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CARE OF ANIMALS USED FOR RESEARCH, EXPERIMENTATION, EXHIBITION, OR HELD FOR SALE AS PETS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON LIVESTOCK AND GRAINS

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H.R. 13957

JUNE 8 AND 9, 1970

Serial DD

Printed for the use of the Committee on Agriculture



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CARE OF ANIMALS USED FOR RESEARCH, EXPERIMENTATION, EXHIBITION, OR HELD FOR SALE AS PETS

MONDAY, JUNE 8, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LIVESTOCK AND GRAINS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 1301, Longworth House Office Building, Hon. Graham Purcell (chairman of the subcommittee) presiding.

Present: Representatives Purcell, Poage, Stubblefield, Montgomery, Melcher, May, Mayne, Zwach, Kleppe, Price, and Sebelius.

Also present: Lacey Sharp, general counsel; John Knebel, assistant counsel; Hyde H. Murray, associate counsel; and Mrs. Christine Gallagher, chief clerk.

Mr. PURCELL. Ladies and gentlemen, we appreciate all of you being here this morning. We will have some other members here in a few minutes.

As most of you know, we are here to consider H.R. 13957.

(See p. 101 for a copy of H.R. 13957. The Department's report follows:)

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY
Washington, D.C., June 9, 1970.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives*

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 13957. The bill is entitled "To amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets."

The bill would amend Public Law 89-544, known as the Laboratory Animal Welfare Act, to extend the authority and responsibilities of this Department for regulating the transportation, purchase, sale, housing, care, handling, and treatment of any warm-blooded animal by persons or organizations engaged in using such animals (a) for research or experimental purposes, (b) for exhibition purposes, or (c) for holding them for sale as pets. The licensing and registration provisions of Public Law 89-544 would be extended to include any exhibitor which is defined under the bill as any person (public or private) exhibiting animals to the public free or for compensation, including but not limited to zoos and circuses. Also, the bill would extend the authority of the Department to require the prescribing of standards for the handling, care, or treatment of any warm-blooded animal during the actual research or experimentation by a research facility.

The bill would greatly expand program operations under Public Law 89-544 by (1) including all warm-blooded animals under the Act; (2) establishing requirements for conducting inspections throughout the research facility, which are restricted under the present law to the holding area, in order to determine compliance with standards that would be required for the handling, care, or

treatment of animals during actual research or experimentation; (3) requiring the regulation of exhibitions which would include zoos, circuses, dog and cat shows, State and county fairs, horse shows and other exhibitions; and (4) by including certain provisions for regulating pet dealers.

During fiscal year 1970, we are enforcing the provisions of the Act with an appropriation of approximately \$337,000. This Department is doing everything possible to carry out its assigned responsibilities under Public Law 89-544 within the limitations of available resources.

This Department agrees with the objective of the bill concerning the need for the humane care and handling of laboratory animals during actual research and experimentation. However, we believe that the Department of Health, Education, and Welfare is the appropriate agency to administer such an activity. We would expect to work with that Department to help assure consistency of standards and make other necessary arrangements to promote the objectives of both Public Law 89-544 and H.R. 13957.

If Federal regulation of laboratory animals is extended to all warm-blooded animals, we suggest it would be appropriate and consistent to extend the species of animals presently regulated under Public Law 89-544, to include all warm-blooded animals. Also, we would suggest to the Committee that regulating the humane care and handling of animals by exhibitors and pet dealers should be the responsibility of State and local agencies rather than the Federal Government.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

Mr. PURCELL. Our first witness is Dr. Maurice Visscher, president of the National Society for Medical Research of the University of Minnesota.

We will hear from you at this time, Dr. Visscher.

STATEMENT OF DR. MAURICE VISSCHER, PRESIDENT, NATIONAL SOCIETY FOR MEDICAL RESEARCH, UNIVERSITY OF MINNESOTA, MINNEAPOLIS, MINN., ACCOMPANIED BY DR. HARRY KINGMAN, EXECUTIVE DIRECTOR

Dr. VISSCHER. Mr. Chairman and Mrs. May, I am Maurice B. Visscher, regents professor of physiology at the University of Minnesota, and president of the National Society for Medical Research.

The National Society for Medical Research is an organization representing scientists concerned with biological research and teaching, in medical, agricultural, and pharmaceutical fields. I am speaking in behalf of the board of directors of our society. Their names and affiliations are included for purposes of the record:

Dr. Hugh H. Husey, American Medical Association.

Dr. Luther Terry, University of Pennsylvania.

Dr. Bernard Zimmermann, West Virginia University.

Dr. H. Stanley Bennett, University of North Carolina.

Dr. Clarence Dennis, Downstate Medical Center (N.Y.).

Dr. Sigmund Rich, University of California.

Dr. Norman E. Shumway, Stanford University.

Dr. Emanuel Suter, University of Florida.

Dr. Isaac M. Taylor, University of North Carolina.

Dr. Harold Hillenbrand, American Dental Association.

Dr. Brian Hoffman, Columbia University.

I am pleased to have this opportunity to testify with respect to H.R. 13957 and to convey our support of the basic principles which Mr. Whitehurst embodied in his bill. We also wish to present several

specific changes in the language of H.R. 13957 which we believe are essential to insure that biomedical research will have an unfettered opportunity to carry forward its vital work in behalf of all mankind.

In 1966, when the Committee on Agriculture was holding hearings on the Poage bill, later enacted as Public Law 89-544, a great many witnesses, including myself, expressed their concern that interference with the use of animals in biomedical research would result if unwise laboratory animal welfare legislation was enacted.

Your committee at that time clearly recognized this danger and included two sections in the bill preserving for the research facility necessary freedom from regulation by the Secretary of Agriculture or harassment by individuals searching for alleged lost or stolen pets.

Section 13 of Public Law 89-544 authorized the Secretary of Agriculture to establish standards governing the humane handling and care of laboratory animals. This section reads:

The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feed, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

H.R. 13957 would amend this section by changing the restriction now placed on the Secretary of Agriculture to a directive requiring him to promulgate standards for the handling, care, and treatment of animals during actual experimentation in which the inclusion of the word "treatment" leaves some ambiguity.

We doubt that the sponsor of H.R. 13957 intended this to be a provision which would possibly open the door to a situation in which the Secretary would be empowered to regulate the design of experiments, nor that the Congress which so carefully drafted this section 4 years ago would wish to reverse itself now.

We would therefore urge that section 13 proposed by H.R. 13957 be altered.

If it is the desire of Congress to extend the existing USDA standards for housing, feeding, watering, sanitation, ventilation, shelter, separation by species and adequate veterinary care throughout the research facility, we believe this should be the position of prescribing how research should be conducted.

The substitute language we suggest for section 13 is as follows:

Sec. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the experimental treatment of animals during research or experimentation by a research facility as determined by such research facility.

As previously mentioned, the Committee on Agriculture in reporting out the Poage bill in 1966 took special pains to avoid any interference with the design of research.

Even though section 13 provided an exemption from standards for the period of actual research, section 18 was written into the law to

further safeguard biomedical research from interference that might occur inadvertently as a result of inspections, or deliberately through harassment by private citizens or law enforcement officers.

We seriously question the advisability of simply repealing section 18 of Public Law 89-544 as provided for in H.R. 13957. On again reading the conference report which accompanied the enactment of the Poage bill (Public Law 89-544), it is clear as to the intent of the Congress, and experience has shown that this section has contributed to the successful implementation of the present law as administered by USDA.

The conference report (rept. 1848), states:

"It is the intent of the conferees that section 18 be construed to apply throughout this legislation, and particularly with regard to section 17." It is necessary then to read section 17 in the light of the intent of the committee and the Congress in which the report states:

Section 17—This section directs the Secretary to establish rules and regulations which would require licensed dealers and research facilities to permit inspection of their animals and records by legally constituted law enforcement agencies. The purpose of this section is to expedite the search for stolen pets. It is the intent of the conferees that inspection under this section be specifically limited to searches for lost and stolen pets by officers of the law (not owners themselves), and that legally constituted law enforcement agencies means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is not intended that this section be used by private citizens or law enforcement officers to harass research facilities. Such officers cannot inspect the animals when the animals are undergoing actual research or experimentation.

Again, if the framers of H.R. 13957 wish only to extend standards for housing and care throughout the laboratory without interference with the research processes, then section 18 should be allowed to remain in the bill but with the words "handling, care" eliminated from this section.

Section 18 would then read:

Sec. 18. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations or orders for the treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

There are several additional comments I would like to make regarding H.R. 13957.

Undoubtedly the inclusion of all warmblooded animals under Public Law 89-544, if H.R. 13957 is enacted, will raise some serious problems and the committee may wish to consider granting the Secretary some discretionary powers in this regard. The law presently requires the Secretary to promulgate standards for six species now covered. The task of preparing comparable standards for the many additional species of animals would be a large and expensive undertaking. Likewise the licensing of livestock dealers who may sell sheep, goats, cattle, or horses for research, exhibition or as pets may be an expensive program to establish and enforce.

The problem of recordkeeping and identification of the smaller research animals, which includes several million mice, rats, and chickens, can possibly be resolved by permitting the Secretary to establish requirements which he considers reasonable and practicable.

The present law may grant him this authority; however, it would be helpful to have this clarified in the committee report.

Public Law 89-544, which H.R. 13957 would amend, has worked rather well in the 4 years since its enactment. Remarkably well, when you consider the budgetary restrictions which have been applied to the Department of Agriculture, as well as to other Federal support programs.

I am sure that there are some research facilities that do not as yet fully comply with the USDA standards insofar as all cages are concerned. These facilities depend to a large extent on funds derived from both State and Federal sources for improvements.

The passage of the Poage bill in 1966, resulting in Public Law 89-544, has without doubt assisted scientists in obtaining funds for upgrading facilities for the housing and care of laboratory animal facilities, by making the need for such funds more evident to administrators of research and teaching institutions. Some funds were available in the past from Federal sources for upgrading facilities. However, at the present time, and for the past 2 years, funds for construction of medical research facilities have not been available, and the Congress should recognize that new authorizations and appropriations for construction of new laboratory animal facilities will be imperative if H.R. 13957 is passed.

I am not in a position to estimate precisely how much money would be needed, but I would be sure that the Congress should not enact a law calling for expensive new regulatory activities and construction projects without authorizing the necessary funds to implement them. Therefore, I urge that Congress attach an authorization for appropriations both for the regulatory functions of the USDA and for the construction of research laboratory animal facilities through appropriate agencies.

I am indeed sorry that Congressman Whitehurst, the author of the proposed legislation, is not here to comment, not only on the changes we are asking the committee to consider, but also to elaborate on other sections which do not directly affect medical research but could result in great benefits in the welfare of pets, animals in exhibitions and others moving in interstate commerce.

We have discussed this bill with Mr. Whitehurst and members of his staff and believe that the changes we are suggesting meet with their approval. I say this with considerable confidence since Mr. Whitehurst has told me that he does not wish to interfere in any way with biomedical research. The changes we suggest are intended to make this clear without in any way interfering with the major objectives of his bill, which would extend the USDA standards to a rather sizable number of animals not now protected by Public Law 89-544, since they are outside the realm of biomedical research.

And I should say also, to add to the text that I have presented, to give protection to a large additional group of species of animals.

We are strongly in favor of humane care and handling of all animals. I am not too familiar with conditions existing in pet shops, exhibitions, zoos, et cetera, but can see no reason why they should not be afforded the same protection that research animals enjoy.

I sincerely appreciate the opportunity to present our views to the committee.

If there are questions that I can answer or Dr. Harry Kingman, the executive director of the National Society for Medical Research, who is sitting beside me, we shall be very happy to do so.

Mr. PURCELL. Thank you very much, Doctor.

Are there questions of this witness?

Mr. Mayne?

Mr. MAYNE. I know that Congressman Whitehurst regrets very much his inability to be here today. But as I am sure the witness and others in the hearing room are aware, Congressman Whitehurst is one of four Congressmen sent by the President to Southeast Asia on a factfinding mission from which he is just returning today. So he certainly has a very good excuse. But I know that he would have much preferred to be able to be here at the time of this hearing.

