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N E W S R E L E A S E

For Immediate Release:
Tuesday, November 13, 2001

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Congress Recognizes that Historic Protections for Birds, Mice, and Rats Must Proceed

Fiscal Year 2002 Agricultural Appropriations Bill Approved Without Again Hindering Protection for Animals in Labs— Way Cleared for Rulemaking Process

JENKINTOWN, PA—Today, advocates for animals celebrate another milestone in the progress towards achieving minimal standards of care for birds, mice, and rats used in laboratory research. Although they comprise 95 percent of animals used in research and testing, these animals have been neglected from the protection of the Animal Welfare Act (AWA) since 1972 when the Secretary of the U.S. Department of Agriculture (USDA) arbitrarily excluded them from the definition of “animal.” Yesterday, a Congressional conference committee said the process for extending the Act’s regulations to these species could begin. The full House and Senate are expected to vote on the final bill shortly.

This action follows a successful lawsuit by the Alternatives Research & Development Foundation (ARDF) and an advocacy campaign by the American Anti-Vivisection Society. Despite the USDA settlement with ARDF in 2000, the Agriculture Appropriations Bill for fiscal year 2001 prohibited USDA from beginning the rulemaking process regarding birds, mice, and rats. That bill expired October 1 of this year. The Agricultural Appropriations Bill for fiscal year 2002, approved by a conference committee yesterday, allows the USDA to move forward. It stipulates that the deadline for public comments on a rule proposed by the USDA cannot come before September 30, 2002.

“We are eager for the USDA to initiate the rulemaking process, so that birds, mice, and rats can finally receive the legal protections that they so deserve,” stated AAVS Executive Director, Tina Nelson. “Once the USDA starts applying the Act to these animals as it does to others covered by its protections, then alternatives will have to be considered and properly researched if an experiment involving these animals may cause pain or distress,” she added. “This could mean that far fewer rodents and birds will be used in research, testing, and education.”

The normal rulemaking process involves a notice of a Proposed Rule published in the *Federal Register* that solicits comments from all stakeholders. Anyone with concerns about the implementation of protection of these animals can submit their concerns to the USDA for consideration. In response to the original Notice regarding ARDF’s petition to USDA, 94 percent of over 40,000 public comments received were in support of listing birds, mice, and rats under the

AWA's regulations. A survey of scientists and others who review animal research, published in the journal *Science*, indicated that a "clear majority" support AWA coverage for these species.

Despite this broad support for protection of birds, mice, and rats among the public and scientific communities, the National Association for Biomedical Research (NABR), a biomedical lobbying firm in Washington, DC, fought the progress every step of the way. NABR's appeal regarding a failed Motion for Intervention on the ARDF lawsuit against the USDA was recently denied. NABR's efforts were opposed by the Working Group to Preserve the Animal Welfare Act, which was initiated by AAVS and ARDF and is comprised of many national animal protection organizations who share concern for the future of the Act. The Group worked diligently in Washington to garner support from legislators and the public to prevent any action that would compromise the Act's integrity.

One of the Working Group's efforts involved publishing a letter of support written to ARDF in March 2001 by former Senator (and longtime supporter of the AWA) Bob Dole in the Hill newspaper *Roll Call*. Dole wrote, "As someone deeply involved with the process of revising and expanding the provisions of the AWA, I assure you that the AWA was meant to include birds, mice, and rats."

Now that the rulemaking process is ready to move forward and Congress' original intent has been recognized, the USDA and animal advocates may be able to find:

- How many animals are used annually in laboratories and how they are being used.
- How many unregistered research facilities and unlicensed breeders are in existence. (Facilities and breeders currently do not have to register with the USDA if they use non-listed species.)
- How widespread is the use of painful and distressful procedures, which are required to be reported by research institutions using listed species.
- How many surplus animals are discarded, as is often the case with rodents born without desired traits in genetic engineering.

The American Anti-Vivisection Society (AAVS) is a non-profit animal advocacy and educational organization dedicated to ending experiments on animals in research, testing, and education. Founded in 1883, AAVS is the oldest organization in the United States dedicated to eliminating experiments on animals. AAVS pursues its objectives through legal and effective advocacy, education, and development of alternative methods. The Alternatives Research & Development Foundation was founded in 1994 to support the development and use of alternatives to laboratory animals through education and funding of related research projects.

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