, “Regulated businesses are encouraged to exceed the specified minimum standards.”2

In an effort to create a traceable paper trail to help ensure that animals utilized by regulated businesses are acquired legally and not stolen or lost companions, the 1970 amendment was enacted, requiring companies to document descriptions of the animals and their acquisition and transaction. Animal breeders have been held accountable if they acquire for at least five days to give former guardians opportunity to claim animals. Additionally, companies that fail to acquire information available to the public in the form of charts on its website. An example of such a chart can be found on page 8.

The 1985 amendment mandates that research laboratories must provide animals used in research with opportunities to engage in appropriate species-specific activities to promote their psychological well-being. Scientists are not allowed to use animals in stressful or unnatural conditions. The AWA defines such as the “cause of distressful procedure using an anesthetic agent” that requires recovery from the anesthesia agent and the knowledge that the animal will be returned to its former state. The AWA requires that animals be provided with appropriate care and treatment before and after procedures. The 1985 amendment also requires laboratories utilizing AWA-regulated animals to establish an Institutional Animal Care and Use Committee, which is “responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS.”3

Enforcement

To ensure that regulated facilities comply with the Animal Welfare Act, AC enforces current standards at sites designated as facilities. The passage of the Food Security Act of 1985 added a provision requiring the institution to report any instances of non-compliance. The Secretary of Agriculture promulgates regulations to specifically exclude animals, birds, rats, mice, and farmed animals from the definition of “animal.”
The use of animals in research is essential to ensuring good quality research but firmly believe that such use is not intended to exclude 95 percent of the animals used in biomedical research. Through good animal treatment and minimizing detrimental tests, biomedical research gains in both accuracy and humanity. As someone deeply involved with the process of revising and expanding the provisions of the AWA, I assure you that the AWA was meant to include birds, mice, and rats. Indeed, those amendments have facilitated significant improvements in both research animal care and the Animal Welfare Act. I would urge them to allow USDA to achieve this end by pursuing a full and fair rulemaking as provided in the settlement agreement.

I wish you the best of luck not only in defending the Animal Welfare Act, but also in your ongoing efforts to advance humane methods of biomedical research. Let me add that I am writing to you as a volunteer. I am not being paid by any persons or group for stating my views.

BOB DOLE
At 40, the Animal Welfare Act should be about due for a midlife crisis, were it not for the fact that its entire history is punctuated with crises. It is also true, though, that when you are ‘in the middle of it,’ that is, the day-to-day fight to make sure the law is being enforced while beating off the efforts of its opponents to weaken it, every day looks like a crisis. It is easy to lose sight of what has been accomplished. Through the highs and lows, this law has not only brought about improvements in how animals are treated, but it has also been a force for change in attitude toward animals among government officials as well as the general public. But this is not the time to rest on its laurels.

Over time, through concerted efforts on the part of the humane community, our growing expertise in working with Congress and the Executive Branch, and a change of leadership within USDA, the adversarial relationship began to improve. USDA and the humane community came together to boost funding for AWA enforcement, especially through expanding the ranks of inspectors. Violators were pursued more aggressively, though there has been some backsliding recently. USDA still allows public contact with wild animals, refusing to apply the law’s clear prohibitions against this. This regularly results in harm to members of the public and harm to the animals.

Congress has amended the Act several times, but in its entire history, only one true oversight hearing has ever been held. And it was Congress that deals one of the most devastating blows to the Act. After the courts sided with animal organizations in a lawsuit to force USDA to apply the Act with respect to birds, rats, and mice, in 2002 Congress sided with then-Senator Jesse Helms (R, NC), amending the Act by declaring, in effect, that birds, rats, and mice are not animals.

Through the twin pressures of the Animal Welfare Act and an increasingly vocal cadre of animal activists and more enlightened thinking, zoos have gotten better. (Whether there should be zoos is outside the Act’s scope.) Sadly, however, the same cannot be said about commercial dog breeders. The American Kennel Club continues to resist the changes needed to put puppy mills out of business.

The Animal Welfare Act: Creating a Legacy Through the Law

By Nancy Blaney, Federal Policy Consultant, Doris Day Animal League

THE ANIMAL WELFARE ACT: CREATING A LEGACY THROUGH THE LAW

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Nancy Blaney is Federal Policy Consultant for the Doris Day Animal League, where she advocates for better animal protection through legislation and regulation, as well as better enforcement of existing laws. She has over 20 years of experience with animal welfare issues, as well as a background as Capitol Hill. She has served on the boards of various social and arts organizations, and was chairwoman of the board of directors for the Adult Health and Development Program at the University of Maryland.

References

1 ASPCA v. Ringling Bros., 317 F.3d 334 (D.C. Cir. 2003)
Although England first established its British Cruelty to Animals Act in 1822, it would take the United States nine decades before it would enact legislation of a similar weight. Sparked by overwhelming public outcry for the protection of stray dogs who were stolen from her backyard and later killed in a public park, and a Life magazine expose unveiling the brutal reality of the trafficking of animals for experimentation, in 1876, Congress enacted the Animal Welfare Act (AWA), a legislative effort to create a flow chart that would authorize APHIS to impose fines up to $10,000 per violation. However, according to the Audit Report, APHIS gives an automatic 75 percent discount to all facilities covered under the AWA. In order for the AAW to have their work, it also expressed concern for AC management in the Eastern Region due to passive enforcement of the AWA in that area. For example, the Eastern Region referred an average of 209 suspected violators to the Investigation and Enforcement Services (IES) in 2002-3 but only 82 in 2004. Of those referred to IES, AC Eastern Region management refused to take further action against 27 percent of suspected violators, while Western Region management declined to pursue four percent of possible violators in its territory. Additionally, some Veterinary Medical Officers (VMOs) believe that because there is little, if any, consequence for violating the AWA, there are more than twice the number of repeat violators in the Eastern Region than in the Western Region. In reviewing the top 56 repeat violators, the auditors found that 88 percent were located in the Eastern Region. In terms of animal research, this fact is especially concerning, since, according to the Audit Report, “The AWA does not authorize the Secretary, during inspection, to interrupt the conduct of actual research or experimentation. Therefore, it is more critical for AC to take enforcement actions against research facilities that are repeat violators.”

