

FEDERAL REPORT

KEY DECISION ON LAB ANIMALS

On April 1 The HSUS and the Animal Legal Defense Fund (ALDF), along with other plaintiffs, won a preliminary victory in a lawsuit brought against the U.S. Department of Agriculture (USDA) to have birds, rats, and mice protected under Animal Welfare Act (AWA) regulations. The federal district court in Washington, D.C., denied the USDA's motion to dismiss the suit, clearing the way for the case to proceed on its merits.

The ruling recognizes The HSUS's and ALDF's legal standing to bring the suit—an important breakthrough for the animal-protection community, which has been frustrated many times in pursuing the laboratory-animal issue in the courts.

Birds, rats, and mice make up approximately 85 percent of the animals used in laboratory research, and animal activists have sought AWA protection for those species for years. That goal may be at hand!

CALLING IT ORGANIC

HSUS staff members Dr. Michael W. Fox, vice president for farm animals and bioethics, Dale Didion, vice president for government relations, and Dr. Melanie Adcock, research associate for farm animals, led a delegation representing seven organizations in meeting with senior USDA officials who are drafting regulations to implement the Organic Foods Production Act, part of the 1990 farm bill. The act calls for the creation of national standards for organic products.

Among the topics discussed were coordination among fed-

eral agencies and the composition of an organic standards board that will advise the secretary of agriculture.

The HSUS is deeply involved in promoting sustainable agriculture, and its representatives emphasized that consumers should be able to make informed choices when purchasing food products. If strict standards for the use of an "organic" label were applied, consumers would have the opportunity to support farmers and ranchers who have chosen less-intensive methods of raising animals—methods that reduce stress, allow for natural patterns of behavior, and do not involve the routine use of chemicals or drugs. The last provision addresses longstanding HSUS concerns about the routine medicating of livestock to facilitate production in stressful situations.

LAST EFFORT ON AWA REGULATIONS

When drafting regulations, federal agencies must respect not only the statute but also the congressional intent. That important precept has broken down in the USDA's recent installments of AWA regulations. The USDA began to issue new and revised regulations after the passage of 1985 congressional amendments to the statute that were intended to increase the protection of animals used in laboratory experiments.

During the 1985 congressional deliberations, Sen. John Melcher of Montana demanded that larger cages for large primates be required. In the same discussions, Congress determined that the secretary of agriculture should develop standards for providing exercise to

dogs used in laboratory experiments. No such standards have been developed. The clear intent of Congress was not met when the USDA drafted its regulations.

With the assistance of the former Montana senator, The HSUS and other organizations are trying to persuade the USDA to modify the latest version of its AWA regulations, said to be final, so as to provide for the psychological well-being of nonhuman primates and exercise for dogs. The groups are calling for the USDA to bring the regulations into compliance with congress-

HSUS TESTIFIES ON THE HILL

Since Congress convened in January, The HSUS has lobbied hard for fiscal year '92 appropriations. We have sought funding for stricter enforcement of the AWA, the increased development and use of nonlethal animal-damage-control techniques, the establishment of a national organic standards board (the linchpin of the Organic Foods Production Act, passed in 1990), the USDA's sustainable agriculture and research program, and the National Toxicology Program's



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sional intent.

Your help is needed. Please write to The Honorable Edward Madigan, Secretary, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW, Washington, DC 20250, to express your concern for animals used in laboratory experiments and request the adoption of AWA regulations that better reflect the intent of the amendments passed by Congress in 1985.

validation of alternatives to the use of animals in product-safety testing.

In support of such appropriations, HSUS staff members have submitted oral or written testimony to a number of congressional committees and subcommittees. For example, on April 24 and May 7 Dr. Martin L. Stephens, vice president for laboratory animals, testified on behalf of The HSUS and the Massachusetts Society for the

Prevention of Cruelty to Animals at hearings of Senate and House of Representatives appropriations subcommittees on labor, health, and human services, asking for an additional \$5 million for the National Toxicology Program's validation activities. On May 14 Dr. John W. Grandy, vice president for wildlife and habitat protection, testified before a House appropriations subcommittee on rural development in support of funding that would promote nonlethal animal-damage control, the enforcement of the AWA, the formation of an organic standards board, and humane, sustainable agriculture.