Mr. ZWACH. Mr. Chairman—

Mr. PURCELL. Mr. Zwach.

Mr. ZWACH. I would just like to comment that I would have liked to have been here to introduce the eminent gentleman who has been a long and renowned member of the university staff, and who is speaking on a subject of which he has great knowledge.

Mr. PURCELL. Thank you very much, Mr. Zwach.

Mrs. May?

Mrs. MAY. Dr. Visscher, in your statement you distinguish between the handling and care of animals and the experimentation process. I wonder if you could comment briefly on why you consider this as being so important. And the question often comes up, can they really be separated?

Dr. VISSCHER. I am very glad you have asked this question, Mrs. May, because this is perhaps the most important point that we are dealing with. It is really the ambiguity in the meaning of the word "treatment" that is responsible for our suggestion that this be very carefully defined in the bill. If treatment means handling and care, then of course we are all in favor of having animals under actual research conditions treated with proper care. However, the word "treatment" can also be interpreted to mean the design of the research and the character of the procedures that have to be carried out in order to obtain the knowledge that one is hoping to get from the research studies.

In our opinion it would be unfortunate if there were to be put into the hands of the Secretary of Agriculture or any other official the responsibility for approving or disapproving research design.

Mrs. MAY. Dr. Visscher, if Government inspectors, Federal inspectors are not allowed to exercise any control of the actual experimental work on animals—which is the inference that you have just made, or rather the definition which was given—if they are not permitted to exercise any control of the experimental work on animals, how can we assure the public that there are not serious abuses taking place in the laboratory of the type that we were trying to get at?

Dr. VISSCHER. Well, I first of all would say that so far as I know, Congressman Whitehurst is not really worried about there being sig-

nificant abuses in actual experimentation. What he is concerned about, as I understand his interest in discussing the bill with him, is that, for example, animals that have been subjected to surgery and are in the postsurgery period will be treated humanely, that they will get adequate veterinary care, and that the public as a whole can be assured that they will.

He also wants to be assured that all species of warm-blooded animals used in laboratories will have proper handling and care throughout their stay in a research facility. And he is not worried about any possibility of a lot of sadists carrying on laboratory investigation.

Now, I would like to put into the record of this committee hearing the statement of principles of laboratory animal care which have been promulgated by the National Society for Medical Research, and which is posted in practically every laboratory in which animals are used throughout the entire country. And I will read just one point here:

In any operation likely to cause greater discomfort than that attending anesthetization, the animal shall first be rendered incapable of perceiving pain and be maintained in that condition until the operation is ended, except that: Whenever anesthetization would defeat the purpose of the experiment, the experiment must be specifically approved and supervised by the principal investigator in accordance with procedures established by the institutional committee.

Now, we believe that there must be some confidence on the part of the people in this country that those who are conducting experimental work are people of humane instincts, or they would not be involved in medical and other research for the public welfare. And we do not know of abuses that occur in any significant degree which would have to be protected against.

And finally I would say, of course, we do have laws making it a criminal offense to perpetrate cruelty on animals. But we believe that the pure judgment which has been very effective in the past can be expected to be in the future.

Mrs. MAY. To go back to my original question, Dr. Visscher, what you are saying here is that under the present law the inspectors would have a chance to come into your laboratory facilities and check for, let us say, the examples you have used, postsurgery care of animals, as well as whatever type of research or experimentation they are doing. And it is necessary for Government inspectors to be able to do this to be sure that in all other aspects of humane treatment of the animal up to and after the research experiment humane standards under the present law are being applied?

Dr. VISSCHER. In the present law, Mrs. May, the inspectors are not authorized to inspect and regulate the housing and care of animals after they have been declared to be in the research process.

Mrs. MAY. Yes, I understand.

Dr. VISSCHER. With the Whitehurst bill the authority and the orders to the inspectors would extend throughout the experimental period for everything dealing with ordinary care, feeding, and so forth, housing. The only thing that we are suggesting be eliminated from ambiguity is the meaning of the word "treatment." And the only thing we are asking is that it be clarified so that it does not mean experi-

mental design. But we are not asking that the Whitehurst bill be changed in any way that would prevent the inspectors from issuing orders with regard to ordinary care, handling, medical and veterinary care.

Mrs. MAY. I think it is very important for the record that we make that clarification.

In other words, I guess I can assume that you have said that in your opinion Public Law 89-544, under which we are presently operating, has resulted in improvements in laboratory animal facilities. And you think with the proper delineation here, or definition of doing away with the ambiguity in the work of experimentation and research, than a broadening of this law such as Congressman Whitehurst suggests could result in further improvements in laboratory animal care, is that correct?

Dr. VISSCHER. Yes, ma'am, we believe that it could. And as I pointed out in my initial presentation it will be helpful to research workers in their requests for additional funds for improvement of their own laboratory facilities to have the force of law behind their request. The fact of the matter has been that laboratory scientists have wanted to improve all of their animal care facilities for years. But it has not appeared to have the highest priority with administrators of institutions. And therefore the existence of Public Law 90-544 gave to the actual research workers a lever that was very important.

It was also in our opinion a very important thing from a psychological viewpoint, because it gave a large segment of the public some confidence that unfortunately they did not have before that animals were being looked at as to their conditions of housing and care.

Mrs. MAY. Thank you, Dr. Visscher.

Mr. Chairman, that is all.

Mr. PURCELL. Thank you very much, Dr. Visscher.

We will place in the record at this point the document entitled "Principles of Laboratory Animal Care" referred to in Dr. Visscher's testimony.

(The material referred to follows:)

PRINCIPLES

of Laboratory Animal Care

1. All animals used for experimental purposes must be lawfully acquired. Standards for their care shall be in strict compliance with federal, state, and local laws, and with pertinent government and institutional regulations.
2. Scientific institutions shall maintain a standing committee, or other appropriate administrative body to set policies and guidelines for the use and care of animals in experiments conducted under their auspices. These policies and guidelines shall be in accordance with the recommendations of the Institute for Laboratory Animal Resources (NAS-NRC).
3. Experiments involving live animals must be performed by, or under the immediate supervision of, a qualified biological scientist.
4. The housing, care, and feeding of all experimental animals shall be supervised by a properly qualified veterinarian or other biological scientist competent in such matters.
5. All laboratory animals must receive every consideration for their comfort; they must be kindly treated, properly fed, and their surroundings kept in a sanitary condition.
6. In any operation likely to cause greater discomfort than that attending anesthetization, the animal shall first be rendered incapable of perceiving pain and be maintained in that condition until the operation is ended, except that: Whenever anesthetization would defeat the purpose of the experiment, the experiment must be specifically approved and supervised by the principal investigator in accordance with procedures established by the institutional committee.
 - a. If an acute study does not require survival, the animal must be killed in a humane manner at the conclusion of the experiment by a procedure that insures immediate death, in accordance with practices established by the institutional committee. The animal is not to be discarded until its death is certain.
 - b. If the nature of the study is such as to require survival of the animals, acceptable techniques established by the institutional committee must be followed.
 - c. The postoperative care of animals must be such as to minimize discomfort during convalescence, in accordance with acceptable practices in veterinary medicine.

Chairman, Institutional Committee

Director of Laboratory

(date)



NATIONAL SOCIETY FOR MEDICAL RESEARCH

Mr. PURCELL. The next witness will be Dr. Decker.

As he takes the table let me reemphasize just what Mr. Mayne has already said, that Congressman Whitehurst is not here because he is on this trip for the President in the Far East.

It should be noted that he has in mind suggesting two amendments. And I think that they are in line with what Dr. Visscher has already presented.

One of them deals with laboratory experimentation, and the second one, animal shows.

I have a word here that there is no intent on the part of Mr. Whitehurst to give jurisdiction to any Federal department over the type and conduct of experiment, nor to issue regulations governing livestock shows or pet exhibitions. So I want to make the record very clear that these hearings were set at a time when Mr. Whitehurst, in fact, was already either in Cambodia or on his way there. His not being here does not in any way indicate a lack of interest on his part.

So with that understanding we will proceed with you, Dr. Decker.

STATEMENT OF DR. WINSTON M. DECKER, DIRECTOR, DIVISION OF SCIENTIFIC ACTIVITIES, AMERICAN VETERINARY ASSOCIATION, CHICAGO, ILL.

Dr. DECKER. Mr. Chairman, members of the committee, I am Winston M. Decker, director of scientific activities of the American Veterinary Medical Association.

We are pleased to have this opportunity to present the association's views on this bill which would amend Public Law 89-544, relating to the handling and care of certain animals used for research and for other purposes.

The AVMA believes that significant improvements in the handling of laboratory animals have resulted from the competent enforcement by the USDA of Public Law 89-544. Much remains to be done. New research institutions and animal dealerships will continue to develop and personnel will continually change in the existing facilities requiring constant vigilance by the USDA to maintain the gains made to date and to make further improvements in facilities for, and the handling of, dogs, cats, nonhuman primates, guinea pigs, hamsters, and rabbits. Adequate funding has not been provided to fully carry out the present authority. We are therefore hesitant to encourage increasing the authority at this time unless appropriate additional resources can be provided to carry out the new responsibilities.

We do not believe that H.R. 13957 is, in its present form, compatible with the best public interest and need for efficient, productive, innovative biomedical research programs. H.R. 13957, in its present form, has two major deficiencies. First, it proposes to include all warm-blooded animals. This vastly increases the responsibility upon the enforcement agency by including farm animals such as cattle, sheep, swine, and poultry, as well as mice, rats, and a host of other species, including exotic animals in various kinds of exhibits. Second, it extends the authority to handling, care, treatment, or inspection of animals during actual research or experimentation.

The extension of authority to include all warmblooded animals creates serious problems. The provisions of Public Law 89-544, which

were designed to protect owners from theft of their animals and to prevent against the sale of animals which have been stolen, are not compatible, we believe, with the handling of many of the species of animals used for experimental models. In this regard, section 5 seems open to conflict in implementation and of questionable value when applied to rats, mice, and exotic animals, wherein the possibility of theft is not a problem. It may be essential in the effective handling of several species of animals to move them as rapidly as possible from the producer to the research facility where they are to be used.

Required holding of those species which may be desirable companion animals is an effective means of protecting the animal owner; however, such a requirement is valueless and undesirable in reference to many other species. Extending the authority at this time to such a large range of species of animals may lead to the reduction of the effectiveness of the regulatory agency in carrying out one of the original primary purposes of Public Law 89-544, protecting the animal owner against the theft of pets. This would be a serious and regrettable negation of the progress over the past 4 years.

Little scientific basis exists for the development of specific standards for handling and humane treatment of many species of animals which would be included by this bill in its present form. The greatest improvements may be made in the care and handling of those species now provided for in Public Law 89-544.

The proposed change in section 13 and the repeal of section 18 of Public Law 89-544 is of particularly grave concern and does not appear, to us, to be in the public interest. Extending authority to the regulatory agency to control the use of animals in research creates opportunities for ill-advised decisions to destroy the progress of many man-years of effort. Efficient and effective conduct of innovative biomedical research programs is dependent upon the scientist's determining the protocol and methodology of his project. Intervention by regulatory agencies not specifically oriented to the discipline of the research project can so handicap a project as to make it virtually nonproductive.

Extension of authority at this time to include lower priority situations and other species must not be permitted to dilute the effort and deter progress under the present authority. If added responsibilities are placed upon the regulatory agency, more funds and positions must be provided. Moreover, if animals involved in research are to be included in any way, provision of competent inspection services will require that all inspections are made by veterinarians or other professional biomedical personnel. This is essential to assure sufficient understanding of the research being done and that the application of standards is recommended in such a way that the research effort is not restricted or diminished.

There are potentially desirable features to this proposed legislation in that it could extend the protection to animals in additional situations in a research facility and it could provide protection for additional species of common laboratory animals. If such changes were made in H.R. 13957 as to remove the undesirable features, we would welcome an opportunity to review the proposal and to present our views on it.