Recommendaations
In order for the AC to have a consistent philosophy and approach between regions, the OIG recommended that specific guidance be outlined and followed in every region, and APHIS agreed to create a flow chart that includes “enforcement action guidelines for inspection reports.” The OIG also advised that all cases in which regional management declined to take enforcement action against possible violators should be reviewed. APHIS has agreed to this, stating that the AC Deputy Administrator or Assistant Deputy Administrator and the IES Director or Assistant Director will review these cases, and if there is a discretion in what course of action should be taken, all involved parties will work together to determine an appropriate course of action.

Conclusion
The report also cites a dramatic increase in facilities committing AWA violations, noting that in 2002, 463 of 1,176 research facilities (39 percent) were noncompliant in comparison to 2004 where 600 of 1,176 were noncompliant. Alarmingly, but not necessarily surprising, is the 29 percent failure rate of researchers who are required by the AWA to search for and use non-animal alternatives when available. Additionally, the Audit Report states that “33 of the top 50 (66 percent) research facility violators in the nation were education institutions, suggesting that IACUCs at universities are less effective.”

Recommendations
The OIG advised AC to conduct more frequent reviews of those facilities that are repeat violators, to which the agency claimed that such action is already part of its standard protocol. This comment was accepted, although the OIG stated that more frequent AC inspections may not improve compliance given that the current IACUC reviews are ineffective. The OIG was more steadfast in recommending that AC “fully train (IACUC) members on protocol review, facility inspections, and the AWA.” However, APHIS stated that it would modify existing policy to indicate a change in interpretation of regulations. The OIG responded by saying that such action is not acceptable and that APHIS needs to clarify which regulation it is referring to and provide the language modifications.

References
1 USDA. September 2005. Audit Report: Animal and Plant Health Inspection Service’s (APHIS) Animal Care (AC) Unit, which is charged with the responsibility of inspecting all facilities covered under the AWA. In what can be considered a genuine evaluation, the audit revealed some disturbing findings that would alarm animal advocates, but also promising admissions and welcome improvements by APHIS.

Passive enforcement of the law
Although the Office of Inspector General (OIG) did state that it believes AC employees are devoted to their work, it also expressed concern for AC management in the Eastern Region due to passive enforcement of the AWA in that area. For example, the Eastern Region referred an average of 209 suspected violators to the Investigation and Enforcement Services (IES) in 2002-3 but only 82 in 2004. Of those referred to IES, AC Eastern Region management refused to take further action against 27 percent of suspected violators, while Western Region management declined to pursue four percent of possible violators in its territory.

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Fine reassessment
The AWA authorizes APHIS to impose fines up to $2,750 per violation. However, according to the Audit Report, APHIS gives an automatic 75 percent discount to almost all violators in an effort to reach agreement and avoid court costs, and sometimes additional concessions are awarded, or the fines are allowed to be used to make necessary facility upgrades to be in compliance with the AWA. Because of this, “violators now consider the monetary stipulation as a normal cost of conducting business rather than as a deterrent for violating the AWA,” according to the OIG.

Recommendaations
The OIG recommended eliminating the automatic 75 percent discount to repeat violators and direct violators of the AWA, and APHIS agreed to make this change and is determining new guidelines for assessing penalties. APHIS also agreed to calculate fines based on the number of animals affected by a violation instead of by the number of violations. Additionally, because fines are calculated based on the number of violations and business assets only up to $100,000, OIG also advised the agency to “seek legislative action to increase the maximum amount of fines or assess the required search for alternatives, and/or verify that studies were not duplicative.”

References
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Recommendaations
The OIG strongly recommended that the Research Facility Inspectorate Guide (RFIG) be revised so that VMOs are required to “verify the number of animals reported in the research facilities’ annual reports,” APHIS concurred and further stated that it would also make other revisions in an effort to help research facilities properly complete required reports. Additionally, it was agreed that the RFIG would also be changed to emphasize the necessity of adequate sampling protocols and reviewing the records of protocols in which animals were not present.

Failure of IACUCs
It was discovered that Institutional Animal Care and Use Committees (IACUCs), appointed by research facilities to monitor their laboratories to make certain they are operating in compliance with the AWA, are not effectively supervising animal care and use practices, reviewing protocols, or ensuring that searches for alternatives are researched and used where appropriate. During the past several years, APHIS has worked with IACUCs to help them improve and meet their designated responsibilities. Despite this, however, the Audit Report states, “IACUCs believe there are still problems with the search for alternatives to animal care, review of painful procedures, and the researchers’ use of animals,” areas of utmost importance in an IACUC evaluation.

Monitoring of research facilities
The audit reports that 15 of the 16 facilities staffed (all of which were previously violating the AHA) misreported the number of animals used in their research. This finding is especially disturbing, since 15 of these laboratories conducted experiments that involved pain or distress with no drug relief. Many VMOs interviewed stated that they took a “good faith” approach to their inspections, relying on facilities to provide accurate information regarding the number of animals used and the number of protocols conducted. It was also reported that the limited sampling technique that some VMOs used was inadequate in running there were no problems within any one research study.

Conclusioons
As demonstrated by the OIG’s recommendations throughout this audit, AC should more stringently enforce animal welfare regulations already in place, reassign its fining procedure, review the Animal Welfare Regulations, and better train members of IACUCs especially at educational facilities. The Audit Report clearly showed a need for increased enforcement and AWA enforcement and also provides many suggestions of how to rectify these problems. |
Jeremy Bentham’s poignant questions to society, the law still refuses protection to many sensitive beings. However, significant progress has been made, and one need look only to the burgeoning field of animal law for hope.

While laws concerning our treatment of animals date back to colonial times, animal law as a separate discipline emerged less than 50 years ago. Today, it is one of the fastest growing fields of practice and study.

Attorneys play an important role in the animal rights movement. They prosecute people who abuse animals, represent people whose animals were lost, hurt, or killed, defend animal activists, and lobby for animal protection legislation in the halls of Congress, bring lawsuits to protect wildlife and their habitats, and help animal sanctuaries and shelters. Animal law attorneys help companion animals, wildlife, farmed animals, and animals used for research or entertainment. They are on the front lines, advancing legal protections for animals.

Just 10 years ago, there were only a handful of law schools offering animal law courses. Today, there are nearly 70 (over one-third of all law schools), with the number growing every year. Law schools are also developing advanced courses and animal law clinics where students can gain the skills needed to be effective advocates for animals while working on real cases. For example, students have helped persuade airlines to treat animals more than simply as baggage in hopes of preventing escapes and death. They have drafted model legislation to ban exotic animals as pets, encouraging people to leave them in the wild. Others have assisted high school students who oppose dissecting frogs, pigs, or cats in their science classes, and protected consumers who want to purchase cruelty-free products.