FRIENDS HOLD FORUMS

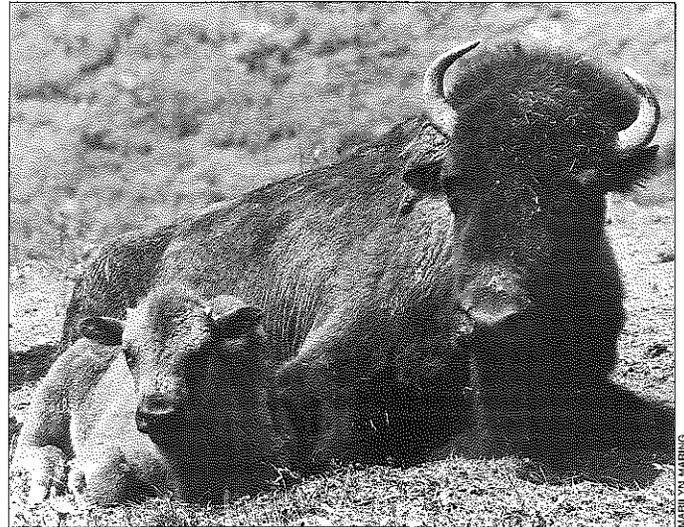
On February 14 and May 15 the Congressional Friends of Animals caucus held the first two of a series of forums on animal-protection issues for members of Congress and their legislative aides. Martha Cole Glenn, HSUS director of federal legislative affairs, addressed the group as-

sembled on each of those occasions. At the first forum, she discussed the pet-overpopulation problem. At the second forum, she spoke about the tuna/dolphin issue, concentrating on the steps that led to the passage of the Dolphin Protection Consumer Information Act last year. The act set a standard for the use of the "Dolphin Safe" label on tuna cans.

A PARTIAL VICTORY FOR THE BISON

Since the Montana legislature designated the bison as a game animal in 1985, about 700 of America's bison have been shot. Montana officials have historically maintained that bison from Yellowstone National Park threaten Montana cattle with brucellosis, a disease that can cause spontaneous abortions in cows, but no one has shown that brucellosis can be transmitted from Yellowstone bison to cows.

A partial victory has been gained in the fight to protect the bison, during which HSUS members, along with schoolchildren and others, have de-



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nounced the slaughter and The HSUS, along with other animal-protection groups, has waged an extensive lobbying campaign. Gov. Stan Stephens of Montana signed a bill that prohibits hunters from killing bison that wander out of Yellowstone National Park. State game wardens are still allowed to kill such bison.

Now that Montana officials have heeded the public outcry and put an end to the recreational killing of magnificent animals that are part of our national heritage, our goal is to win legislation that will fully safeguard the bison and the other animals that inhabit Yellowstone National Park. The HSUS is committed to that goal.

WINNING A BATTLE WITH ADC

The Animal Damage Control (ADC) program of the USDA's Animal and Plant Health Inspection Service (APHIS) has been marketing its deadly services with greater and greater frequency. For example, the U.S. Forest Service

gave its permission for an ADC-sponsored program of killing coyotes from helicopters to begin in Utah's Dixie National Forest. Proceeding with the killing was particularly important, APHIS and the Forest Service had said, because there was snow on the ground, so spotting coyotes, which are dark, would be far easier. In February The HSUS, together with the Southern Utah Wilderness Alliance and the Sierra Club Legal Defense Fund, sued to prevent the killing. With the help of an expert affidavit filed by HSUS consultant Richard L. Randall, we prevailed; the Forest Service withdrew its permission for the program.

Reports of predator-control operations conducted by the ADC have come in from Bureau of Land Management districts in Wyoming, Nevada, and Montana. Although the government's ability to wreak destruction on western wildlife through separate predator-control operations creates a substantial drain on our resources, The HSUS is committed to challenging each of them.



Rep. Tom Lantos (standing) introduces a panel, which includes The HSUS's Martha Cole Glenn (center), at a forum sponsored by the Congressional Friends of Animals caucus.

A NEW ARENA FOR DOLPHINS

Two major victories in the fight to save dolphins occurred last year. Three leading U.S. tuna processors—StarKist, Bumble Bee, and Chicken of the Sea—pledged that they would not purchase or sell tuna caught by killing dolphins. In addition, Congress passed legislation that prohibits the use of the “Dolphin Safe” label on tuna cans if the tuna they contain was caught with dolphin-deadly purse-seine nets in the Eastern Tropical Pacific (ETP) Ocean or with drift nets anywhere. The legislation also establishes penalties for the misuse of the “Dolphin Safe” label.

However, there are already new threats to dolphins, notwithstanding the expressed desire of U.S. consumers, companies, and lawmakers to protect those beautiful, intelligent marine mammals. Policies and practices adopted by other nations are challenging the very root of the Marine Mammal

Protection Act (MMPA) of 1972 and could undermine U.S. environmental law and international conservation treaties.