Thank you, Mr. Chairman.

Mr. PURCELL. Thank you, Dr. Decker.

Any questions at this time?

Mr. MAYNE. Doctor, does the term "exotic animals" have an accepted definition in the veterinary profession? What do you mean by exotic animals?

Dr. DECKER. I mean the type of animals that are not common to research operations and are of interest for exhibit purposes. The zoo kind of animals is what we have in mind in this case. And I appreciate what you are saying, they may not be exotic in the sense of being foreign to the United States or uncommon. They are uncommon to the research activity.

Mr. MAYNE. Is it primarily zoo animals? It seems to me you have said one thing and then you sort of withdraw it. Are they zoo animals, or are other types also included in that term?

Dr. DECKER. I think there are other types included in that term.

Mr. MAYNE. For example?

Dr. DECKER. For the purposes of this particular bill I should think that seals, even bears, and animals of this type, elephants, lions, and so on, would be what I am talking about. Perhaps our choice of "exotic" is inappropriate or incorrect for this purpose. We are concerned that the extension to the zoo type of animal would dilute the level of effort which could be applied to the more important situation. We believe the care of the species involved in the research laboratories and the species which are of interest to the animal dealers and of concern to the pet owners.

Mr. MAYNE. Thank you.

Mr. PURCELL. Any other questions?

Mrs. MAY. Dr. Decker, at the bottom of page 2 of your statement you have made the point—

Moreover, if animals involved in research are to be included in any way, provision of the competent inspection services will require that all inspections are made by veterinarians or other professional biomedical personnel.

My first question on this is, Do you mean that if, indeed, the Whitehurst bill should stay unchanged and there should be involvement of actual research, that this would be required, or do you mean that the competent veterinarian or professional services would still be required, if there is the general broadening, but without interference on what is specifically research and experimentation?

Dr. DECKER. Mrs. May, we believe that any extension of authority and responsibility into the research laboratory where the actual research work is being done would require very competent people, people who could understand the basic intent and purpose of the project going on there, so that the recommendations they would make would be in reasonable accord with that project, and would not deter progress on it. And I am thinking here of any extension that would involve the actual conduct of the research.

Mrs. MAY. What would be just a rough guess as to the manpower need here?

Dr. DECKER. I could not even make a rough guess, I am sorry.

Mrs. MAY. It would be a matter of using manpower we have available in the U.S. Department of Agriculture along with what the extension would require. Would this be 100 or 200 people? I was thinking of the fact that you and the first witness have both said that it

would be a useless bill and I am persuaded that it would be, unless it had adequate funding. But we have to have a numbers figure to work with. Let us say—just take any number—that it would require x additional, 50 to 100, scientific or professional personnel, would they be available—what is the manpower situation in your veterinarian field?

Dr. DECKER. The manpower field is certainly competitive. Some are interested in this area of work. And I think that there are possibilities of competent people being willing to do it. The number, I think, and the amount of manpower is totally dependent upon the extent to which the authority would be extended.

At this point I would have no basis whatsoever to get a reasonable judgment on it.

Mrs. MAY. Thank you very much, Dr. Decker.

That is all, Mr. Chairman.

Mr. PURCELL. If there are no other questions, Dr. Decker, we thank you very much. You and your association will be kept advised of the consideration of any changes that will be coming forward in this regard.

Mr. MELCHER. Mr. Chairman—

Mr. PURCELL. Dr. Melcher.

Mr. MELCHER. I am sorry I was unable to get here at the start of Dr. Decker's testimony. But I want to commend him as a colleague of mine in the American Veterinary Medical Association for a very fine statement.

Thank you, Mr. Chairman.

Mr. PURCELL. At this time we will call Dr. Derby, a member of the scientific committee, Animal Welfare Institute of New York.

You may take your place, Dr. Derby.

Ladies and gentlemen, let me say that I dislike having to do this, and it is not your fault that we get in these time binds, but in order that all those who have been scheduled to testify today may testify, I am going to request that the witnesses try to limit their statements to about 5 minutes. If that is not enough time to cover your entire statement, your statement can be filed for the record, and it will be studied by the members of the committee.

Each time we do this we start off with the first one or two or three witnesses, and we take more time with them than we do with the others. But that seems to be the way it works out. And so I will request that each of you keep in mind that we have a total of 10 witnesses, and if each takes only 5 minutes, we can hear them all in the next hour.

So you may proceed.

STATEMENT OF DR. BENNETT DERBY, MEMBER, SCIENTIFIC COMMITTEE, ANIMAL WELFARE INSTITUTE, NEW YORK, N.Y.

Dr. DERBY. Thank you, Mr. Chairman.

My name is Bennett M. Derby. I am associate professor of clinical neurology at the New York University School of Medicine, and chief of the neurology service and neuropathologist at the New York Veterans' Administration Hospital, and a member of the scientific advisory committee of the Animal Welfare Institute. For 10 years I have

been involved in various research projects using warm-blooded animals.

Prior legislation has provided supervision of the standard of care of animals housed in research facilities. This supervision includes the right of unannounced inspection of the animals the facilities, and of the methods of care.

Not provided has been similar supervision of the standard of care of animals on whom research is being carried out. This supervision is just as necessary since animals undergoing manipulation, whether surgical or nonsurgical, logically deserve the same standard of care as those animals awaiting investigation. For purposes of insuring compliance to a standard of care there is no good reason to separate animals within the same institution into a group available for inspection, and another group not available for inspection. Because of the necessary manipulations of the animal body required by research using surgery, or giving an experimental disease, or other technique, it is at least as important to give adequate supervision of the animal in a research project as it is another animal awaiting research to begin.

This is not a case of separate rooms, separate handlers, or separate equipment. Economy of space and cost dictates that the rooms and equipment and handlers for active research animals and those waiting research are the same. Economy also makes it necessary that animals arrive just a little before being started in an investigation so that valuable space and handling are not wasted.

Therefore at a given time the large majority of animals in a given facility are having research done on them, yet the law does not require that they be available for inspection.

No artificial barrier to inspection should exist between groups of animals in the same facility. Making it clear that large groups of animals undergoing research should be included for inspection along with animals awaiting research also prevents needless confusion.

It may be hard to decide when an animal is under active research and when it is not. The time for animals to recover from any operation, for example, may vary widely. Since all details of animal care are very important to the outcome of an experiment, some researchers even feel that the experiment begins at the time the animal enters the institution.

As an example of some of the things I am talking about, let me refer to a situation which I have been connected with as a pathologist. A group of cats is brought into a laboratory for cutting of their spinal cord and later repair to evaluate principles and methods for possible use in human paraplegic spinal cord injury.

These cats live in the research facility for many months or even years, included in a research plan. First the cats are checked over for any signs of ill health and where necessary treated. It is vitally necessary that these cats be healthy enough to stand surgery easily and to heal their wounds well. Their care following surgery occupies the same cages and uses the same people as do the animals received and briefly awaiting surgery.

Since the hind legs are paralyzed by the surgery, the handling of the cats during these long periods of time requires far more care than would an animal newly arrived. These paraplegic animals need

special bedding, special attention to feeding, special concern for infection, and special care for their elimination.

If adequate space and abundant soft padding are not given to these cats, their skin will break down and ulcerate, and they become ill, interfering with the results of an expensive experiment. They may die. If infection is not treated, the individual animal will do poorly, again interfering with the results of a valuable research project, and the infection may spread to other animals. If the cats do not eat properly, wound healing and general health are poor and the experiment is endangered.

I hope the point is clear that experimental animals need even more supervision, and continuing supervision, then do animals awaiting research.

To make an exception of such animals from the requirement that they have an adequate standard of care, open to inspection would deprive the very group that needs our best attention, from the benefits of supervision of standards of care. Isolation of experimental animals from inspection would be against the intent of legislation already enacted.

Such inspection would be completely in line with the scientific method, which requires the best animals available, free of hazards of malnutrition, infection and inattention.

These same principles apply to experimental procedures of all kinds in all species of warm-blooded animals other than the dog or cat. I have personally collaborated in research using rhesus monkeys, rats and rabbits as well as cats. These species, and many others also not covered by present legislation such as pigeons, mice, goats, cows and sheep are widely used in medical research.

Each and all should have the benefit of existing law extended to them. There should be no species exception. The proposed law incorporates this requirement and furthermore incorporates broad supervision of similar care to the large group of animals on exhibition and in the pet trade, equally deserving of our attention.

Veterinarians are skilled in the medical needs of animals, sick as well as healthy, and are trained in the care of all species. When these specialists are already entering research facilities for inspection, there seems no reason to draw the line between nonresearch and experimental animals, or between the cat and dog and the remainder of the warm-blooded species. For these reasons I urge support of H.R. 13957.

Thank you.

Mr. PURCELL. Thank you, Dr. Derby.

Are there questions of this witness?

Mr. MURRAY. I have one brief question.

I would like to ask what a warm-blooded animal is?

Dr. DERBY. Well, at least literally, if you bleed them the blood is warm. It refers to vertebrates, usually mammals. It has to do with these animals essentially that maintain their own internal temperature in contrast to others, such as lizards and snakes, that reflect the temperature of their environment.

Mr. MURRAY. Would a bird be a warm-blooded animal?

Dr. DERBY. A bird is a warm-blooded animal.

Mr. MURRAY. Thank you.

Mr. PURCELL. Thank you very much, Doctor.

At this time we will call Mr. Murdaugh Madden, general counsel of the Humane Society of the United States.

Mr. MADDEN. Thank you very much.

I am Murdaugh Stuart Madden, general counsel of the Humane Society of the United States. And I am presenting a statement which was to be given by our board chairman, Mr. Coleman Burke of New York City. Mr. Burke was not able to come here today, unfortunately. Mr. Burke's statement proceeds as follows:

STATEMENT OF COLEMAN BURKE, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE HUMANE SOCIETY OF THE UNITED STATES, PRESENTED BY MURDAUGH STUART MADDEN, GENERAL COUNSEL OF THE SOCIETY

Mr. MADDEN. This is the statement of Coleman Burke, chairman of the board of directors of the Humane Society of the United States. He represents our nationwide membership, State branches, and affiliated local humane societies.

Our society favors legislation that would regulate uses of animals in biomedical research. In the past 10 years, we have endorsed various bills with this stated purpose. We know from our own investigations inside laboratories that cruelty and abuses do exist in the use of animals in biomedical research. We also know from our experience in California, New York, New Jersey, Pennsylvania, and other States, that these abuses cannot be stopped through existing State legislation. A Federal law is badly needed.

It is a fact, as will be drawn out in testimony during these hearings, that millions of animals are subjected to needless suffering every year because there is no law to protect them. It is a fact that millions of dollars of public funds are being wasted in repetitive, redundant "experiments" that contribute nothing to science. It is fact, even though some medical authorities will deny it, that medical research is being retarded by uncontrolled misuse of animals.

Let me interject here that the Humane Society of the United States is not—repeat not—an antivivisection society. We do not oppose use of animals in legitimate research. We recognize such use of experimental animals is many and varied and is often in the interest of benefiting mankind.

We do oppose cruelty to animals, however—whether it be in the research laboratory, or in testing drugs, or in a slaughterhouse, or in any other place where the opportunity exists to abuse animals. And, of course, medical research is an area in which millions of animals are used every year. With the number of animals used in biomedical research, it is inevitable that there is much abuse.

We support strongly, therefore, the intent and purpose of Mr. Whitehurst's bill, H.R. 13957. We congratulate and applaud Congressman Whitehurst for introducing the bill and working for its passage. Our society does feel, however, that the intent and purpose of Mr. Whitehurst's proposal would be better effectuated through some of the provisions of a bill, H.R. 12286, which was introduced by Congressman Paul Rogers of Florida and is currently pending before the Interstate and Foreign Commerce Committee. Mr. Rogers' bill embodies the cumulative experience of many years spent in studying this prob-

lem. He has examined the issue from both the humane and the research sides.