Through animal law courses, students learn how to enforce the laws that currently exist, and how to work with legislators to enact better protections. They study federal statutes, including the Animal Welfare Act, Endangered Species Act, and Humane Slaughter Act. Students also learn about state laws such as anti-cruelty statutes, veterinary malpractice, pet trusts, and custody disputes.

Lewis & Clark Law School is the epicenter for legal education for animal advocates, providing an extensive animal law program built upon six courses. In 1995, Lewis & Clark students established the first animal law student group, which continues to be among the largest and most active, hosting a national animal law conference each fall. Students also publish the Animal Law Review, which includes articles written by professors, attorneys, legislators, and advocates on cutting-edge issues, paving the way for progress in the area. Today, over half of the law schools are home to student groups, and there are three animal law journals. Each year, the number of students going to school with the goal of becoming an animal law attorney grows.

The National Center for Animal Law works with students to help foster their goals by encouraging and developing practical training and resources for animal law students including: curriculum development; conferences, competitions, and training; financial support including scholarships; and resources for students pursuing careers in, and involving, animal law.

Since animal law is a relatively new field, there are few established career paths, but the opportunities are growing every day. The Center provides career counseling and resources for interested students, including an online database of jobs and internships. While there are attorneys who practice animal law full-time in small firms or for animal advocacy organizations, most incorporate animal law in a “traditional” practice through pro bono efforts, writing, teaching, lobbying, or serving as board members for organizations. The network of attorneys in this field is also growing, with almost two dozen city, state, and national bar associations with animal law sections that publish newsletters and host conferences. With increased interest in the field of animal law and a broadening of society’s expectations for how animals are treated, there will be a steady growth in opportunities for full-time careers in animal law.

While animal law is growing in the United States, we may also look to progress made around the world for inspiration. The Israeli Supreme Court held the production and sale of foie gras, a fatty liver from ducks resulting from an inhumane farming practice. A Brazilian court was the first to consider that a chimpanzee might be a “legal person.” The Spanish Socialist Party introduced a bill in their Congress calling for great apes to be given the same moral and legal protection as human beings. New Zealand has banned the use of primates for research.

Although we have made significant progress in animal law, there is still much work to be done. Each year, over eight billion animals are used and killed for food, clothing, entertainment, and research in the U.S. alone. The laws we have passed to provide animals with basic protections have eroded, and the resulting gaps allow most animals to be treated inhumanely without repercussions.

The animals need people to continue to care about them and advocate on their behalf. Today, students have an opportunity to pursue career paths that reflect their compassion for animals and desire to make a difference. Options range from working for an animal advocacy organization to becoming a veterinarian, vegan chef, humane educator, or animal rescuer. Then again, they may choose to follow in the footsteps of Bentham, helping to build a future for animals where the laws embraces and protects all “sensitive beings” by becoming animal protection lawyers.

Laura Ireland Moore established the National Center for Animal Law after receiving her J.D. and Certificate in Environmental Law from Lewis & Clark Law School in Portland, Oregon. She is currently the Executive Director of the Center, Professor of the Animal Law Clinic, and an Advisor to the Animal Law Review.

To learn more about animal law or how to become an animal law attorney, please visit the National Center for Animal Law’s website at www.lclark.edu/ogal or call (503) 768-6849, or e-mail ncal@lclark.edu. A list of animal law student groups can be found at www.lclark.edu/ogal/aboutstudent.html. A list of courses can be found at http://www.lclark.edu/ogal/oursources.html.

PROTECTING ANIMALS THROUGH THE LAW

The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny—a full-grown horse or dog is beyond compassion a more rational, as well as a more conversable animal, than an infant of a day, or a week or even a month old. But suppose the case were changed; than an infant of a day, or a week or even a month old. But suppose the case were

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• University of Denver School of Law
  Denver, CO
• University of Florida, Levin College of Law
  Gainesville, FL
• University of Houston Law Center
  Houston, TX
• University of Maryland School of Law
  Baltimore, MD
• University of Michigan Law School
  Ann Arbor, MI
• University of Missouri, Kansas City Law School
  Kansas City, MO
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• University of Pennsylvania Law School
  Philadelphia, PA
• University of Pittsburgh School of Law
  Pittsburgh, PA
• University of Quebec Law School
  Montreal, Quebec, Canada
• University of San Diego School of Law
  San Diego, CA
• University of San Francisco
  San Francisco, CA
• University of Southern California
  Los Angeles, CA
• University of Tennessee College of Law
  Knoxville, TN
• University of Washington School of Law
  Seattle, WA
• University of Wisconsin Law School
  Madison, WI
• Valparaiso University School of Law
  Valparaiso, IN
• Vermont Law School
  South Royalston, VT
• Wake Forest University School of Law
  Winston-Salem, NC
• Whittier Law School
  Costa Mesa, CA
• Widener University School of Law
  Wilmington, DE
• William Mitchell College of Law
  Saint Paul, MN

(List courtesy of Lewis & Clark Law School.)

LAW SCHOOLS WITH ANIMAL LAW PROGRAMS

By Bernard E. Rollin, Ph.D.,
University Distinguished Professor,
Colorado State University

As abolitionist Henry Spira often pointed out, there has been social revolution in the history of the United States that has not been incremental; why would we expect issues of animal use to be any different?

any people who advocate for an end to animal research should look to the progress that has been made in the past 20 years in improving the lives of research animals. As abolitionist Henry Spira often pointed out, there has been no social revolution in the history of the United States that has not been incremental; why would we expect issues of animal use to be any different?

As a member of the Colorado group who began to draft legislation for laboratory animals in 1976, defended the amendments before Congress in 1982 so that they were passed in 1985, and carried the concept to a variety of other countries, I do not see the effect of these amendments 30 years later? Very positively, gives the situation then and now. In veterinary schools in the 1970s, for example, animals were used repeatedly to teach surgery up to 20 times and more. Arduous and brutalizing laboratory exercises were rife in medical and veterinary schools, such as, for example, poisoning animals with strychnine or bleeding out dogs.

There was no use of or even knowledge of analgesia (pain control) then—in a literature search I did in 1982 I found only two papers on the subject, one of which said that there ought to be papers. This state of affairs reflected a pervasive ideology denoting that animals could feel pain, and denying that ethics was relevant to science.

