

Court Says Rats, Mice, Birds Covered by Animal Welfare Act

A federal judge in Washington, DC has ordered the US Department of Agriculture to reconsider its 20-year policy of exempting rats, mice, and birds from the Animal Welfare Act.

US District Court Judge Charles R. Richey ruled in a civil suit brought by the Animal Defense Fund and the Humane Society of the United States that rats, mice, and birds are entitled to the same humane conditions as required for other laboratory animals.

The Agriculture Department argued that it lacks the resources to include rats, mice, and birds, which account for approximately 90 percent of the animals used for research. Adding them to the regulations would double or triple the inspection workload for the Animal and Plant Health Inspection Service and, in turn, could harm the enforcement of the

law for other animals.

The judge said, "The agency's argument that it lacks the resources to implement these regulations might be convincing if the agency sought more resources to pursue its mandate. In fact, the plaintiffs have shown that the agency intentionally sought funding decreases and one year requested that its animal welfare program be eliminated.

"This inertia on the part of the agency allows for the mistreatment of birds, rats, and mice to continue unchecked by the agency charged with the protection of laboratory animals. The court cannot believe that this is what the Congress had in mind."

Unless there is an appeal of the court decision, the Department of Agriculture will propose regulations for the care and use of rats, mice, and birds.

Ethics Office Defers Action on Federal Employees Role With Professional Societies

The Office of Government Ethics (OGE), which is charged with setting ethical standards for federal employees, has withdrawn from proposed regulations the section entitled "Participation in Professional Associations."

The section, if enacted, could have prohibited federal employees from serving professional societies and associations as volunteer officers, directors, committee members, journal editors, or in any other capacity whether elected by the membership or appointed by a board of directors.

As proposed, the regulations would have kept a federal employee from using official time to "administer the internal affairs of any such organizations or to carry out its business affairs, or to attend or participate in meetings or events that primarily serve those purposes."

The OGE said that when the regulations are issued, the section dealing with professional societies will be marked "Reserved." By reserving the section, OGE said it would be

able to later review the issue and propose any needed rules.

The OGE said it has received 980 letters of comment from professional societies and associations objecting to the section as being too restrictive.

In its letter to the OGE, the Society said:

"[T]he result (of the proposed regulation) is to effectively prevent federal employees from taking part in the leadership of professional societies, such as APS, thus depriving the profession of valuable expertise and knowledge. The federal government also loses as its employees are deprived of opportunities to exchange ideas and to advance their profession.

"Moreover, to deprive associations of the talents of individuals solely because they are employed by the federal government lessens the benefits accrued to both the profession and society and creates a barrier between the government and the citizens it serves."

APHIS Proposes Regulations for Random Dogs and Cats

The US Department of Agriculture has announced that the Animal and Plant Health Inspection Service (APHIS) is amending Animal Welfare Act regulations concerning random source dogs and cats.

The proposed regulations apply to all pounds, shelters, and holding facilities, requiring that random source animals to be delivered to dealers be held for five days, including a Saturday and not counting the day of transportation.

The regulations being proposed are to put into effect the Pet Protection Act, which was enacted by the 101st Congress. The regulations as proposed not only govern the

length of time an animal must be held but also require certification of the source.

APS and others scientific societies opposed this legislation because a survey of pounds and shelters indicated that very few would or could afford to hold animals for five days because of space and budgets. With the promulgation of the regulations, it is expected that there will be fewer outlets for dealers to secure random source animals, because the law applies only to those animals being made available to dealers.

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Farm Animals Replacing Lab Animals as Targets

Animal rights groups meeting to discuss the future focus and strategies for the animal rights movement have indicated that farm animals now are the primary target.

Approximately 200 animal rights organizers from the United States and Europe heard 44 prominent animal rights leaders during the four-day forum at Rockville, MD. The forum was sponsored by the Farm Animal Reform Movement (FARM).

Alex Hershaft, director of FARM, was reported as saying that during the past decade the animal rights movement focused on abolishing the use of animals in the laboratory. He said that although great strides were made in the lab animal area, farm animals are the most prominent source of animal abuse. Hershaft indicated that during the next decade the animal rights movement will focus on eliminating farm animal abuse and ultimately the need for farm animals for food.

Wayne Pacelle, executive director of Fund for Animals, was quoted as saying, "[F]or the time being," the animal rights movement is at "the end of the line" concerning laboratory animals as a viable issue. He said the opposition to ending all animal experiments is too strong. "But, the movement is gaining ground. . . . Farm animals and vegetarianism are big issues whose time has come."

NIH Schedules Two Programs on Lab Animal Care and Use

The National Institutes of Health's Office for Protection from Research Risks has scheduled two workshops on implementing the Public Health Service policy on humane care and use of laboratory animals. Each workshop will have a specific theme.

At Wayne State University on May 18-19, a workshop on rodent surgery in research and teaching will be held. For registration, contact Andrea Lubienski, Wayne State University Continuing Medical Education, University Health Center, 4-H, 4201 St. Antoine, Detroit, MI 48201. Tel: 313-577-1180.

On June 18-19 at Columbia University, a workshop is planned on institutional responsibility in meeting the intent of federal regulations. For registration, contact Patrick Dwyer, Continuing Education Office, Columbia University, 620 W. 168th Street, New York, NY 10026. Tel: 212-305-3682.

Research Exemption Misleading in Products Testing Bill

For the fourth Congress, Rep. Barbara Boxer (D-CA) has introduced a "Consumers Product Safe Testing Act" (H.R. 3918), this time with an exemption for medical research.

The bill would require every federal department and agency that regulates, licenses, or approves products and/or labeling requirements to provide for nonanimal acute toxicity testing. Unlike her three previous bills, all of which died in committee, this bill carries an exemption for medical research.

The bill defines medical research as "research related to the causes, diagnosis, treatment, or control of physical or mental impairments of humans and animals. The definition does not include the testing of a product to determine its toxicity for the purpose of

complying with protocols, recommendations, or guidelines for testing required, recommended, or accepted by a federal regulatory agency for a product introduced in commerce."

The definition for medical research exemption is misleading in that drugs and medical devices are not exempted along with other consumer goods, such as household products, food additives, cosmetics, and pesticides.

State Laws On Animal Use Compiled by NABR

The National Association for Biomedical Research (NABR) has published a compilation of state laws governing the use of animals in research.

The booklet covers state animal laws, including those governing research facilities, pounds and shelters, animal cruelty, and the use of animals in the classroom. Copies are available for \$25.00 each by writing NABR, 818 Connecticut Avenue SW, Suite 303, Washington, DC 20006.

"Stamp of Concern"

A "Stamp of Concern" has been developed by In Defense of Animals for use by individuals considering making contributions to voluntary health agencies. The stamp says the following.

"Because I have a deep concern for the welfare of other species, before I contribute to your organization I must be assured that the research you conduct or finance does not include the mutilation and abuse of animals."

Moving?

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