We respectfully urge the committee to consider including certain provisions of the Rogers bill which we believe necessary to strengthen H.R. 13957. We are optimistic that the Congress will pass a strengthened version of H.R. 13957, if it is reported out by the Agriculture Committee.

One of the striking defects of H.R. 13957 is that it does not provide for collecting and disseminating information, reducing the duplication or near-duplication of experiments, developing and using substitutes for animals where possible, encouraging improved techniques for reducing pain, obtaining better scientific results with fewer animals, and promoting the use of less sentient and nonsentient experimental models.

A reduction in animal suffering, a reduction in the cost of biomedical research, and improved experimental results are all involved in this aspect of laboratory legislation. Including provisions in a Federal law that would encourage these measures is extremely important from both a humane point of view and the point of view of economics.

We feel, too, that H.R. 13957 is not specific enough with regard to requirements for the use of anesthesia and other care of animals while they are involved in an experimental process or research technique. Instead of the very general provisions that call for standards to include minimum requirements for the "handling, care, or treatment of animals during actual research," we recommend that provisions be included:

(1) to require adequate anesthesia for all biomedical activities likely to cause pain or discomfort except when the researchers can demonstrate conclusively the anesthesia would frustrate the purpose of the experiment;

(2) to require that conditions and care, consistent with good surgical and veterinary practice, to minimize postoperative discomfort, pain, and infection are observed;

(3) to require, when mechanical, electrical, or restraining devices are used, care shall be taken to protect the animal against avoidable pain and suffering.

We recommend further that coverage of the bill be extended. As now worded, it does not cover research and testing with respect to the production and standardization of chemicals, detergents, pharmaceuticals, cosmetics, and drugs. Some of the worst abuses and suffering of animals are included in this kind of biomedical activity. We feel that no bill purportedly for the protection of animals in biomedical research would be adequate without covering this area.

Another important omission in this bill is the failure to stipulate that persons handling animals should be professionally qualified. Our investigations have shown that much abuse is caused by ignorance, neglect, and apathy on the part of employees. No matter how good the standards are that are promulgated, they will not achieve their full purpose unless the personnel carrying them out are qualified in their particular jobs.

We also call the attention of the committee to an area that is not covered by Public Law 89-544, which Mr. Whitehurst's bill seeks to

amend. The area, we feel, was simply overlooked by Congress in passing Public Law 89-544. It is the biological supply houses that are excluded from that law by definitions which term "dog" and "cat" as meaning live dogs and cats.

These supply houses handle many thousands of animals every year and, at the present time, are relatively uncontrolled. They kill these animals and sell them to schools and colleges, and while this, per se, may not be objectionable, the manner in which many of these animals are housed and euthanized leaves much to be desired.

We therefore recommend that H.R. 13957 provide for this area by inserting the phrase "dead or alive, in whole or in part" after the word "animals" on page 3, line 11; page 5, line 9; and after the word "animal" on page 5, line 4.

We realize, of course, some of these provisions can be made part of the standards promulgated by the Secretary of Agriculture. We feel, however, they are too important to be discretionary. Instead, they should be written into the law for mandatory compliance.

We fully support the bill's coverage of zoos, pet shops, circuses, and animals used for exhibit purposes. These unregulated operations are a constant source of concern to humane societies because cruelty and exploitation is rampant in them. A law to regulate them is desperately needed.

In closing, we want to go on record as strongly in favor of the intent and purpose of H.R. 13957. The inclusion in the bill of the strengthening amendments we have suggested would be welcome by humanitarians across the country. The bill, as now written, has many other excellent provisions which we would not like to see changed. Even if enacted in its present form, H.R. 13957 would be a good step forward and we would welcome that step. We feel, however, that Congress and the public will want the best care and protection the law can provide for animals that are, in a very real sense, serving mankind. We respectfully urge therefore that the committee seriously consider the recommendations we have made.

If it is proper, Mr. Chairman, may I request that the record be kept open for several weeks for the inclusion of further testimony? I ask this only because one of our directors, Mr. Oliver Evans, who is an expert in this kind of legislation, is currently in Dublin, Ireland, on business. He would like the opportunity to submit a statement and I am confident his testimony would be helpful to the committee.

I thank you for the opportunity to appear here. I hope that our suggestions will in some measure contribute to passage of strong legislation that will protect animals in biomedical research without interfering with research itself.

Thank you.

That concludes Mr. Burke's prepared statement.

I want to thank you for the opportunity of appearing here, and I hope that our suggestions might help you somewhat.

Mr. PURCELL. Mr. Madden, do you know about when Mr. Evans is due back in the country.

Mr. MADDEN. Yes. Two weeks would be ample time to get his statement in.

Mr. PURCELL. At this time I cannot say precisely when the bill will be acted upon. I suggest that you keep in touch with the committee staff, and we will certainly do all we can to accommodate him.

Mr. MADDEN. Just so that it does not delay it.

Mr. PURCELL. If you will keep in touch with the committee staff we will try to accommodate you in this regard.

Are there questions of this witness?

Mr. KLEPPE. Mr. Chairman——

Mr. PURCELL. Mr. Kleppe.

Mr. KLEPPE. On that point I suggest that if the committee has not taken any action, that his statement be permitted to go in the record.

Mr. PURCELL. The record will be held open for this witness to submit his statement until we are ready to take action, and we will just have to coordinate his arrival back in the country as best we can.

Mr. MADDEN. Thank you, Mr. Chairman.

Mr. PURCELL. Thank you.

Are there questions of this witness?

If not, thank you very much, Mr. Madden.

And we will call Mr. Frank McMahon, director, field services, Humane Society of the United States.

**STATEMENT OF FRANK McMAHON, DIRECTOR, FIELD SERVICES,
HUMANE SOCIETY OF THE UNITED STATES, WASHINGTON, D.C.**

Mr. McMAHON. Mr. Chairman, I am Frank J. McMahon, director of field services for the Humane Society of the United States, 1145 19th Street NW., Washington, D.C.

Thank you for allowing me the opportunity to appear before you today to present testimony concerning H.R. 13957, introduced by Mr. Whitehurst. The Humane Society of the United States takes the position that such legislation has been badly needed for many, many years and is long overdue. Our concern is the fact that H.R. 13957 may not actually go far enough toward correcting the abuse and mistreatment of laboratory animals.

In my capacity as director of field services for the HSUS, I have visited and inspected many laboratories throughout the United States. I have seen countless examples of inadequate housing, poor sanitation, and what I would consider to be criminal neglect of animals being used or intended to be used for medical purposes.

At one midwestern university, I witnessed a German Shepherd that had been subjected to open heart surgery being dragged down a corridor by its rear legs and crammed into a cage that was entirely inadequate. The laboratory attendant had to force the head of the dog into the cage to close the door.

In several institutions in New York I have seen animals confined in cages so inadequate that the animals could not stand or lie in a normal position. I inspected one research institution in New York and found an animal that had been used in a research project dead in its cage. This particular inspection was during a weekend, and the intravenous bottle from which the animal was being fed was completely empty. There was no attendant in the animal quarters, and I can only speculate as to the reason for the animal's death.

At another institution in New York, I inspected the animal quarters over a 3-day weekend. There was no attendant on duty during the weekend and no animals were fed, no cages were cleaned, and no care was given to the animals which had been subjected to cancer research.

I could continue with examples of this type but you will hear more from other witnesses concerning this subject. Since H.R. 13957 will amend certain sections of Public Law 89-544, and since The Humane Society of the United States was instrumental in exposing the shocking and horrible conditions that led to the enactment of Public Law 89-544, I would like to share with this committee some of the background of Public Law 89-544 and how H.R. 13957 would affect the existing legislation.

Public Law 89-544, commonly called the Laboratory Animal Welfare Act, was enacted after The HSUS and other humane societies proved conclusively to the Congress that Federal protection for animals destined for use in research laboratories and other animal-using facilities was desperately needed.

The Secretary of Agriculture was authorized to establish standards, rules, regulations, and methods of recordkeeping for laboratory animal supply dealers. I was invited, as a representative of The HSUS, to serve on the committee which assisted the staff of the Department of Agriculture in writing the rules and regulations.

The Department of Agriculture was the logical agency to enforce Public Law 89-544 because of the existing network of regional offices and veterinarians throughout the United States. Unfortunately, although the Department has done a most commendable job, and I would like to emphasize that point—and the major abuses that were reported to Congress in 1966 regarding the procurement of laboratory animals have been corrected, implementation of Public Law 89-544 has not proven completely effective because of lack of funds.

After enacting the Laboratory Animal Welfare Act by a unanimous vote in the House of Representatives and only two dissenting votes in the Senate, only \$300,000 was voted to enforce the act. When we stop to consider, that \$1,600 million was issued in research grants by the Public Health Service last year, it is perfectly obvious that \$300,000 is not adequate to enforce a law dealing with an industry of this magnitude.

I am not here to argue whether enforcement of H.R. 13957 should be the responsibility of the Department of Agriculture or another governmental agency if the proposed legislation is given favorable consideration by the committee. However, I have worked very closely with the Department of Agriculture since 1966 in the enforcement of the existing law, and I would not like this committee to be misled into thinking that the Department of Agriculture has an existing enforcement staff that could effectively assume the responsibility of carrying out the provisions of H.R. 13957.

Even now, throughout the United States, inspections of laboratory animal supply dealers by the Department of Agriculture are conducted predominantly upon complaint or request and these inspections are secondary to livestock and other large animal problems.

H.R. 13957 would place the additional burden on the already overworked and undermanned staff of the Department of Agriculture of inspecting not only laboratory animal supply dealers and laboratory holding facilities but also laboratories themselves, research projects, pet shops, zoos, and all animal-using exhibitions. I would like to emphasize this point. I very strongly support the provisions of H.R. 13957. And I sincerely believe that every one of these subjects is wor-

thy of consideration and that legislation is needed in all of these areas. We strongly support the intent of Mr. Whitehurst's bill and commend him for introducing much needed legislation in this field to stop animal suffering.

I do urge this committee, however, to give the utmost consideration to the most important factor of any proposal to protect laboratory animals—strong and effective enforcement.

Thank you very much, gentlemen.

Mr. PURCELL. Thank you, Mr. McMahan.

Are there questions of this witness?

If not, we thank you very much. You are located here, and if we have developments where we need your advice we will be in touch with you.

Mr. McMAHON. Thank you, Mr. Chairman.

I have been asked to state that the witness who follows me, Dr. Thomsen could not get in from St. Petersburg, Fla., and he has asked to submit a statement, which will get here in a day or two.

Mr. PURCELL. We will keep the record open, and he will be allowed to submit that statement.

If C. Thomsen is not here, we will then call Mr. Amory, the president of the Human Information Service, of New York City.

STATEMENT OF CLEVELAND AMORY, PRESIDENT, THE FUND FOR ANIMALS, NEW YORK, N.Y.

Mr. AMORY. Mr. Chairman and Mrs. May, I intend to speak to you rather informally this morning, because I have no prepared statement.

I have probably done more writing and made more public appearances on the subject of laboratory animals than anyone else here. I have perhaps visited more laboratories than any but a small number here.

I earnestly request this committee, which has made, I think, strong progress in this bill toward an implementation of the so-called Poage bill, to do something about laboratory animals.

But please, gentlemen and ladies, do not console yourselves overmuch. It is an enormous field. The abuse passes understanding. It is also a field in which, though the Government seems to kind of happily believe that the public is not really that concerned with it, the public is indeed concerned with it. I know from having appeared on numerous television and radio shows, and having read numerous magazine articles, that the public is enormously concerned. And as president of one of the largest societies in the world, The Fund for Animals, I have no intention of deluding the public either here or now that animals are really being inspected and looked at in laboratories if they are not. And at the present time there is not a single safeguard against any kind of cruelty in any laboratory anywhere in this world, not only in the United States, but in money funded by the United States to all kinds of absolutely horrendous laboratories around the world.

And if you gentlemen think any other situation obtains you are most severely mistaken.