Researchers who denied consciousness in animals performed surgical brain procedures on primates using only paralytic drugs because they needed the animal “conscious”.

Despite the fact that animals probably suffered more from how they were kept than from what was done to them, housing for research animals was dictated solely by convenience, which, for example, meant that social primates were caged singly in totally austere conditions with no psychological stimulation or opportunity for social interaction or exercise.

In too many disease studies, illness was left to progress until it killed the animal, and tumor growth was allowed to proceed with no restrictions so that animals sometimes had tumors as large as the whole animal.

Most of these atrocities are gone now, as a function of the laws chartering Institutional Animal Care and Use Committees, which we have created in most research institutions and control of pain and distress. For example, the laws require accommodations for primates that enhance their psychological well being. Although our draft legislation had requested something similar for all species used in research, Congress did not approve it, but the National Institutes of Health has stressed the need for movement in that direction, and many research institutions have taken the mandate seriously.

Most importantly, the laws were the first pieces of legislation in the U.S. restricting human activities to the benefit of animals, granting some minimal rights such as having pain controlled to the animals. Historically, there have been no legal protections, just deliberate, sadistic, deviant cruelty, not “ministering to the necessities of humans.” Equally important, since ethical deliberation and discussion of pain and suffering are the normal work of Institutional Animal Care and Use Committees, scientific ideology has been seriously breached, and many committees, now thinking in moral terms, go well beyond the legal requirements in protecting animals. Not perfect, but a good start toward reducing the suffering and abuse of laboratory animals.

Bernard E. Rollin is a University Distinguished Professor who currently teaches at Colorado State University. As a leading scholar in animal rights and animal consciousness, Dr. Rollin has lectured over 1000 times worldwide and is the author of numerous articles and six books regarding animals and ethics and bioethics. His latest book, Science and Ethics, was published earlier this year.
In its quest to educate the public about the plight of animals in laboratories, the American Anti-Vivisection Society uses many different methods to market our programs and campaigns. One of our most prominent and diverse approaches to reach the general public is through advertising in print and radio media as well as the internet.

Whether educating the general public about compassionate shopping, reaching out to teachers, parents, and students about alternatives to dissection, or promoting alternative research methods, AAVS covers all the bases!

Me-Ouch! Animal experiments hurt.

Over 100,000,000 animals suffer in research and testing laboratories. Learn how you can help by requesting a free information packet.

Me-Ouch! appeared in several dog magazines, including Hollywood Dog and The Bark. Pointing out the absurdity of testing personal care products like shampoo on animals, AAVS received a large number of requests for our Compassionate Shopping Guide, which lists companies that do not test animals.

In an effort to reach a wider range of people, this ad appeared in two different versions: one for the internet and the other for a bimonthly publication. Speaking the obvious, this kitty appears in Best Friends magazine, educating the public about the use of animals in research and supporting Best Friends Animal Sanctuary, a no-kill shelter for companion animals in need that publishes the magazine. A flash version of Me-Ouch! also appeared as part of the online version of Animal Wellness magazine.

In an effort to promote World Week for Animals in Laboratories this past April, AAVS produced B. Hugh Mane Goes Shopping, an informative and fun animation that promotes cruelty-free shopping. AAVS received a lot of positive feedback about this movie which appeared on computer screens across the country, and many people also requested our Compassionate Shopping Guide after viewing the animation. Please visit www.aavs.org to watch B. Hugh Mane Goes Shopping!

AAVS is also pleased to announce that Mr. B. Hugh Mane is currently starring in his own radio spot which is airing on Animal Radio, a syndicated radio program that has a listenership of over two million people. Find out when Animal Radio airs in your city by going to www.animalradio.com.

Sassy and stunning, this advertisement appeared in several progressive magazines including BUST and the Philadelphia City Paper. Wanting to find out for themselves if cruelty-free lips really do taste better, hundreds of people requested our handy Compassionate Shopping Guide.
MORE MEDIAWATCH

Nearly 100,000,000 animals are currently suffering in U.S. laboratories. Let’s end their suffering!

As part of AAVS’s No Pet Cloning campaign, this compelling ad appeared at the 2005 American Veterinary Medical Association conference in an effort to reach out to veterinarians about pet cloning and the many health problems from which cloned animals suffer.

Designed to educate and create debate, this telling ad appeared in trains in Philadelphia as well as in publications such as Fido Friendly and The Bark. Advertisements such as these were an important tool in AAVS’s Stop Animal Patents campaign, which resulted in the withdrawal of a patent on sickened beagles.

Concerned About Pet Cloning?
You should be.
It could be coming to YOUR practice.

Often, AAVS has the opportunity to support other organizations that are also working to help animals exploited in research, while at the same time promoting our own important work. This ad appeared in a program booklet for an event hosted by Ryerss Farm for Aged Equines, a horse sanctuary that, with funding from AAVS, has given haven to mares and foals who were once used in Premarin production.

An important part of AAVS’s mission to end the use of animals in research includes the promotion of alternatives to such tests. To this end, our affiliate, the Alternatives Research & Development Foundation (ARDF), awards tens of thousands of dollars every year to researchers developing alternatives. This ad appeared in Science magazine as a way to promote ARDF’s Alternatives Research Grant Program, and inspired a countless number of scientists to apply for funding.

Don’t cut my life short. Say no to dissection!

This fly—err—eye-catching frog is appearing in E magazine and has caught the attention of hundreds of teachers, parents, and students who want to learn more about humane education and dissection alternatives. Ads like this are a great way to promote AAVS’s education division, Animalearn, and its Science Bank, a free alternatives to dissection lending library.

Humane Visions for the Future
Scientific Solutions for Today

We provide grants to progressive researchers who develop alternative methods to reduce or replace animal use.

We promote sound public policy to advance alternative methods.

We have awarded over $1,000,000 to scientists through our Alternatives Research Grant Program.

For more information on our 2004 Alternatives Research Grant Program, visit our website:
www.ardf-online.org

Alternatives Research & Development
FOUNDATION

The University of Texas patented a beagle. This innocent system was weakened and his lungs were infected with a mold so that he could be used to test drugs. Now the University is making a profit by making other beagles sick.

