

LEGISLATION and REGULATION



Amendment to the U.S. Animal Welfare Act

Representative Pat Schroeder (D-Colo.) has introduced a bill into the U.S. Congress which would amend the Animal Welfare Act "to insure the humane treatment of laboratory animals." The bill (H.R. 6847), which concentrates on research involving pain, contains several features with wide-ranging implications for the conduct of animal experimentation:

- (1) The definition of "animal" is expanded to include all live or dead vertebrates, excluding horses and farm animals not used in research facilities.
- (2) A new definition is included for "pain" to cover both "hurtful immediate physical sensations" and "debilitation and significant physical and behavioral distress."
- (3) Elementary and secondary schools would not be permitted to use animals in procedures causing "pain."
- (4) The current proviso that the U.S. Department of Agriculture (USDA) cannot promulgate rules, regulations, or standards on the

design, outlines, guidelines or performance of actual research or experimentation would be deleted.

- (5) All research facilities registered with the USDA must establish and maintain an animal care committee of not less than five members (including a veterinarian) who are knowledgeable in and concerned about animal welfare. Projects which could cause "pain" would not be undertaken without the approval of the animal care committee.
- (6) All animals subjected to painful research must be adequately anesthetized to preclude pain except in the case of procedures resulting in "momentary pain of minor severity," e.g., injections. In addition, the infliction of disease by a registered person would be permitted if the animal care committee deems it necessary.
- (7) Multiple survival surgery on a single animal would not be permitted unless sequential operations are required for the testing of a single hypothesis.
- (8) The Secretary of Agriculture would appoint an advisory committee of ten to twenty-five individuals, including professionals, animal welfare representatives and members of the public at large.
- (9) The Secretary would promulgate rules to permit inspectors to confiscate and/or euthanize animals found to be suffering as a result of failure to comply with any of the provisions of this Act.

The proposed amendment extends the scope of the Animal Welfare Act considerably, but is, in the main, in keeping with accepted voluntary guidelines. For example, the National Institutes of Health *Guide for the Care and Use of Laboratory Animals*

(p. 14) discourages multiple survival surgery unless the sequential operations are related components of a research or instructional project (see item 7 above). The Public Health Service policy on animal research includes all *live vertebrates* in its definition of "animal," and places the responsibility for humane treatment on both investigators and institutions. Animal care committees already function at most institutions which use vertebrate animals, and in many cases, a representative of the committee will review proposed research projects (see item 5 above).

The definition of and concern with pain is a new feature and represents an attempt to codify general exhortations to minimize distress and to use pain-relieving drugs where appropriate. There is a growing move within the establishment to review the whole concept of pain and distress. This provision, therefore, may be simply the overt expression of an implicit concern. The deletion of the proviso exempting actual research from the Animal Welfare Act coverage is a necessary element in the attempt to regulate the use of animals in painful research.

The Schroeder bill has already aroused opposition, demonstrated by the following comments on the pain provision from the Research Animal Alliance (RAA): "...different people will have different understandings of what constitutes pain, particularly since there is tremendous variation from species to species. The definition is too broad and is so vague as to be virtually meaningless" (*RAA Regulatory Alert*, March 31, 1980).

The National Society for Medical Research (NSMR) refers to the Schroeder bill as a "serious new threat to [the] Animal Welfare Act" (*NSMR Bulletin* 31(4):1, 1980) and highlights the deletion of the clause preventing rulemaking on the manner in which research is conducted. The NSMR has traditionally been against any exten-

sion of the USDA's power to regulate research practices and is even opposed to the establishment of an advisory committee to assist the Secretary of Agriculture: "The imposition of a politically appointed committee, even though the composition specifies certain categories of scientists that would be included, as well as nonscientists, the possibility of this mechanism being a vehicle to impose political pressures on scientific endeavor is unacceptable [sic]."

The RAA is also concerned about the deletion of the sentence which prohibits the Secretary of Agriculture from making rules about the conduct of research: "...elimination of this provision would pave the way for the USDA, at the urgency [sic] of animal welfare groups, to interfere with the actual design and management of research activities." This is a contentious issue which will have to be aired and clarified in hearings and debate. However, it is also pertinent to note that research protocols are currently subject to "interference" by peer review groups which can recommend modification of a particular technique if the project is to qualify for funding.

The Schroeder bill is the offspring of a bill which was introduced into the Colorado State Legislature in 1979. Containing most of the provisions listed above, the Colorado bill was endorsed by the deans of both the medical and veterinary schools in Colorado. The bill-drafting group included the Dean and Assistant Dean of the College of Veterinary Medicine, a physician from Colorado Medical School, three attorneys, one philosopher, one veterinarian in private practice, and the head of the Animal Care Facility at Colorado State University. Several members of this group have stated that they are willing to testify in favor of H.R. 6847. The bill is also supported by The Humane Society of the United States and the Animal Welfare Institute.

While it may not be possible to transpose it directly to the federal level, the Colorado bill has had substantial input from research scientists, and this will probably ensure considerable debate on the various issues raised by H.R. 6847. At present, battle lines are still being drawn, but several members of the research community have already indicated that they may support the new bill, either in major part or in its entirety.