Let me take just two examples off the top of my head. This Thursday night in Pittsburgh I debated a doctor on the subject of laboratory

animal treatment over the radio. One of the large grants to that particular university, the University of Pittsburgh, was a grant on the subject of, "Does a Romantic Rat Receive"—I have forgotten the exact words—"Does a Romantic Rat Benefit From a Choice of Females?"

I suggested that this experiment could be better carried on in Hollywood, perhaps, than the University of Pittsburgh. I am using an example of the kind of experimentation money that is doled out by the U.S. Government year after year with no safeguards. And this is immoral.

I do not happen personally to be an antivivisectionist. But I think all of us in our hearts ought to be antivivisectionists. In our heads we may be able to be antivivisectionists. But surely our right to experiment on these lesser creatures is based on very flimsy moral ground.

I asked this man in Pittsburgh, if the dolphin, for example, was found to be more intelligent than us, if he would have any objection to the dolphin experimenting on us. I think the dolphin was a particularly good example, because I had just finished an article in *The Holiday* magazine on Dr. Lilly's experiments on the dolphins. I had criticized Dr. Lilly because his experiments necessitated driving an electrode into the brain of an animal that it is impossible to anesthetize or put to sleep, at which time the dolphin would weep and cry piteously.

You may have seen that Dr. Lilly has decided to give up all experimentation on the dolphins. He felt that he was running a concentration camp for the dolphins. And the dolphins committed suicide, they at first tried to get along with him and do what he wanted. Then they realized that they could not seem to understand what he wanted, and they committed suicide. And he has given it up.

We heard one of these veterinary fellows—who are often the last, I am sad to say, to help us with regard to animals—I don't know quite how it is, but the most vicious mail I have received has been from the veterinarians, not from doctors. And I hesitate to examine the reasons for this.

MR. PURCELL. I will tell you what, I won't hesitate to examine your testimony. You just give us facts, you can have whatever opinion you want, but you give us facts up here, and we will decide who is cruel and who is not. And if you will proceed without editorializing on your opinion of other people we will get along better.

MR. AMORY. I meant generally, sir.

MR. PURCELL. Not generally or any other way, but just proceed without reference to other people from an editorial standpoint.

MR. AMORY. I would like to conclude by saying that I earnestly commend the efforts of this committee to push forward the humane treatment of animals in laboratories guaranteed by the Federal Government. I also reserve the right to see what the actual effect of this is. And I earnestly commend the people before me who have said that it is most necessary to have some kind of fund to implement seeing that these regulations are carried out.

I repeat again that antivivisection is not the issue here. The issue really is what rights we have, what rights the animals have. And I commend to you once more that the feeling of the public today is very strongly that animals have more rights than we really have ever been sort of aware of before. It has come about through the interest,

I am sure, in pollution, the environment, fresh air, fresh water, and all of these things, that wild animals have certain rights. And surely animals as valuable to us as the scientists say they are in the laboratories, they surely, sir, do have rights.

Thank you very much.

Mr. PURCELL. Thank you.

Are there any questions of this witness?

Mr. MAYNE?

Mr. MAYNE. Mr. Amory, you made some reference to the Fund for Animals not being a vivisectionist organization. Could you give us some further idea of the scope of this organization?

Mr. AMORY. Yes, sir. We work all over the world. We have large projects in Africa, Puerto Rico, in Spain, even. Our desire is to serve as an agency to help existing agencies. In other words, if there is a man in Africa who really is helping the donkey, our desire is to find him and help him. In the specific example of the donkey, which is probably the most abused animal because of its size and the burden that it bears, if we can find a man who is helping with bits, with better harness, with something like that, we try to help that man. Our job is first to find him and then to help him.

In the case of humane societies and others around this country, they write to us for help, and within the limit of our resources we try to help them, after inspection to assure that they need help.

We have found that in almost every case that the prime purpose of humane shelters in this country is to keep animals from laboratories, because the people who support these shelters, the last thing they want is for animals to go to laboratories. It is sad that they cannot be reassured—that the laboratory cannot be so inspected that they can be assured that the animal is not going to be miserable.

Mr. MAYNE. Thank you.

Mr. KLEPPE. Mr. Chairman—

Mr. PURCELL. Mr. Kleppe.

Mr. KLEPPE. I notice that the address of your organization is 1 Wall Street, New York.

Mr. AMORY. Yes.

Mr. KLEPPE. Where do you get your funds to do this help that you are talking about? If you have a Wall Street address one kind of thinks, maybe you sell stock to the public?

Mr. AMORY. These days that would be very unfortunate.

Mr. KLEPPE. How do you get these funds for this help that you talk about?

Mr. AMORY. Well, we spend very little money on advertising. We honestly did not want to be that well known until we had enough money to be able to respond to responsible requests, to give out as much as we take in.

Mr. KLEPPE. Do you sell memberships?

Mr. AMORY. We do not sell memberships. We have no specific memberships. People do contribute year after year if they find that our work meets with their approval based on our reports and information sent to them.

Mr. KLEPPE. Do you have a tax exemption?

Mr. AMORY. Yes. We are in the third year now.

Mr. KLEPPE. Your organization is tax exempt for contributions?

Mr. AMORY. That is correct, sir.

Mr. KLEPPE. Thank you.

Mr. PURCELL. Mr. Melcher?

Mr. MELCHER. Just one comment. The term "veterinary" is an adjective. And the noun is "veterinarian."

Mr. AMORY. You are absolutely correct. And I did not mean any slur on them. And I did not mean any slur on individual vets. We work with a very large majority. But as an association they have been responsible, I think, for misconstruing a lot of the efforts that have been made, which I fail to understand, because if I were a veterinarian, the first thing I would want would be the care of an animal.

Mr. MELCHER. I can assure you, Mr. Amory, that we will try to construe your testimony and your work in the proper perspective.

Mr. AMORY. Thank you, sir.

Mr. PURCELL. If there are no other questions, thank you very much, Mr. Amory.

We will call Mrs. S. E. Badger, Middleburg, Va., as our next witness.

You may proceed.

STATEMENT OF MRS. S. E. BADGER, MIDDLEBURG, VA.

Mrs. BADGER. Mr. Chairman, I come to talk about animals that get very little protection in this world, the caged animals in a small circus, and in any circus. People come to look at them—this is off my statement—and they do not know very much about them, they assume they are all right, they cannot see the cages very well, because usually they are dark. And nobody stands up for them or tries to help them except a few people.

My name is June W. Badger and I live in Middleburg, Va. I have worked with caged animals in circuses, zoos, museums, dealers' shops since 1951.

I first joined Campa Bros. Circus in 1951, rode elephants and took care of the menagerie—one lion, two leopards, one polar bear, two black bears, a chimpanzee, rhesus monkeys, a camel and a llama.

I rode elephants in street parades and spec, a parade inside the big top to open the performance. One of the elephants, Luna, was blind in one eye from being hooked in the eye. An elephant act in this country must be fast. Elephants do not move fast unless frightened or angry. To produce a fast act the trainer and his assistants hit them with hooks, a sharp steel hook on the end of a stick. Sometimes the stick has batteries and they are given shocks to hurry them. About the ears, on top of them, between head and ear, the eyes, and around the legs are sores called hook boils.

Trainers are not too good, some of them, and the punks hired to help are worse. They want results and they know little about elephants and many are bullies and they usually hook mercilessly. They go under the name of being hook happy.

In 1968 an old bull (male elephant) died from being made to hurry by an electric prod. Made to go through a fast routine. The trainer in Ringling Bros. Circus is known all over Europe as being one of the cruelest bull men in the world.

At that time in the Campa Bros. Circus the big cats were fed horse meat. An old horse was bought and carried with the show until meat was needed or there was a hidden place in which to butcher him. If there was no place the cats waited without food sometimes for 5 days. The big show had 11 cats in an act. The polar bear was one of 11, the only one left from the act. The others had starved to death in winter quarters—Brownsville, Tex.

I next joined Hunt Bros. Circus in 1953. They wintered in Florence outside Burlington, N.J. I joined in late summer when the show was in Avalon, N.J. Queenie, the lioness, had a large lump of hamburger wrapped in cellophane and buzzing with flies in her cage. The camel and llama were eaten by flies, the cages not clean and few water containers. It took me a week to straighten things out and a few years to get the owners to realize that the animals should be comfortable and clean. They did realize that and were most cooperative and appreciative afterwards.

In 1954 in the winter I worked at the Rare Bird Farm in Kendall, Fla. The owner was a dealer of animals mostly from South America. I took care of monkeys, pumas, chimps from Africa, birds. When I arrived the cages were filthy. Dead animals—many—were put in the backyard in a can or in the cold room to send to a taxidermist. Maggots and roaches crawled about the floor and rats at night.

The public came and paid. Monkeys were chained to a pole with a small shelter on the top. While there, a spider monkey, who really didn't realize about the shelter—a recent importation, was chained to a pole. He did not go into the shelter and literally baked in the sun. Three emus were kept on the roof as an advertisement. They died from sun. Large importations of young spider monkeys were shipped in and many would die almost immediately. The dealer allowed for loss. No one worried about it. We, who worked there, were always pleased when some animal died to be out of a miserable life.

I worked for the Hunt Circus through 1962. The trucks and cages were old, but there was enough room for each animal. The ventilation was bad. The side show top was kept tight, the side walls fastened close to the top and the heat sometimes was unbearable. I was not allowed to open the back of the cages and the only air came from the front—no cross drafts. Never have I found cages built either for easy cleaning or for the comfort of the inmates in any circus. None of them had any windows high up on the sides or from front to back. When the cages were shut for the night, it must be stifling.

The top is torn down around 10:30 p.m. and the cage is either moved to the next lot at night or early in the morning. There it is left in the sun until the top goes up again, sometimes not until 12 p.m.

In September 1959 I worked at the Museum of Natural Sciences, in Philadelphia. In the cellar, monkeys, kinkajoes, porcupines, et cetera, were kept in cages—small cages. An ocelot had been declawed and his teeth removed and in the process his jaw had been broken. He was fed scraped beef, vitamins and minerals. I do not know whether the museum had had the cat operated upon or bought it in that condition. It was easy to handle by the lecturer who talked once a week. They were all kept on wire. In California there are ocelot clubs. The owners of these small cats had their "pets" rendered harmless by removing their claws and teeth.

In 1963 I joined Mills Bros. Circus. One cage contained two raccoons. One was dead. The baboon had a narrow cage in which he could barely turn about and there was not much space for him to stand. I stayed with Mills through 1966 or 1967. They closed, as did Hunt. Both shows gave me excellent cooperation and paid my bills or reimbursed me for my receipts. No circus—and I have been with five and seen many more—is interested in the comfort or condition of the caged animals. The exceptions were those, such as Ringling, who hired special people to see to them. One owner told me he really did not care if they lived or died. "They were a necessary evil." Another said, "I won't get a vet. It's cheaper to get a new animal than pay a vet."

If no one is hired especially for the menagerie, a canvasman is assigned to the animals with no extra pay. He must put up the top early in the morning and tear it down late at night. He is tired, he probably drinks all day and he is bored. The animals get as little attention as possible. Everyone else is too busy to check on them, so they do without water or much food. In one show some of the caged animals died from lack of care and no one noticed until they were found in their cages.

In 1968 I joined Hoxie Bros. L. T. Tucker hired me to see to the menagerie, the ponies and lead stock, which is a good mark for him. No owner wants to be bothered with the menagerie, so I had to fight for their comfort. The canvasman did not want to be bothered either. The cages were long and narrow with enough room, but it was impossible to clean out the back of them as I could not open the back flaps and the back doors above were kept tight shut. The floors were of tin and torn and jagged. The wood beneath was saturated with the smell of urine. They got more water before I came than most other circuses I had worked for.

Before I came the big cats, two lionesses, one jaguar, one puma and one tiger, got chicken necks and backs every other day. The cages were closed tight if there was no show on Sundays, but I managed to get them open long enough to feed and water. On very hot days it would be wicked—no ventilation, metal floors and the sun beating down on them all day. That was on Sunday.