Be Informed. Take Action. Make a Difference.
www.StopAnimalPatents.org

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Whose Rule Reigns? How the AWA Measures Up to European Laws

By Crystal Schaeffer, M.A. Ed., AAVS Outreach Director

While working to create and strengthen laws to protect animals, animal advocates in the U.S. cannot help but turn an open eye toward the European Union. Traditionally, Europe has been the global leader in establishing new standards in creating animal welfare laws. From protecting animals in laboratories to those farmed for human consumption and exploited for their fur, the European Union (EU) has demonstrated that animal welfare concerns can be incorporated into legitimate laws that benefit everyone in society, and in doing so has become the ruler to which we in the U.S. measure our society, and in doing so has become the most palpable for industry insiders. In contrast, although the use of animals in product testing remains a point of strong debate in the U.S., in Europe there has been a unified effort among activists, government officials, and industry to phase such testing. By maintaining open dialogues and forming cooperative relations, the European Union was able to enact a ban on cosmetic testing that will take effect in 2009.1 The ban will prohibit the sale of cosmetics that undergo any of 11 specific animal tests, with three more animal tests being outlawed in cosmetic testing by 2013.2 The EU has also instituted a ban on the use of stray dogs and cats in cosmetic testing, and mandated that alternatives must be used instead of animals when available and affordable.3 It is important to note that a significant component of this ban is the role of the European Centre for the Validation of Alternative Methods (ECVAM), which has validated 20 alternatives,4 making the process of enacting a ban on cosmetic testing more palatable for industry insiders. In contrast, the Interagency Coordinating Committee for the Validation of Alternative Methods, the U.S. version of ECVAM, has validated only six alternatives,5 a fact that many believe has inhibited any strong effort to outlaw cosmetic animal testing in the U.S. Another area in which Europe trumps the U.S. is in the use of primates in research. Although the U.S. enacted the Chimpanzee Health Improvement, Maintenance, and Protection Act, which established a retirement system for chimpanzees used in federal research, in 2000, the United Kingdom (UK), The Netherlands, and Sweden have banned the use of all great apes (gorillas, chimpanzees, bonobos, orangutans) in research. The EU has also put restrictions on the use of wild-caught primates in research. Additionally, over 100 airlines are now refusing to transport primates across the globe for experimentation.6 Arguably, however, the most impactful difference between laws protecting animals in laboratories in the UK (and other countries such as Canada) and the U.S. is the fact that birds, rats of the genus Rattus, and mice of the genus Mus bred for research receive legal protection in Britain. In the U.S., this is not the case, leaving, according to author and veterinarian Larry Carbone, an estimated 80,000,000–100,000,000 animals without rights to minimal standards of care and treatment. And because birds, rats, and mice bred for research do not fall under the umbrella coverage of the Animal Welfare Act, an untold number of laboratories and education institutions that use only these animals are not inspected by the U.S. Department of Agriculture. As a consequence, the exact number of these animals used in research and testing remains unknown, their inhumane treatment cannot be punished, and researchers are not required to investigate and use alternatives.

Animals on the Farm

The Animal Welfare Act does not protect animals raised for human consumption in the U.S. Instead, the Humane Slaughter Act was enacted to ensure that animals are killed in a manner that is considered humane. However, USDA does not include poultry or fish under the enforcement of the Humane Slaughter Act. In comparison, in the EU several practices common on typical factory farms are now beginning to be phased out. For example, a ban on the use of real estates throughout the EU will take effect next year. Battery cages, small cages that often house up to four birds who are unable to spread their wings, will be outlawed in 2012, and a ban on gestation crates, cages with typically concrete floors and not much bigger than a mother sow and her piglets, will go into effect in 2015.7 Additionally, the first ever international standards have been outlined for the humane transport and slaughter of animals in the EU. There are no laws in the U.S. that protect animals who are trapped for fur or raised on fur farms. In contrast, several EU member states (Austria, The Netherlands, Sweden, Switzerland, United Kingdom) have taken an ethical stand against such practices and have either started to phase out, restrict, or ban fur farming altogether. However, regarding the issue of the trade in dog and cat fur, countries across the globe, including the U.S., Denmark, Belgium, France, Greece, and Italy, have united in enacting laws that prohibit the sale of dog and cat fur,8 most of which comes from China. Additionally, the EU Commission has announced its intention to ban the trade of dog and cat fur in all member states. Other than state laws that establish hunting seasons, restrictions of hunting and trapping in federal wildlife monuments (Yellowstone National Park, for example), and legislation such as the Endangered Species Act or the Marine Mammal Protection Act, which specifically outline criteria to protect certain wildlife, there is no U.S. law that strictly prohibits hunting or trapping. (Bear and raccoon hunting is outlawed through the Animal Welfare Act.) In the UK, hunting was banned a few years ago. And all EU member states have banned the use of leghold traps, with over 90 countries around the globe adopting similar legislation.9 In the U.S., however, members of Congress have grappled for years over legislation that would ban leghold traps to no avail.

Fury over Fur, Hunting, and Trapping

There are no laws in the U.S. that protect animals who are trapped for fur or raised on fur farms. In contrast, several EU member states (Austria, The Netherlands, Sweden, Switzerland, United Kingdom) have taken an ethical stand against such practices and have either started to phase out, restrict, or ban fur farming altogether. However, regarding the issue of the trade in dog and cat fur, countries across the globe, including the U.S., Denmark, Belgium, France, Greece, and Italy, have united in enacting laws that prohibit the sale of dog and cat fur, most of which comes from China. Additionally, the EU Commission has announced its intention to ban the trade of dog and cat fur in all member states. Other than state laws that establish hunting seasons, restrictions of hunting and trapping in federal wildlife monuments (Yellowstone National Park, for example), and legislation such as the Endangered Species Act or the Marine Mammal Protection Act, which specifically outline criteria to protect certain wildlife, there is no U.S. law that strictly prohibits hunting or trapping. (Bear and raccoon hunting is outlawed through the Animal Welfare Act.) In the UK, hunting was banned a few years ago. And all EU member states have banned the use of leghold traps, with over 90 countries around the globe adopting similar legislation. In the U.S., however, members of Congress have grappled for years over legislation that would ban leghold traps to no avail.

Conclusion

There is no doubt that the European Union has been more progressive than the U.S. in the area of animal protection. Advocates in the U.S. can learn much in terms of the strategies used by our EU friends, but because of our political and cultural differences it is still necessary to steer our own course. However, as animal advocates in the European Union have proven, if we maintain our integrity and remain resolute in our mission, changes will come that will improve the lives of animals in the U.S. The changes may be small and may manifest slowly, but the they surely will come.

