The Plight of Laboratory Animals

THE LEGISLATIVE SITUATION

Photograph of the interior, upper deck of Paul Anthony's truck taken during early morning raid of the Fairfield County dog pound. USDA rules say that animals shall have adequate room to stand and lie in a normal position.

A typical example of how dogs are transported to auctions. Two dogs await sale at an auction in Scottsboro, Ala. Note the chain on the dog in the upper part of the picture is so tight that the animal cannot lie down.

Dogs awaiting purchase at the Scottsboro auction. Laboratory animal dealers, many holding federal licenses, gather to trade at auctions. HSUS has found that some trade animals without actually going through the auction procedure.

This dealer was selling animals without a federal license. His activities have been reported to USDA and, after Delaware SPCA raid, he asked USDA if he could get a license.

Emaciated and mange-ridden dog at dealer raided by Delaware SPCA is held by SPCA agent William Tucker. Animal had to be destroyed on advice of veterinarian.

Cats at a Pennsylvania auction stacked in crates awaiting purchase and eventual shipment to laboratories. Trade in cats is substantial and continues to expand at an increasing rate as research activity mushrooms.
In August 1966 President Lyndon B. Johnson signed into law P.L. 89-544, the Laboratory Animal Welfare Act. Many humanitarians, misled by the name, breathed a sigh of relief that protection of pets from theft and cruelty conditions at laboratory animal dealers had finally been achieved.

Unfortunately, some elements in the humane movement misunderstood and misinterpreted the purpose of this law. They attribute to it coverage which does not exist. In other words, this legislation was never intended to be an instrument for ensuring humane treatment of animals used in research experiments.

The law is simply not being effectively enforced by the USDA. In many areas dealers are inspected by USDA only when a complaint is made--and that too only occasionally. Because of budget limitations, the inspections are made at best, once or twice a year in those areas. So over 90% of the over 20,000 dealers of animals in the U.S. are not being properly inspected by the USDA.

In a recent case, the Delaware SPCA, a branch of the HSUS, in the interest of protecting the owners of millions of animals used in experiments and tests every year. What is not so clear is that Public Law 89-544 itself is not being properly enforced. Let's take a look at the facts of administration and enforcement as uncovered by thorough and continuing HSUS investigations.

The U.S. Department of Agriculture has done a good job in some areas, but there is such a low appropriation of $500,000 a year, and a million and a half dollars less than the minimum requested for effective enforcement of the Act. Most of the improvements have been made in the treatment and housing of laboratory animals on the premises of dealers in animals for biomedical and pharmaceutical work. But even here, there are serious shortcomings:

**HOUSING**

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USDA investigates interpret the published rules and regulations in different ways. For example, a New York humanitarians recently complained to USDA that the shed used by George Holbert, a federally licensed dealer in upper New York state, had no heat or ventilation. Despite temperature fluctuations in that area from a high of over 100 degrees to a low of 20 degrees below zero. The USDA investigator told the humanitarians that this was perfectly all right because the dealer was acclimated to it.

In a recent case, the Delaware SPCA (Wilmington, Del.) raided a laboratory and removed 140 dogs. It was known that this man was selling dogs to other dealers who are federally licensed and that fact had been reported to the USDA. He had once before been convicted and sentenced to serve five years in prison for cruelty and the shocking conditions have led to ten more counts of cruelty by the Delaware SPCA. Elmer Bailey, Director of Humane Edu-

**SOURCES OF SUPPLY OF LABORATORY ANIMALS**

In many sections of the country animals are being obtained by questionable methods. Probably the most flagrant abuses are in the states of Ohio, West Virginia, Virginia, and New Jersey.

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Public Law 89-544  
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One laboratory animal supply dealer in Ohio, who supplies another dealer in Pennsylvania, has admitted that he obtains animals from 18 Ohio pounds even though he has been advised that it is against the laws of the State of Ohio. In many cases dogs are not held the legal length of time and owners of pets never see their animals again. USDA officials admit freely that they believe the laws of the State of Ohio are being violated but contend that they have no jurisdiction because the provisions of P.L. 89-544 are not being violated. Apparently, that animals are being obtained illegally cannot be contested even though this is specifically why the federal law was passed.