I also took care of a small animal tent, consisting of monkeys, tayras, an otter-like creature, and snakes. The snakes, South American boas, would not eat and were slowly dying. The water containers were coffee tins wired to the cages, rusted and mostly full of filth, either food or animal. I ripped them out and put in clean dishes, which I would remove and fill. The monkeys had to be watered at intervals as they would upset their pans.

Last year I joined a fifth show and was asked to come back this season. I had a lion, tiger, leopard, chimp, rhesus monkey and tapir. I came to find the elephant trainer in charge of the animals. He drank most of the time and no animal had had any water for 24 hours. He was finally fired and I took on. The old lion almost tore the cage apart to get at the water. It took the volunteer fire departments and me 2 weeks to get the cages clear of filth. My tools consisted of one scraper and one roasting pan. There were no buckets for carrying water and no large can in which to keep water.

I had to fight bitterly for every change I made. I finally got the backs taken off the cages on hot days and the cages opened up in the mornings before the top went up, which was sometimes not until noon.

I met violent opposition from canvasmen, side show manager and anyone else who wished to bully me.

The humane societies, most of them, are inadequate to deal with the problem. They are busy; they know very little about caged animals and many times they are in another town or county and have no jurisdiction over the county in which the circus is. Also the circus moves daily, which gives them very little time. I have noticed that when a humane society inspects a circus and makes criticisms that the circus takes note and for a time improves. All circuses I have known dislike such societies and I think are afraid of them. If the Whitehurst bill were passed, I think the condition of caged animals would be greatly improved.

Last year the cages for the animals—the chimp, tapir, leopard, rhesus monkey, an old lion, and tiger were big enough extending from front to back of the truck with panels at the back as well as in the front. The customers viewed the animals from the front. The panels in the back could be taken off to allow a cross ventilation, thus animals were comfortable even under a very hot tent. The exception was the cages of the leopard and the monkey which were made very shallow with solid backs due to the use of the extra space to store equipment. The monkey had enough room but the leopard was very restricted. He spent most of his time sleeping. He could never play about to any extent. Sometimes he would stretch with his paws as high on the wall as possible. His cage and that of the monkeys measured 4 feet 9 inches long and 3 feet 5 inches deep and 47½ inches high.

I wrote the manager repeatedly during this last winter when the trucks are repaired and painted for the coming season asking that they remove the monkey, take out the partition between the monkey and the leopard and give the leopard more room and to put a shelf against the wall for him to be off the floor. I asked to have an old tire hung in the chimp's cage for occupation, and to destroy the old lion whose dew claws were growing into his legs. Blind in one eye, few teeth, and very thin he was no pleasure to himself nor as an exhibition. The tapir had died in winter quarters. Many animals die there for lack of care and from cold. I also asked to have the back panels made over so that they could be more easily removed on hot days.

I arrived at winter quarters 2 weeks before we went on the road to hopefully see that these specifications were made correctly. I found that all the cages had been made over. They were shortened, like the leopard's and monkey's, with solid backs to make room for more equipment!

There were no panels to remove for ventilation and there was no ventilation when panels were shut and none in the back and the floors were covered with metal "to make cleaning easier," one canvassman told me. Metal floors are very bad—hot in summer, cold in winter, and unless covered with sawdust and kept dry or with hay which is hard to keep dry (unless removed daily), the animals' feet become sore. The cages were completely made of metal, except the leopard's was still wood.

The young lion was in the first cage—one comfort—not to the lion, because he loves to play and had also little space in which to do so, but to me because the old lion had been put out of its misery. Instead of the leopard having both compartments of his cage, the monkey was

gone and a large black bear was in the cage which was 4 feet 9 inches long by 3 feet 6 inches deep and 47½ inches high. Cage specifications in some States call for a bear's cage to be 12 by 12 feet by 10 feet and there must be room for him to stand erect which was impossible in this instance for this bear. In fact, he could hardly take two steps. A bear is not a good menagerie animal unless well cared for. His coat is extremely heavy, he feels the heat and he needs a great deal of water. As for the chimp's cage, there was hardly room for the chimp, let alone for a tire which if hung would just about hit the floor and take up desperately needed space.

At Newcastle, Del., the SPCA inspected the cages and complained about the smallness of the bear's cage. They asked the manager about ventilation, and he told them that the front panels were always open except when the truck was in transit when in fact they are opened when the truck is under the sideshow tent and the entire tent is up and closed from the public. From the night before, when the show is over, until around 12 noon when the tent is up, panels could be easily put up or opened but this is not allowed as prospective customers might not come into the sideshow after seeing the animals.

We showed at Newcastle on the 10th of May on Sunday. The next week we moved into Pennsylvania. Another inspector of an SPCA looked at the cages and took measurements. One brought a veterinarian, another at Bordentown, N.J., where we showed on the 16th, brought a policeman. I went that night to stay with friends but was told the next morning that the manager was taken to jail and had to pay a fine of \$250. I was accused and fired.

I had asked repeatedly to have some kind of openings made in the back of the cages. I think the manager promised the Delaware SPCA to have something done to let air in, as he spoke to me about it, but nothing had been done. Later I was informed that in order to make openings, a blowtorch would have to be used and the animals might catch fire.

As I stated before, the circus made little effort to improve the situation, due to the fact that they move on out of the jurisdiction of a particular society so nothing is basically accomplished unless the society follows or another society is alerted. The jail and fine accomplish very little and the animals do not have me, hence, Federal inspection would solve that problem.

It would have been so little trouble to put wooden floors in the cages and to leave the cages the original size. The equipment could go someplace else. So little trouble, too, to hang a tire for the chip and to remove the partition from the leopard's cage. There were plans to make new cages on other trucks but no one bothered to come to winter quarters. The manager only arrived one day before we went on the road and it was all left to the old canvasman who works all winter for nothing. He had the metal floors put on and fixed the old cages the way he wanted them. For 7 months these animals and many others endure such an existence.

Congressman Whitehurst's bill, H.R. 13957, would extend protection to caged animals and those used for exhibition and pet trades, a bill I have been hoping for for a long, long time. And I have given up my job to help promote the better care of animals.

Any questions?

Mr. PURCELL. Apparently not. Thank you, Mrs. Badger.

We will call Mrs. Stevens.

It is about 2 minutes before the House goes into session. And so I doubt that we will be able to finish your statement at this time. We will do the best we can, but we will have to quit at the time the House goes into session.

STATEMENT OF MRS. CHRISTINE STEVENS, PRESIDENT, ANIMAL WELFARE INSTITUTE, AND SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, WASHINGTON, D.C.

My name is Christine Stevens. I am president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation. Both organizations strongly support H.R. 13957 to require humane standards in the care and housing of all species of warm-blooded animals throughout their stay in research institutions, in the premises of animal dealers that supply research or the exhibition and pet industries, in these industries, and in transit between suppliers and users. This bill presents a broad commonsense concept—one to which it can be unhesitatingly stated that the American people subscribe—that the animals exploited for our use or benefit deserve decent treatment regardless of the purpose for which they are being handled, shipped, or held.

The first law against cruelty to animals was American, and it, like H.R. 13957, was a practical commonsense piece of legislation prohibiting any "tyrannie or crueltie" to animals and providing for rest and grazing of livestock moving on the roads. This was in 1641 in the Massachusetts Bay Colony. Since that time every State in the Union has passed State anticruelty laws providing for criminal prosecution of individuals who mistreat their own animals or those belonging to another.

These laws have been of great value over the years. However, they have also demonstrated serious limitations: (1) there is no uniformity of enforcement, (2) they depend largely upon reports of cruelty by the public for discovery of animal mistreatment, and (3) they are not effective for raising general standards in commercial operations even when successful prosecutions are carried out to penalize extreme examples of cruelty, for such operations may merely pay the fine and continue business as usual.

The three Federal humane laws now being enforced by the U.S. Department of Agriculture have been highly successful in the areas they cover, in raising the general level of animal care and handling and in obtaining much more uniform compliance with minimum humane standards. I refer to the 1906 act to regulate transportation of livestock by rail the 1958 Federal Humane Slaughter Act, and the 1966 Laboratory Animal Welfare Act, of which the last two were sponsored by Chairman Poage when he headed the Subcommittee on Livestock and Feed Grains. Inspection by men trained in regulatory veterinary medicine and enforcement of humane standards which have been published in full detail in the Federal Register are now well established principles, well accepted by reputable institutions and individuals of whom compliance with the standards is required.

Widespread, dramatic changes for the better followed promptly after the Federal Humane Slaughter Act and the Laboratory Animal Welfare Act went into effect—as we know from our own experience in the Animal Welfare Institute and Society for Animal Protective Legislation. Reports of the period indicate that the same thing happened following enactment of legislation on transportation of livestock by rail. However, many of the equally sensitive warmblooded creatures, mammals, and birds alike, are completely devoid of this needed protection, and it is in the areas not covered by existing Federal law that abuses continue.

For example, we have found extremely cramped cages and serious neglect of birds in some scientific institutions because birds are not covered by the Laboratory Animal Welfare Act, Public Law 89-544. The Animal Welfare Institute Laboratory animal consultant, Mrs. Robert Dyce, reports that pigeons are kept in small wastebaskets at Western Michigan University in unsanitary conditions and have been found on more than one instance left in even more cramped shipping crates with no care whatever. Though the president of the university described the conditions reported to him by Mrs. Dyce as “intolerable,” the pigeons continue to be kept in the same manner.

Public Law 89-544 requires adherence to minimum standards for dogs, cats, primates, rabbits, guinea pigs, and hamsters in scientific institutions, dealers' premises, and in transit between them. Animals under “actual research or experimentation” are not covered. This should be corrected, for although we believe that the large majority of scientific institutions intend that compliance with the minimum standards should extend to animals at all times, and do not use the exemption as an excuse for substandard housing and care, this is not universal. With billions of dollars spent for animal experiments, it is essential that the animals be well cared for to insure sound research results. Otherwise these massive funds are wasted while the animals suffer uselessly.

There are 10 scientific institutions registered under the Laboratory Animal Welfare Act. Public Law 89-544, which arbitrarily declare all animals to be “under experimentation” the moment they are acquired by the institution. By making a legalistic, technical use of section 18 of the law, they have evaded any inspection of their animal quarters or care by the veterinarians of the U.S. Department of Agriculture's Animal Health Division. Section 18 should be dropped, thus preventing this action which is contrary to the spirit and intent of the law and which a small minority of laboratories has evoked, while the majority have readily accepted USDA inspection.

The names of the recalcitrant institutions are: Highland Division of Travenol Laboratories, Illinois; in Indiana, Central Soya Co., Indiana University, and Purdue University; in Michigan, the University of Detroit, Blodget Memorial Hospital, St. Joseph's Mercy Hospital, and International Research and Development Corp.; in Minnesota, Mount Sinai Hospital.

Mistreatment of animals has been observed and reported by the Animal Welfare Institute Laboratory Animal Consultant in several of these institutions. Blodget Memorial Hospital, for example, though it was given accreditation by the American Association for the Accreditation of Laboratory Animal Care, was found, February 8, 1969, to have both dogs and rabbits in cramped cages that did not meet

the minimum standards promulgated under Public Law 89-544. St. Joseph's Mercy Hospital, on August 1, 1968, had dogs that were in very bad condition after a series of student operations. One had distemper.

International Research and Development Corp., on August 6, 1969, had 1,100 monkeys on a 10-year study, but the cages for the mature monkeys did not even permit them to make normal postural adjustments—a minimum requirement under Public Law 89-544.

In some cases, improvements have been made as a result of Animal Welfare Institute complaints; however, these institutions should be regularly inspected by USDA veterinarians, like all other registered research facilities.

Some institutions, while allowing inspection of a part of their premises have avoided provision of adequate care and housing by invoking the "under research" clause for substandard parts of the animal quarters, and poor care of the animals there. Animals under research certainly should not be penalized by being given the worst cages and the most incompetent caretakers. Nor should public funds for research be wasted by experimenting under conditions which cannot give valid results.