References

2. See supra number 1.
3. See supra number 1.
5. See supra number 1.
7. See supra number 1.
8. See supra number 1.
10. See supra number 1.
and within the agency charged with enforcing the AWA, the U.S. Department of Agriculture (USDA). Specifically, landmark events within each body are noteworthy.

Panama City

In the courts, one of the greatest victories for animals under the AWA occurred when animal activists achieved standing under the AWA. In order to bring a claim into a court, a plaintiff must have standing, meaning that a plaintiff must have a legally protectable and tangible interest at stake in the lawsuit. For over 30 years, the Act was essentially unconstitutional because no one had standing to challenge USDA’s interpretation of the law.

In a 1998 District of Columbia Circuit Court decision, Animal Legal Defense Fund v. Glickman, a U.S. Appeals Court broke this barrier by ruling for the first time that a plaintiff had standing under the AWA. In this case, a plaintiff challenged USDA’s failure to finalize a proposed policy on the psychological enrichment of primates in zoos and laboratories. This court recognized that a plaintiff posing a zoo to observe particular animals has an aesthetic interest in the observance of animals living under humane conditions no matter where the animals are located.

This case was followed by a lawsuit filed by AAVS’s affiliate, the Alternatives Research & Development Foundation (ARDF), challenging USDA’s failure to regulate birds, rats, and mice under the AWA. One of the plaintiffs was a college student who wanted to observe and study animals (rats) in poor housing conditions in the laboratory; however, instead, the plaintiff observed and interacted with animals who received inadequate housing, water, food, and veterinary care. Following the Glickman precedent, the court agreed that the plaintiff in the ARDF case satisfied the standing requirement for the first time that there is solid precedent supporting a plaintiff’s argument for standing when observing inhumane living conditions for laboratory animals.

The precedent set by these cases is significant because they paved the way for future plaintiffs to challenge illegal actions by USDA under the AWA. This landmark event will help to ensure that the goals of the AWA are fulfilled, including the humane treatment of laboratory animals.

By revising Policy 10, companies that are genetically engineering or cloning animals are now clearly not shielded from complying with the AWA. This policy revision is significant because an unlimited number of animals are genetically engineered to contain unnatural characteristics and are used in research, tests, and experiments. One example is Andi, a thesis monkey whose tissue glows green under ultraviolet light. The number of animals used in cloning experiments is also quickly rising. Due to the severe health complications suffered by animal clones and the novel introduction of genes into genetically altered animals, it was imperative that USDA’s humane care regulations govern these invasive, painful, and distressful procedures. Fortunately, USDA stepped forward to address these novel technologies and extended AWA protections to genetically engineered and some cloned animals.

Significant Setbacks for Laboratory Animals Under the Animal Welfare Act

There have also been several crushing setbacks for the protection of laboratory animals. One of the largest was the 2002 Helms amendment to the AWA, excluding birds, rats, and mice from coverage under the Act.

This amendment occurred as a result of USDA’s decision to settle the lawsuit with ARDF. ARDF sued USDA because the agency had interpreted the term “animal” to include all warm-blooded animals except birds, rats, and mice. After the court granted standing to the plaintiffs, USDA settled the case and was going to regulate birds, rats, and mice for the first time. The research community was upset over this settlement and attempted to intervene in the lawsuit but was denied by the court.

After settling the lawsuit, USDA began the process to regulate these animals when disaster struck. Prompted by the research community, then Senator Jesse Helms decided during a closed hearing or debate—to unilaterally exclude “birds, rats, and mice of the genus Rattus, and mice of the genus Mus, bred for use in research.” This language was narrowly written; therefore, some of the uses of birds, rats, and mice still fall within USDA’s regulatory authorities, including the sale of birds as pets and the use of wild mice in research. USDA is currently conducting a rulemaking process to cover these animals.

The devastating effect of the Helms amendment is that since the majority of animals used in research are mice and rats that are bred for use in research, more than 95 percent of animals used in research facilities are entitled to no humane care or treatment under the AWA. The Congressional founders of the AWA wanted to eliminate abusive laboratory conditions for all warm-blooded animals, but not just five percent of them. Through the unilateral act of one Senator, the AWA has been significantly crippled in its ability to protect all research animals.

Future Direction of the Animal Welfare Act in Protecting Research Animals

Now that the first 40 years of the AWA have passed, where will AWA coverage extend during the next 40 years? Animal advocates have numerous ideas. Focusing solely on the research animal issue, however, there are two primary areas that must be addressed in future AWA amendments.

First, to truly be an Act that protects animals used in research, the AWA must be amended to include birds, rats, and mice under humane care, including cold-blooded species, such as fish. As shown by the Canadian Council on Animal Care (CCAC), the number of fish used in research is on the rise, rivaling the number of mice used. Because birds, rats, mice, and cold-blooded species are not covered, researchers use these animals because they are not covered by the AWA. These excluded species deserve AWA protection just as much as the species currently covered under the law. In addition, because these animals are not covered under the AWA, there is no requirement that researchers use non-animal alternatives. As a result, researchers are considering only standard procedures for an astounding five percent of research animals. Clearly, this is not what Congress meant when they passed

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Future Direction of the Animal Welfare Act in Protecting Research Animals

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First, to truly be an Act that protects animals used in research, the AWA must be amended to include birds, rats, and mice under humane care, including cold-blooded species, such as fish. As shown by the Canadian Council on Animal Care (CCAC), the number of fish used in research is on the rise, rivaling the number of mice used. Because birds, rats, mice, and cold-blooded species are not covered, researchers use these animals because they are not covered by the AWA. These excluded species deserve AWA protection just as much as the species currently covered under the law. In addition, because these animals are not covered under the AWA, there is no requirement that researchers use non-animal alternatives. As a result, researchers are considering only standard procedures for an astounding five percent of research animals. Clearly, this is not what Congress meant when they passed

by revising Policy 10, companies that are genetically engineering or cloning animals are now clearly not shielded from complying with the AWA. This policy revision is significant because an unlimited number of animals are genetically engineered to contain unnatural characteristics and are used in research, tests, and experiments. One example is Andi, a thesis monkey whose tissue glows green under ultraviolet light. The number of animals used in cloning experiments is also quickly rising. Due to the severe health complications suffered by animal clones and the novel introduction of genes into genetically altered animals, it was imperative that USDA’s humane care regulations govern these invasive, painful, and distressful procedures. Fortunately, USDA stepped forward to address these novel technologies and extended AWA protections to genetically engineered and some cloned animals.