In Wheeling, West Virginia, the dog warden is a so-called humane agent, and his wife is a federally licensed laboratory animal supply dealer. In other words, the dog warden is paid by the counties to pick up and impound animals, many of which probably have owners. His wife can then resell them to laboratories under her federal license. USDA claims it has no jurisdiction as long as the person selling the animals has a federal license.

The dog warden for Lancaster County, Virginia is also a federally licensed dog dealer. His truck has been reported in several counties removed from Lancaster. We have only to ask ourselves which business is more profitable—being dog warden or reselling the animals to laboratories.

In New Jersey the situation is even worse. One dog warden owns two separate pieces of property (one described as a humane animal shelter), several trucks, and employs several workers. He has contracts to pick up dogs in almost 40 communities. He is paid over $50,000 a year by these communities and maintains that he sells no animals for research purposes.

He also owns property in New Windsor, New York which has been licensed by the USDA as a laboratory animal supply facility. The federal license is held in the name of the dog-warden’s brother-in-law. Here again, there is no federal violation because someone, apparently anyone, has obtained a federal license.

TRANSPORTATION
Trucks of laboratory animal dealers continue to ply the highways late at night under the cover of darkness, picking up and delivering animals. In many cases, animals are horribly overcrowded in small pens and cages.

HSUS investigations in Ohio, New Jersey, Pennsylvania, and other states leave no doubt that even licensed dealers are not conforming with the transportation standards of P.L. 89-544.

AUCTIONS AND TRADE DAYS
Although almost 3 years have passed since P.L. 89-544 was enacted, one of the greatest cruelties that was reported to Congress in Congressional hearings still continues. Infamous auctions and trade sale days are still being held in Pennsylvania, Alabama, Missouri, Tennessee and Arkansas.

Literally thousands of dogs are sold at one of these sales and seldom, if ever, is proof of ownership or a bill of sale required. Very seldom is food and water on the premises. USDA officials have been working on changes to the rules and regulations which would include trade days and auctions but they have not yet been completed. Three years of cruelty and questionable trading in dogs is long enough.

CONCLUSION
Don’t be misled into thinking that Public Law 89-544, the so-called Laboratory Animal Welfare Act, is perfect and needs no change. It is not. Changes in the law are needed. Changes in the rules and regulations are needed. Greatly increased appropriations are needed.

Let us all work together toward achieving these changes while, at the same time, fighting for the far more extensive and comprehensive protection of experimental animals that can be obtained through enactment of the Rogers-Javits bill.

Rogers-Javits Bill  
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as soon as possible. (HR 12286 is now pending before Mr. Staggers’ Committee.)

2. Write your two Senators saying that you support the Javits bill, S. 2446. Ask that they support and work for it. Suggest that they ask Senator Ralph W. Yarborough, Chairman of the Senate Labor and Public Welfare Committee, to schedule hearings on S. 2446 as soon as possible. (The bill is pending before Senator Yarborough’s Committee.)

3. Write yourself to Congressman Harley O. Staggers and Senator Ralph W. Yarborough urging that they hold public hearings on this legislation very soon. Mr. Staggers may be addressed at House of Representatives, Inter-state and Foreign Commerce Committee, Washington, D. C. 20515. Mr. Yarborough receives mail at Senate Labor and Public Welfare Committee, Washington, D. C. 20510.

The Humane Society of the United States  
1145 Nineteenth Street, N.W.  
Washington, D. C. 20036
Enclosed is $_________ to help in the campaign against the continuing cruelty to animals used in biomedical research. Enclosed, also, is a special contribution of $_________ to finance further HSUS investigations into the administration and enforcement of Public Law 89-544.

NAME

STREET

CITY, STATE ZIP CODE

(Contributions to The HSUS are tax deductible. A gift of $10 or more may qualify you as a voting member.)