For example, Henry Ford Hospital in Detroit has been repeatedly visited by Mrs. Dyce, and on every occasion improper housing and care of some of the animals has been observed; improvements are always promised, and they have sometimes been made, notably the excellent change from cages to pens for dogs in the summer of 1969 after a series of emphatic complaints had been registered. Following are excerpts from one of Mrs. Dyce's reports:

February 19, 1969. The first thing I saw on entering the room was a large basin under a metabolism cage. The basin was filled with blood. A small mongrel dog was curled up at the rear of the cage. The tray under the cage had a large area encrusted with dried blood. I asked the supervisor about this, but he was at a loss to answer. Picking up the dog's right, rear leg, we discovered an incision which was leaking blood. (As it later proved, this had been going on for a week.) In another cage, a thin Dalmatian with skin disease was giving birth to a puppy. There was no cage board or bedding on the metal mesh floor of the cage. The deaf Dalmatian, not knowing what to do with the puppy kept turning in the cage with the pup in her mouth. The supervisor said he did not know she was about to whelp. A large male Dalmatian was frantically biting himself. His body was mutilated and bloody where he had bitten himself so much.

Despite these appalling conditions, the institution had invited inspection and accreditation by the American Association for the Accreditation of Laboratory Animal Care, and it had received this accreditation! Yet the caretakers in the dog room could not read, write or speak English. The supervisor was nearly blind. The large rabbits were in cages far below USDA minimum standards. Sanitation was so bad that the Michigan State Health Department had repeatedly warned the institution concerning the need for improvement.

Many more examples could be given to show the need for USDA inspection and standards for animals throughout their entire stay in the laboratory. I would turn now, however, to another extremely important point.

Under existing law, coverage of primates, rabbits, hamsters, and guinea pigs is "tied" to the presence of dogs or cats. This should be rectified, since neglect and failure to meet existing standards have

been found among dealers and institutions who do not use or deal in dogs or cats for research, and so are not required to comply with Public Law 89-544, the Laboratory Animal Welfare Act, in its present form.

For example: A breeder of rats, mice and guinea pigs, Cernac Laboratory, Inc., resisted every effort by the local SPCA to obtain decent treatment of the animals who were so hungry that numbers of them reportedly gnawed their way out of their cages. The Westchester SPCA reported that 20,000 rats and guinea pigs were involved, and large numbers of dying guinea pigs were left on a street corner! The SPCA letter is submitted for the record. Cernac then moved to Manhattan with a grant for training animal technicians to be financed by the City of New York. The breeding and sale of rats and mice was also continued until the president of Cernac, Mr. Norman Mosesson, was arrested on charges of defrauding the city of \$21,855 in antipoverty funds. Under the headline, "Animal Care Lab Accused of 21G Fraud," the New York Daily News, June 24, 1969, reported, "Mosesson allegedly misappropriated almost half of the amount that actually was funded and submitted 'fictitious vouchers to the city to cover his thefts.'"

We next catch sight of Mr. Mosesson on March 26, 1970 when The New York Post reported that he was arrested after policemen followed a bloody trail to a Harlem basement where they found him and an associate draining the blood of rabbits into quart bottles, some of which were labeled "whole human blood." They said it "would be shipped to Jersey for sale as 'serum for scientific experiments.'" I would submit these clippings for the record.

Clearly, a licensing and inspection system is needed at least as badly for the breeders of rats and mice as it is for other animal dealers. The regular State anticruelty laws are not adequate. H.R. 13957 is needed.

By the same token, dealers in primates who do not sell dogs or cats need surveillance. A visit, January 9, 1970, to a primate dealer, JEJA, in Simpsonville, Md., revealed highly unsanitary conditions, with fecal matter piled in the cages of the cynomolgous monkeys and the stump-tails. Approximately 200 rhesus monkeys were being "conditioned" in small hanging cages which prevented the older animals from standing because of the cramped size. Two young chimpanzees were in a room without heat on this bitter cold January day owing to a breakdown of one of the furnaces. One of the chimpanzees was coughing badly. The furnace man commented that "last week the furnace on the other side broke down, and four of the rhesus monkeys died." Mr. Edward King ignored the suggestion to move the chimps to a warm part of the building or at least given them a blanket or sweater.

Compare these facts with the promotional news story which appeared February 8, 1966 about JEJA in the Washington Post: "If supermonkey ever comes to the supermart, it may well happen in Simpsonville," the article begins, referring to "quality primates" for the big time in scientific research." The article indicates that "JEJA is only No. 3 in the business, but even that means thousands of monkeys * * * Yesterday about 125 monkeys, mostly rhesus monkeys from India, weighing 4 to 6 pounds, were in stock in their individual cages. The inventory was comparatively low because the 'grant season'

has just passed. Many research grants have just been announced, and almost everybody in the science world wants monkeys. Rhesus monkeys go for about \$55 apiece. Prices range from \$35 up to \$750 for the prized chimp. * * * The monkeys are well cared for in eight animal rooms in the 4,000-square-foot building kept at 72 to 76 degrees and 50 percent humidity, for it is in the King brothers' interest to have healthy, lively monkeys for sale."

Animal dealers, whether they sell exclusively to research institutions or to the pet and exhibition trades, should all be required to meet the minimum standards of housing and care established by the Department of Agriculture for research animals under Public Law 89-544. Legislation requiring minimum standards to be met is absolutely essential in this competitive business if the animals are not to suffer and die needlessly.

I would like to submit for the record an article from the Boston Herald Traveler entitled, "Little Cricket Sad Victim of Cruel Captors." The article describes the illness of a woolly monkey at the Children's Zoo and states: "Miss Davidson discovered a number of lumps on Cricket's back and chest. X-rays showed that Cricket's glossy fur was concealing six lead pellets of buckshot—four in his chest and back and two in his head. * * * Mrs. Pressman said she was distressed by the discovery that apparently South American monkeys, an increasingly popular American pet, are felled by buckshot during capture. 'This is a massive business,' she said * * * 'People buy monkeys because they want to save them from the pet shop, but the worst situation is long before the pet shop. * * * There must be five dead for every one alive.'"

Promotion of exotic pets is being pushed harder and harder, needlessly destroying the rapidly diminishing species of primates, cats, and birds throughout the world. The Endangered Species Act which became law last year seeks to protect those that are nearly extinct; however, overexploitation of many others, their mistreatment en route and at their destination, will bring more species to this last-ditch position. This is cruel. It is harmful to scientific studies of many kinds, both current and future. It should not be tolerated. By requiring reasonable standards, the most callous dealers will have to change their practices or go into business with inanimate articles of commerce which do not have to have food, water, air, and other requirements of living creatures.

We receive communications from many outraged citizens. For example, on March 6, 1970, Mrs. G. A. Miller of Panama City, Fla., wrote, "The local customs officer tells me the condition in which these little animals [monkeys] arrive is pitiable. Some are dead in each shipment. Most are ill, or dying from starvation or pneumonia. He says he has had to put many to death upon their arrival because of their condition. Panama City Airport is not an entry port, therefore, either Miami or New Orleans ports of entry have permitted these pathetic conditions to exist, and sent on the shipments to airports in the interior. * * * As to the commercial pet trade, this is the major offender. Totally unqualified people are hired, not as caretakers but as sales people. From W. T. Grant's local chain store, I have purchased 3 Rhesus monkeys out of sheer compassion. * * * During my last trip to Grant's I found a dying squirrel monkey. I prevailed upon

the manager to have it taken to a vet, who put it to sleep. It had viral pneumonia. The salesman told me that in the previous day's shipment, 2 capuchin monkeys and 3 squirrel monkeys had arrived dead."

I would like to submit for the record a statement by Mrs. Robert Williams of New York who has observed and attempted to correct many abuses in the transport, sale, and treatment of caged birds. H.R. 13957 is needed to establish decent minimum standards in this large trade.

Large animals, too, are subject to abuse in transit, witness the front-page story in the People, February 22, 1970, headed, "Horror Ship, Zoo Animals Dumped in Sea as They Die on Voyage." The photograph of the giraffe being thrown overboard was taken on a British ship; however, the animals belonged to an American dealer, one of the biggest, International Animal Exchange. The ship which set out later in the year than ships carrying animals should do, made a ghastly voyage. "Round the Cape of Good Hope * * * across the Atlantic * * * as the ship ploughed on, more of the animals began to die, one by one. * * * The zebras literally wore great holes in their sides and their bellies trying to sit down, or turn around. It was horrifying." The March 1, 1970, issue of Kenya's Sunday Post magazine published a front-page editorial about the incident, ending with the statement: "This, then, should be a matter for inter-African agreement. With the exception of the very few animals which may be required for scientific research by recognized institutions, the sale of animals should be stopped by all of them."

If purchasers of wild animals, for whatever purpose, wish to be able to obtain them in the future, those who are reputable should join in urging passage of H.R. 13957 to control the many who are not. Case after case of extreme abuses and callous neglect could be cited, but only one more will be summarized: Mrs. Dyce was called November 6, 1968, by Flying Tigers Air Cargo reporting that 10 cartons of mammals and reptiles had been refused, the night before, by the consignee, Exotic Pets, because some of the animals were dead. The animals could not be returned to Barranquilla, Colombia. They were starving to death and a baby raccoon had died during the night. Mrs. Dyce accepted the animals, but just as she signed for them, Mr. Gary Hay of Exotic Pets appeared and demanded to take them after all. It developed that Mr. Hay was an employee of the Detroit zoo, and he had hundreds of turtles, lizards, frogs, toads, baby alligators, snakes and tropical fish in the basement of his home. He sells them to pet shops and zoos.

Charges of cruelty against both roadside, commercial zoos and municipal zoos are common. To give two disparate examples, I would submit first a letter from a trained zoologist, John M. Mehrtens, March 15, 1969, to give an idea of the conditions of filth and cruelty which he found at a commercial zoo. (He spent months working with the Animal Welfare Institute to end the suffering.) Second, a letter from a 15-year-old girl about a city zoo.

Life magazine, in an article by a leading authority, Dr. Desmond Morris, has provided a comprehensive series of photographs showing the fear, mental suffering, crowding and death of wild creatures in the pet and exhibition industries. Dr. Morris begins his article with the statement, "If zoos are to survive the 20th century, they will have

to reform." I request that this article and his letter be published in the record of the hearings H.R. 13957 will provide the reform that is so desperately needed.

A letter from Virginia McKenna and Bill Travers, the stars of the film, "Born Free," and Patrons of the Captive Animals' Protection Society is also submitted for the record, testifying to the need for the legislation.

H.R. 13957 is a comprehensive bill. It is clear and easily understandable. Its author, Congressman Whitehurst, deserves great credit for his grasp of the needs of animal protection. The Animal Welfare Institute and the Society for Animal Protective Legislation support it wholeheartedly. We respectfully request that authorization of adequate funds to permit USDA's Animal Health Division to do a complete job of enforcement be included in the bill reported to the House of Representatives. This is important. The Division has done an amazing job of enforcement of Public Law 89-544 with a very small amount of money—only \$300,000 appropriated each year, the best bargain the people of the United States are getting from the Federal Government in law enforcement. To extend the protection to more animals, additional funds must be appropriated. They should be authorized in recognition of the need and of the highly efficient and economical use of funds which the Animal Health Division has demonstrated from 1966 to 1970. No other agency of the Government is equipped to do the job even remotely as well or as thriftily.

In order to protect USDA's courageous inspectors from physical harm, it is generally agreed that inclusion of a provision making it illegal to interfere with an inspector carrying out his duties would be desirable.

In order to strengthen the law's effectiveness, the Department should be given subpoena power to get those who violate the law into court.

In order to prevent abuses in the handling of animals by the Railway Express Co., which other witnesses will describe, the exemption excluding common carriers should be omitted.

Finally, there is one technical error which should be corrected: the words "of incompatible" should be substituted for the word "by" on line 24 of section 13, so that it would read, "separation of incompatible species." In zoological exhibits, it is entirely appropriate to keep several different species in a large enclosure together, and the law should not prevent this.