Significant Setbacks for Laboratory Animals Under the Animal Welfare Act

There have also been several crushing setbacks for the protection of laboratory animals. One of the largest was the 2002 Helms amendment to the AWA, excluding birds, rats, and mice from coverage under the Act.

This amendment occurred as a result of USDA’s decision to settle the lawsuit with ARDF. ARDF sued USDA because the agency had interpreted the term “animal” to include all warm-blooded animals except birds, rats, and mice. After the court granted standing to the plaintiffs, USDA settled the case and was going to regulate birds, rats, and mice for the first time. The research community was upset over this settlement and attempted to intervene in the lawsuit but was denied by the court.

After settling the lawsuit, USDA began the process to regulate these animals when disaster struck. Prompted by the research community, then Senator Jesse Helms decided during a closed hearing or debate—to unilaterally exclude “birds, rats, and mice of the genus Rattus, and mice of the genus Mus, bred for use in research.” This language was narrowly written; therefore, some of the uses of birds, rats, and mice still fall within USDA’s regulatory authorities, including the sale of birds as pets and the use of wild mice in research. USDA is currently conducting a rulemaking process to cover these animals.

The devastating effect of the Helms amendment is that since the majority of animals used in research are mice and rats that are bred for use in research, more than 95 percent of animals used in research facilities are entitled to no humane care or treatment under the AWA. The Congressional founders of the AWA wanted to eliminate abusive laboratory conditions for all warm-blooded animals, but not just five percent of them. Through the unilateral act of one Senator, the AWA has been significantly crippled in its ability to protect all research animals.

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the 1985 amendments that included the alternatives provision. Senator Bob Dole explained that this legislation was necessary “to ensure the public that everything possible is being done to prevent unnecessary abuses to animals, and that everything possible is being done to decrease the pain of animals during experimentation and testing.” Indeed, Congress' intent to decrease animal pain and suffering through the use of alternatives is meaningless if less than five percent of the animals used in research are covered by the AWA. To provide real protection to laboratory animals, the Helms amendment needs to be repealed, and the alternatives provision. Senator Bob Dole explained that this legislation was necessary “to ensure the public that everything possible is being done to prevent unnecessary abuses to animals, and that everything possible is being done to decrease the pain of animals during experimentation and testing.” Indeed, Congress' intent to decrease animal pain and suffering through the use of alternatives is meaningless if less than five percent of the animals used in research are covered by the AWA. To provide real protection to laboratory animals, the Helms amendment needs to be repealed, and the alternatives provision.

Finally, even if Congress broadens the coverage of the AWA to include more species, the statute is toothless without adequate enforcement. Through

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he Pet Animal Welfare Statute (PAWS) was introduced into the Senate earlier this year with the original intent of strengthening the U.S. Department of Agriculture's (USDA) ability to regulate the pet industry by amending the Animal Welfare Act (AWA). The Companion Pet Protection Conference House bill (H.R.2649) were widely well received. However, new language, which significantly alters the original bill, has been added to a discussion draft and it is currently under consideration.

The discussion draft allows retail and wholesale animal dealers to be inspected by “third parties,” replacing direct oversight by the USDA. While the USDA is a neutral agency, third-party inspectors may be aligned with the pet industry and quick to dismiss violations of the AWA. Additionally, dealers who opt into the third-party inspection program subsequently opt out of USDA inspection, and thus their inspection reports will not be available through the Freedom of Information Act (FOIA). Only dealers that fail third-party inspections will have records available through FOIA. Without access to FOIA documents, animal advocates will be left unaware of what goes on behind the closed doors of animal dealers. This action sets a dangerous precedent for enforcement of other industry oversight bodies such as the Association for Assessment and Accreditation of Laboratory Animal Care, which operates within the biomedical community.

Please write to your Senators and encourage them to support S.239 in its original form. Also please contact your Representative and ask him/her to support the original PAWS companion bill, H.R.2649. To find your U.S. Senators, log onto www.senate.gov; and to find your U.S. Representative, log onto www.house.gov; or call (800) 688-8989 to get the names and addresses of your legislators.
Support Alternatives Bills in NY and NJ!

Groundbreaking legislation has been proposed in two eastern states that, if approved, would save countless animals from suffering behind locked laboratory doors. In 2005, the New York Assembly unanimously passed an alternatives bill (A.1163) that would prohibit animal testing on personal care and non-medical products if a federally recommended alternative exists. Now the companion bill (S.4808) is awaiting a vote in the New York Senate. A similar bill (A.909/S.1956) was introduced in New Jersey’s Senate and Assembly. Both bills stipulate that alternatives must be approved by the federal Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) in order to meet the law’s requirements. Although no federal law requires the use of animal testing on non-medical products (such as lipstick and soap), many manufacturers continue to conduct painful and unnecessary tests on animals. If the bills are approved, a personal care or non-medical product company would be required to spare animal lives by utilizing the alternative in its testing and research. Undoubtedly, passage of these laws would be a big step toward ending animal tests forever for personal care and cosmetic items.

If you live in New York, please urge your Senator to support the alternatives bill (S.4808). You can find the name of your New York Senator at www.senate.state.ny.us or by calling (518)455-2800. Additionally, you can find out how your Assemblyman voted on the alternatives bill at www.assembly.state.ny.us and thank your legislator if s/he voted to protect laboratory animals.

If you live in New Jersey, please contact your Assemblymen and Senator and urge them to support the alternatives bill (A.909/S.1956). You can find the names of your New Jersey legislators at www.njleg.state.nj.us or by calling (800)792-8650.

Pet Safety and Protection Act Prohibits Class B Dealers from Supplying Dogs and Cats for Research

The evolution of the Laboratory Animal Welfare Act of 1966 was largely motivated by the public’s outrage over the use of stolen family pets in research projects. Yet, even today, dogs and cats may be snatched from their yards, obtained through ‘free to good home’ ads, or legally relinquished from shelters through a process called ‘pound seizure.’ Class B dealers, who collect dogs and cats from random sources such as these, then supply these animals to research facilities. Clearly, the chief intention of the Laboratory Animal Welfare Act (later known as the Animal Welfare Act, or AWA) has not been achieved because class B dealers continue to illegally provide researchers with former companion animals under the AWA.

