Legislation & Regulation

Animal Experimentation Hearings

The idea of new federal legislation on the care and use of animals in research is no longer novel; bills that would direct, control and redesign the conduct of animal experimentation in the U.S. have been pending since the last session of Congress. Last autumn, however, a new phase in the process began. On 13-14 October 1981, the House Subcommittee on Science, Research and Technology held information-gathering public hearings as part of an effort to evaluate existing bills and possibly to formulate its own legislation.

Chairman Doug Walgren (D-PA) and various members of the Subcommittee listened to testimony from individuals representing parties as different in temperament and philosophy as People for the Ethical Treatment of Animals (PETA) and the National Society for Medical Research (NSMR), as well as a host of other organizations interested in either preserving, amending or fundamentally changing the status quo. Although it is almost always an exercise in oversimplification to classify people according to their views, certain themes repeated themselves in testimony throughout the hearings in a pattern that tended to divide (with some exceptions) the practicing research scientists from the animal welfare community.

Dr. Franklin M. Loew, representing the National Research Council's Institute for Laboratory Animal Resources, expressed the general sentiments of the major scientific organizations present when he stated: "We urge [the Subcommittee] to differentiate between legislative proposals aimed at the humane and appropriate care of laboratory animals and those which would mandate a specific approach to the conduct of science in America." The "legislative proposals" currently under scrutiny by the Subcommittee clearly fall into the latter category: HR556, also known as the Research Modernization Bill, would reallocate 30-50% of federal funds for animal experimentation to the development of alternative methods of research and testing; HR4406, a bill to amend the Animal Welfare Act, would *inter alia,* provide a new definition of pain and allow the Secretary of Agriculture to promulgate rules, regulations and standards governing the design and performance of experiments (see *Int J Stud Anim Prob* *1*(4):264-266, 1980; *2*(2):103, 1981). The National Society for Medical Research, the American Association of Medical Colleges (AAMC) and the Association for Biomedical Research (ABR, formerly the Research Animal Alliance) presented a united front to the Subcommittee in their stated objections to or "concerns" about HR4406 and HR556. The American Psychological Association (APA), represented by Dr. Perrie Adams, also registered its opposition to HR556, urging postponement of any legislation in favor of a "more balanced and deliberative examination of [the legislation's] effects on research and on society as a whole." Dr. John Patrick Jordan, representing the American Institute of Biological Sciences (AIBS), chose not to comment on specific legislation, preferring to concentrate on the virtues of self-regulation. Dr. Jordan also made the important though seemingly obscure point that any legislation should take cognizance of differences between "legitimate research organizations" and "process or production-oriented laboratories." Only the Scientists' Group for Reform of Animal Experimentation (SGRAE), represented by Dr. Andrew Rowan, expressed "wholehearted support" for HR4406 and voiced enthusiasm for the "goals and approaches" of legislation for alternatives.

Another theme which echoed through much of the testimony of the research organizations was the assertion that alternatives which have proven to be "scientifically reliable" are already in use to the extent possible and will continue to be developed without legislation for reasons as diverse as economic pressures and the scientists' own thirst for new, more elegant methods and techniques. However, the use of animals will also continue to be indispensable in many areas of research in human and animal health (e.g., studies on cancer, arthritis, heart disease, diabetes, nutrition, infectious diseases, mental illness and the development of therapeutic drugs). The Subcommittee heard much on a related theme, namely, the enhancement of human health as the supreme goal of biomedical and behavioral research. Indeed, the AAMC took a gentle tug on the Subcommittee's collective heartstrings by reminding it that in the last 15-20 years, animal research has contributed to a ninefold reduction in mortality from hyaline membrane disease, "...the problem that accounted for the death of President Kennedy's infant son." Dr. Arthur Butterfield, chief veterinarian at Georgetown University also alluded to the same altruistic aims. He told the Subcommittee how good he felt each morning when he looked at himself in the shaving mirror and contemplated what he could contribute to the good of humanity that day.

The acknowledgment that abuses of animals could occur in the form of unnecessary or excessively duplicative research was consistently tempered by votes of confidence in the peer review system, institutions such as the American Association of Laboratory Animal Science and the American Association for the Accreditation of Laboratory Animal Care, and the National Institutes of Health guidelines for humane care — in short, all currently existing apparatus for self-policing of biomedical and behavioral research — and suggestions for improving internal programs to promote responsible care and use of animals. However, at least one voice from within the scientific community expressed grave doubt as to the adequacy of the present system. Dr. Jay Glass, a neurological researcher and member of the faculty of the University of Pittsburgh School of Medicine (though not representing this institution at the hearings), stated that the humane care he has given to his animal subjects "has been my personal choice, if I had chosen otherwise, I would have been free to do with these animals pretty much whatever I wished....The individual researcher, be it a student or full professor, functions with complete freedom to treat their animals however they see fit."