The primary threat is coming from Mexico, whose fishing fleet has in recent years been responsible for most of the tuna-related dolphin deaths in the ETP. Since the passage of the MMPA amendments in 1988, which set a limit of 20,500 such dolphin deaths a year for an ever-shrinking U.S. fleet, an ever-increasing Mexican fleet has killed more than 80,000 dolphins a year.

The MMPA also mandates the embargo of tuna from nations that refuse to comply with a formula for diminishing their fishing fleets’ dolphin kills each year. Before January the Commerce Department was reluctant to confirm findings that would trigger an embargo of Mexican yellowfin tuna. However, The HSUS and other groups pressured the Commerce Department to act, and the Earth Island Institute defeated the agency in court battles. A U.S. court recently

ordered that Mexico, along with Venezuela and Vanuatu, which have also persisted in dolphin-deadly fishing in the ETP, be subjected to an embargo of yellowfin-tuna exports to the United States.

Mexico’s response has escalated the battle to save dolphins to the world level. In February Mexico filed a complaint against the United States with a council representing the 107 nations that have signed the General Agreement on Tariffs and Trade (GATT). In mid-April Mexico filed a brief challenging both the embargo provision of the MMPA and the 1990 law that regulates the use of the “Dolphin Safe” label, the Dolphin Protection Consumer Information Act.

Mexico claimed that the U.S. embargo is not allowed under GATT rules and constitutes a protectionist trade limitation that cannot be justified on environmental grounds. Mexico also claimed that the “Dolphin Safe” law is another protectionist measure enacted on behalf of the U.S. tuna industry. Under that law, it claimed, tuna caught by Mexican fleets and tuna caught by U.S. fleets are not given similar treatment.

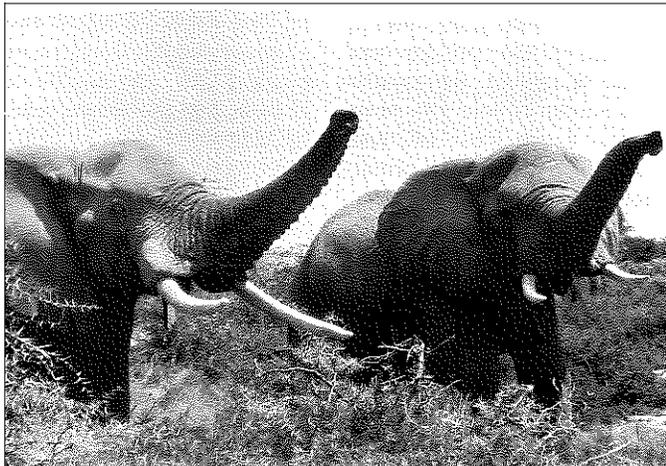
Oral arguments were heard at a GATT council meeting in Geneva, Switzerland, in mid-May, and the council is expected to make its decision on September 11. If the council decides in favor of Mexico, the United States could be asked to change the MMPA and the Dolphin Protection Consumer Information Act accordingly.

The United States is about to

extend its embargo of dolphin-deadly tuna to countries that continue to purchase such tuna from Mexico, Venezuela, and Vanuatu. Italian, Spanish, and Japanese canners have been the major importers of tuna from those 3 countries since the 1990 dolphin-protection law was passed. Japan, Norway, Thailand, Singapore, South Korea, and Indonesia have said that they will oppose the embargo in testimony before the GATT council, and Italy has called on the European Community to file a GATT complaint against the United States.

The U.S. trade representative (USTR) is charged with defending U.S. law to the signatories of the GATT. The HSUS and other organizations have made the USTR and Congress aware of our concerns, but we know that the State Department is attempting to develop a free-trade agreement with Mexico and may therefore fail to support the embargo provision of the MMPA. We have also appealed to Italian and Spanish canners to change their import practices, although to no avail. We are now trying to get the European Commission to stop Italy and Spain from buying dolphin-deadly tuna.

In the United States, The HSUS is working with other groups to ask major grocery-store chains to adopt a policy of selling only dolphin-safe tuna. Over the next few months the consumer will have a large impact on the steps that nations take—or do not take—to save dolphins from needless destruction. ■



SUSAN AMERICAN SOCIETY OF MAMMALOGISTS

This summer The HSUS is asking its members to write to The Honorable Manuel Lujan, Jr., Secretary, U.S. Department of the Interior, Eighteenth and C Streets, NW, Washington, DC 20240, and request that he give all African elephant populations endangered status under the U.S. Endangered Species Act.