A new bill entitled the Pet Safety and Protection Act (S.451) seeks to remedy this problem with proposed amendments to the AWA by prohibiting class B dealers from supplying dogs and cats for research. Unfortunately, the bill does not remove the current AWA provision allowing publicly owned pounds to supply dogs and cats to research facilities.

Although the problems with class B dealers are addressed in the Pet Safety and Protection Act, this bill continues to allow (but does not require) public pounds to supply research facilities with animals as long as they are in compliance with the AWA.

For more information about pound seizure, please visit www.banpoundseizure.org.

Support Student Choice in Michigan!

A recent bill proposed in Michigan would give public school students the right to say no to dissection without compromising their grades. H.4254 states that if “a pupil expresses a moral objection to the dissection, the teacher shall offer an alternative activity to the dissection.”

Many students object to dissection for a variety of reasons, and the value of alternative methods is beginning to be recognized by the educational community. Research shows that students who use alternatives learn as well, if not better, than their peers who dissect. Additionally, the financial savings of CD-ROMS, models, charts, manikins, and other dissection alternatives that can be used over and over again are far greater than that of real animal specimens. There is also an important lesson taught when not using real animals: Students learn to respect living beings and begin to appreciate and understand the role of animals in nature. This is fundamental to biology, the study of life.

If you live in Michigan, please contact your Representative and ask that s/he co-sponsor the dissection choice bill (H 4254). You can find the name of your Michigan Representative at http://house.michigan.gov by calling (517)373-0135.
Caroline Earle White Society

Planned Giving
Ensuring your voice continues to be heard for the animals

Over the years, many of our members and supporters have made provisions to include AAVS in their wills, trusts, life insurance policies, and retirement accounts. Making a planned gift to AAVS is one of the most powerful ways you can help us to reach our goal of ending the use of animals in biomedical research, product testing, and education. To recognize the thoughtfulness and generosity of those who have chosen to provide for AAVS in their estate plans, we have created The Caroline Earle White Society, named in honor of our founder. If you are interested in becoming a member of The Caroline Earle White Society please contact Heather Gaghan, Director of Development & Member Services at (215)887-0816.

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Jenkintown, PA 19046

AAVS Memorial Fund

The AAVS Memorial Fund is a unique way of paying tribute to kindred animals and animal lovers while making a gift in their name to help stop animal suffering. All AAVS memorial gifts are used for continuing our mission’s work of ending the use of animals in biomedical research, product testing, and education.

Memorial donations of any amount are greatly appreciated. With a donation of $50 or more, your memorial will also be acknowledged in a special recognition section of AAVS’s Annual Report. At your request, we will notify the family member or other individual you have remembered as a memorial gift to AAVS.

Tributes

In memory of Tippy and Killian. We miss you very much. We’ll see you at the Rainbow Bridge.
Kathleen and Sean Patrick Yoshida
Asburn, VA

In memory of Buddy, my wonderful cat who passed away from cancer. He is always in my heart.
Mahmoud Kassraian
Las Vegas, NV

In memory of Eddie and Teddy. I know you both would want me to continue to rescue animals throughout my life, but none will ever replace you. I miss you everyday.
Roberta Elliott
Las Vegas, NV

In memory of Snowflake. We miss you and will always love you.
Kathryn Demeter
San Jose, CA

In memory of Jedburgh—one in a lifetime. Miss you always.
Kenneth and Linda Barnes
Northville, MI

Message to Our Members

Dear Friends,
I hope your summer has afforded you the opportunity for a little R&R and time to enjoy the simple beauty of nature. I had the opportunity to visit the island of St. Lucia for my sister’s wedding and it was simply enchanting. The 19,000 acres of vibrant and lush landscapes reminded me of the beauty and importance of freedom for all living creatures. The island is full of native birds, and watching them made me appreciate even more the work AAVS is doing to help bring about the protection and eventual liberation of all animals.

Your continued support enables us the freedom to explore the many opportunities for our campaigns. Thank you for giving us wings to fly our message around the world, as it offers hope for all animals suffering needlessly, but especially for those in laboratories.

Regards,
Heather Gaghan
Director of Development & Member Services

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AV MAGAZINE A PUBLICATION OF THE AMERICAN ANTI-VIVISECTION SOCIETY
ne of the primary purposes of the Animal Welfare Act (AWA) is to encourage the development of alternatives. The AWA states that "methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing." This statutory requirement requires researchers to consider alternatives before using animals in painful experiments and is the first step toward reducing animal suffering in research.

In a later section, Congress directs the U.S. Department of Agriculture (USDA) to promulgate regulations for research facilities, including requirements "that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal." This statutory requirement requires researchers to consider alternatives before using animals in painful experiments and is the first step toward reducing animal suffering in research. However, the AWA is not the only law concerned with alternatives. One important federal law is the ICVM Authorization Act of 2000, which established the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) as a permanent entity. The Committee is composed of representatives from 15 federal regulatory and research agencies involved in risk assessment. Key aspects of its mission include facilitating acceptance of validated methods and increasing efficiency in the review process. Because of ARDF's core mission to "promote the development, validation, and adoption of non-animal methods," it monitors ICCVAM and sends representatives to its meetings in which alternative methods are evaluated, data is reviewed, and recommendations are formulated.

As recently as May 2006, ARDF president Sue Leary attended the ICCVAM Peer Review Panel to evaluate in vitro test methods for estimating starting doses for acute oral systemic toxicity. This somewhat dry title represents examination of an aspect of the controversial LD50 test, which literally poisons animals to let industry know what they will find acceptable, had already been issued by another animal protection organizations that propose new non-animal testing strategies directed at the EPA. Perhaps a single agency can respond more efficiently than the coordinating body, but both levels seem to require constant vigilance by informed advocates in order to advance the case for alternatives.

highlights, including its reliance on questionable animal test results as the "gold standard." It raises serious questions regarding the agency’s ability to carry off the job it has been assigned within a reasonable time frame.

In June, ARDF and AAVS co-signed petitions drafted by People for the Ethical Treatment of Animals (PETA) and supported by other animal protection organizations that propose new non-animal testing strategies directed at the EPA. Perhaps a single agency can respond more efficiently than the coordinating body, but both levels seem to require constant vigilance by informed advocates in order to advance the case for alternatives.

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BE INFORMED!

Every animal activist should know the laws and regulations surrounding animal research.

Request your free Laws, Animals, and Research brochure today! Call (800)SAY-AAVS.

The American Anti-Vivisection Society
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A Non-Profit Educational Organization
Dedicated to the Abolition of Vivisection