That the present system fails to protect animals used in research adequately was the uniting theme for those giving testimony in favor of legislative initiatives on alternatives to the use of animals in research and possible regulations for their protection. Dr. Michael Fox of the Humane Society of the United States argued that provision for the animals' "behavioral and psychological needs must now be made, since there is ample evidence to show that deprivation and/or frustration of their social and environmental requirements jeopardizes not only their psychological and physiological well-being, but also the validity and relevance of research conducted upon them." Henry Spira, an animal activist from New York, insisted "that the search for alternatives to animal testing become a high priority with government, industry, academia, professional organizations, the regulators, public and private sectors; that there be an aggressive, productive, innovative search for alternatives to phase out the massive institutionalized intense suffering of lab animals." Other witnesses from animal welfare organizations argued along similar lines, but another major theme also came to light. This concerned the need for ethical review of research protocols that include experiments on animals prior to funding of the study and the need for outside participation (*i.e.*, from members of the community) in the grant/contract review process.

The research establishment clearly

stated that it had no quarrel with efforts to improve the Animal Welfare Act with reference to the appropriate care, acquisition and maintenance of animals. Dr. Edward Melby, representing the ABR, went so far as to recommend expansion of the Act to cover pet dogs and cats as well as those in pounds and shelters. However, subtler questions lie beneath the idea of expanding the physical protection afforded to animals in laboratories, questions that probe basic assumptions about society, ethics and the role that power politics has played in creating the present moral climate of animal research. Animal Protection Institute (API) representative Donald Barnes, who spent 16 years "training and irradiating nonhuman primates for U.S. government projects in a futile attempt to predict man's performance in a radiation environment," described to the Subcommittee the repression of emotion, tunnel vision and desire for profit and prestige that characterized his experience of the milieu of behavioral research. He offered an explanation for the perpetuation of a system that he feels both engenders and continues to allow insensitivity to the need of animals and fails to face the question of the validity of their use: "Power is security; security is the sine qua non of the bureaucrat, so the old 'don't rock the boat' phenomenon prevails."

Early in the hearings, the Subcommittee heard testimony that took such statements out of the abstract and placed them firmly in the realm of the concrete. Alex Pacheco, representing PETA, gave a graphic description of his experiences over a four-month period as a volunteer at the Institute for Behavioral Research (IBR) in Silver Spring, Maryland. His testimony amounted to a catalogue of abuses that he observed in the lab, including extremely unsanitary conditions, lack of urgently needed veterinary care and the apparently nonchalant assigning of a totally inexperienced student (Mr. Pacheco himself) to a pilot research project involving the "tormenting" of two crab-eating macaques. Mr. Pacheco stated that the only justification given him for the project was: "If something interesting comes up, we could get funding for it." Although Mr. Pacheco was the first witness to testify, the Subcommittee returned to the issues raised in his statements throughout the hearings. The liveliest and most revealing exchanges between witnesses and members of the Subcommittee surrounded the question of how "the system" could have allowed IBR, an NIH-funded laboratory, to function as Mr. Pacheco claimed it did. Under the persistent questioning of Chairman Walgren, Dr. William Raub, NIH Associate Director for Extramural Research and Training, acknowledged that institutional animal care committees can be completely in-house, effectively admitting that such committees have no real accountability under the present system. Representative Bob Shamansky (D-OH), who prefaced his remarks by stating his belief in the necessity of animal research, pointed to the "bureaucratic fortress of paper" erected by NIH as the ultimate cause of the situation at IBR. When asked by Representative Shamansky to rate on a scale of one to ten NIH's performance in the monitoring of IBR, Raub finally answered: "The system failed." Shamansky was somwhat harsher in his evaluation of NIH and USDA oversight, calling it "a nonsystem hiding behind a paper curtain" and stating flatly to Raub: "The problem is not scientific research, the problem is your institute."

The Subcommittee received many conflicting messages: research is being hampered by bureaucracy, research needs to be controlled by an even bigger bureaucracy; further regulation of animal research will hinder advances in human health, regulation of research with a view toward expanding the development and use of alternatives will make for better science and thus enhance efforts to improve human health. It can be hard to argue with statements such as the one made by Dr. Sheldon Wolf (NSMR): "Unless you have actively worked with those patients who are eagerly awaiting a research breakthrough, the importance of legislative considera-

tions dealing with research are difficult to comprehend." However, in the present atmosphere of evolving moral consciousness, it can be equally hard to ignore activist Henry Spira's statement to the Subcommittee: "We are not discussing 'cruelty,' we are not focusing on intentions, we are concerned with bureaucratic inertia, with an institutionalized mind-set which transforms living, feelings beings into lab tools. We are concerned with the one hundred million lab animals whose suffering is intense, expanding, systematic and socially sanctioned. What can be done?"

Should Congress decide to do anything at all, its challenge will be to harmonize these two major themes in legislation that preserves the primacy of human health but also admits of moral obligations to animals which go beyond their humane care.

Nancy Heneson