Public Law 89-544, the Laboratory Animal Welfare Act, owes its effectiveness to the trained regulatory veterinarians who implement its provisions. In order to insure the continuance of the sound policy of obtaining the "adequate veterinary care" required by the act, it should be clearly understood that such care can be provided only by graduate veterinarians.

The Veterans' Administration contracted with the Department of Agriculture's Animal Health Division to inspect all of its animal laboratories and areas where the animals are housed during the past year. Under Public Law 89-544, the various agencies of the Federal Government which use research animals are authorized to maintain the standards promulgated by the Secretary of Agriculture. The Veterans' Administration decided to make use of the expertise of the

USDA veterinarians and requested them to inspect all research animals whether or not under experimentation and whether or not included in the groups of animals specified in Public Law 89-544. Thus the capability of the division to carry out the broadened version of the legislation with respect to research animals has already been demonstrated. It should become law in this session of Congress.

That the animals in the pet and exhibition industries would benefit equally if USDA minimum standards were enforced for their handling, care, and housing can scarcely be questioned. The benefits for animals would be more than matched by those for the citizens of our country. First, because we would no longer need to be ashamed of the sickening cruelty and abuse which uncounted thousands of animals are now needlessly undergoing; second, because we all benefit by preservation of the natural environment, including wildlife, the growing understanding of this fact is evidenced by the interest of youth in ecology; third, because research for our benefit is increased in accuracy by insuring that research animals of every kind are well fed, housed, and handled and protected against disease which confuses experimental results; and fourth, because anyone who purchases an animal for any legal purpose should be protected against the fraudulent and cruel practice of selling diseased, mistreated creatures, wild or domestic.

The Animal Health Division is well known to the distinguished members of this subcommittee for its achievements and its constant efforts toward even greater ones in preventing introduction and spread of disease among livestock. The same values, combining economic with humane considerations, hold true for the other warm-blooded animals. On behalf of the Animal Welfare Institute and the Society for Animal Protective Legislation, I respectfully urge you to give a prompt, favorable report to H.R. 13957.

Thank you very much, Mr. Chairman.

(Following are some of the statements referred to by Mrs. Stevens. The balance of the material submitted may be found in the files of the committee.)

STATEMENT OF MRS. ROBERT (BEATRICE R.) WILLIAMS

Since the autumn of 1958 I've been involved with birds, including caged birds, the shops and pet depts. in which they are sold, the carnivals at which they can be won, the conditions of their existence in these places, as well as the mode in which they are transported en masse, and singly. I've written a leaflet on parakeet care which has been highly praised by William H. A. Carr. He reviewed my leaflet the same year that he was voted the outstanding pet columnist in the nation by his peers. At my own expense I have had this leaflet printed and for ten years I have given quantities to the men running the stands at which parakeets can be won for \$.05 so that the new owners can have some idea of what their new charges require.

From my own experience I have come to the conclusion that while educational efforts to attempt to rectify the many evils have value, and should be continued; their chief value lies in teaching the individual owner what's best for his bird, and in effect, how he can better enjoy his pet. Most professionals know quite well—and know where they are failing—but without legislation, Federal legislation because this involves interstate commerce, they will spend no money to correct the situations. To assure decent standards of care, handling, housing and transportation of birds being offered for sale or transported for sale in interstate commerce, a law is needed.

I would like to cite specific cases the repetition of which could be avoided by the passage of H.R. 13957.

Late August or early September of 1968 I received a report that a shipment of parakeets from the Allied American Bird Co. to the Kresge store in the SE. section of Washington, D.C. had not been fed nor watered during the very long delay between their arrival and delivery, and in addition were in flimsy cardboard cartons which could easily have been crushed had the freight shifted as it often does.

I went to the offices of the company, a subsidiary of Hartz Mountain Co., one of the largest in the nation. I spoke to two men, one of whom vigorously denied that it could have happened, but the other, upon hearing the specifics admitted that the birds had been delivered after the store had been closed for the weekend and had gone unattended until Monday, using up the limited supply of food and water. During this period they were denied light, air, and exercise, were overcrowded, terrified and by Monday were in deplorable condition.

I was shown the cardboard boxes in which parakeets are shipped, the water containers with sponges to prevent spillage and I was told that seed and gravel were put on the floor. However, inasmuch as no action was going to be taken on the time factor, there was no assurance that the amounts of water and feed would be adequate.

I was given the figures—these Mergenthaler cartons were capable of supporting 275 pounds per square inch; but this too became meaningless when it was admitted that any sharp object placed above could cut right through.

When I suggested the use of the standard metal carrying cage, I was told that it was too expensive. It is more profitable for the company to continue the present system with all its risks and losses than to institute safer, more humane methods. I was told flatly that no changes were planned.

December 18th, 1968, a cold damp day in N.Y.C., while waiting to board a plane at Kennedy Airport, I glanced up through a window and saw a parakeet trying to huddle against the ledge. I called the situation to the attention of a uniformed employee who said it was not at all unusual; that in the shipping process boxes are sometimes broken open, crushing some birds, crippling others, and allowing some to escape. He said he could do nothing, as did another man I stopped. Finally, when I brought the situation to the attention of a third employee, the cold, the almost certain starvation, the terror, the noise, and the possible ingestion into the motors of the aircraft, he agreed to notify the "Animal Hotel" at Kennedy which should have had rescue equipment.

When I reached my destination I wrote to Kennedy Airport officials who said they could do nothing, and when I persisted, ignored my letters.

Clearly, only legislation will compel humane shipping methods, in which every creature will be protected.

FIVE AND TEN STORES, VARIETY STORES AND PET SHOPS

Parakeets languishing in carrying cages are a usual sight in Five and Ten Cent Stores and Variety Store Pet Dept. Indeed, this is not unusual in many pet shops.

A carrying cage is meant to be just that, a means of transporting a bird. Birds are meant to be in them for very limited periods.

In these cramped quarters they cannot exercise, cannot even fully spread their wings. They are isolated from one another—one side of the cage is solid. Birds in these cages are most appealing because they are able to do little except gaze at prospective buyers.

Active birds in large flight cages busily pursuing their own activities with their fellow creatures don't tug at the heartstrings nearly so strongly. So, most of the parakeets remain in these highly unsuitable quarters until they are sold—an indefinite period. This is particularly cruel because they are social beings who can literally die of loneliness. The Carolina Parakeet is extinct because its social instincts were so strong that it would not abandon a fallen fellow creature—so when a farmer shot one, the entire flock hovered until they were all slaughtered.

Even when parakeets are in flight cages, often their situation is far from good, because they are dreadfully overcrowded. Birds become ill, and injured, and are unattended. The help is often untrained, uncaring, overburdened with other chores, and inadequate. I have been in Dime stores having MANY parakeets, mostly for sale for \$1.99, in which the store did not even have on the premises the means of treating sick birds. Nor had the help even heard of the most common remedies. Furthermore, cages are often in cold drafty parts of the store where the birds are afforded no protection. Parakeets are highly subject to colds and pneumonia.

CARNIVALS

At these carnivals the birds are outdoors when the weather is too cold for them, they are terrified when next to shooting galleries, forced to inhale smoke when next to sausage and Bar-B-Q stands, subjected to a hail of nickels thrown all around them, all around and on top of their cages, for hour on end, jostled as they travel back and forth from the carnival, and from carnival to carnival—being won for \$.05 by people unaware that they must make a \$5-\$10 investment in order to take proper care of their five cent prize—starting with a roomy cage because it should not remain in the small carrying cage in which it comes—although the sign above the stand just reads “Win a parakeet in a cage.”

I came upon a man operating one of these parakeet stands, who had dozens of birds, who did not know that parakeets require gravel in order to eat—and had not provided any for his birds.

Except where I've provided them myself, stand proprietors have not provided parakeet care leaflets for those winning birds. Even in the cases where I have supplied the care sheets, the men have not been particularly dutiful in giving them away with the parakeets.

THE “BACK ROOMS”

Euthanasia is a euphemism for what happens to many ill, injured, deformed birds—birds with French moult etc. Even the A.S.P.C.A. which is given public funds, and can afford to do so much better uses the “High Altitude Chamber” to dispose of unwanted animals “Putting them out of their misery” in this device means death by deprivation of oxygen, which often takes many gasping agonizing minutes. Many pet shops use equally painful methods. Few use merciful chloroform. Investigation of the methods used to dispose of unwanted birds is sorely needed. Legislation setting standards is essential.

Unfortunately, the well being of this highly developed creature, whose nervous system is similar to that of man, whose heat regulating system is even superior—this ability to sustain body heat is not only what sets us apart from the cold blooded species, it is also what permits memory—this creature who cannot thrive without companionship, even as man himself—is the very last thing considered by those to whom he provides a livelihood—if he is considered at all.

It is the duty of man, who alone among all the creatures has the ability to alleviate pain in large measure, to do so—and in this case, legislation is the means. H.R. 13957 is urgently required.

I wish to thank the distinguished members of this committee for concerning themselves with these problems, and for permitting me to present this statement.

TOWN LAKE,
Austin, Tex., March 15, 1969.

Attention: Office of the President.

THE ANIMAL WELFARE INSTITUTE,
Grand Central Station,
New York, N.Y.

DEAR MADAME: I am a zoologist and have spent most of my life working with animals in one way or another. The bulk of this time has been spent as a staff member of several zoological parks. I am currently designing a series of live animal exhibits that are being installed in this city. I cite the foregoing to impress upon you a rather thorough practical and technical knowledge of animals.

I have always been opposed to the typical roadside zoo and exhibits of similar caliber. In the past, I have on several occasions and usually with good results, reported what I considered to be wanton cruelties, to various local humane societies. Inasmuch as I am in this city only temporarily and know virtually no one, I am writing to you for advice as to what course of action is necessary to correct the following situation. I am willing to provide whatever is necessary in the way of documentary proof, funds such as I can allow and court testimony if required.

Shortly after I arrived in this city which has no zoological park, I was informed that a privately owned “zoo” existed and was patronized by local citizens and tourists. Responsibilities prevented an immediate visit, but my wife and I visited this place early this week. We paid the \$1.— admission and entered the establishment. My wife looked at the first two animals and immediately left. It took some time for her to recover from her shock and disgust. I carefully

inspected the place, making notes as I went. Unfortunately, I did not have my camera. I complained to the gateman, who gave me the impression that he thought I ought to be caged with the pathetic caricatures of animals on display.

The following is a listing of specific incidents and conditions.

1. All cages without water or with water container so small they held too little. When water was present, it was foul.
2. No food remains present. Except for hay with the hoofed stock no food scraps could be seen in otherwise filthy cages.
3. Virtually all animals lying in their own waste matter. On the basis of my knowledge of mammalian physiology, the carnivore cages had not been cleaned for at least three weeks. Most stool deposits examined indicate an improper diet. Many animals (especially a puma) showed symptoms of severe constipation.
4. An Indian tiger of approximately one year in age emaciated and so badly crippled from rickets that it cannot walk properly. The hind legs cannot be fully extended so that the animal walks in a crouch. This animal is housed in a cage 6 x 4 x 4 feet.
5. Two macaque monkeys either Javan or Crab-eating . . . (identification impossible due to condition) that are outstanding examples of Morris' "Naked Cage." These two animals are housed single. Eighty percent of the fur on both animals has been pulled from the body. The animals squat, with head buried in the arms on a pile of their own excrement. Lice can be seen on the bare skin.
6. A male Olive Baboon housed under typical conditions. Lice or fleas have so bitten and inflamed the bare facial skin that the animal cannot see.
7. Eight African lions, essentially the same condition as the above mentioned puma. One female too weak to stand.
8. Miscellaneous small mammals such as raccoon and fox, emaciated and with bald patches about the body.
9. A cow standing in at least one foot of its own excreta.
10. Sundry parrots clinging to wire for lack of perches. Cages covered with plastic allowing no light (this to prevent cold air from entering cage?). Cages not cleaned for months from appearance.
11. About 30 large turtles (Pseudemys, Chelydra, etc.) crowded into six inches of water in a tiny pool of water, exposed to 40 degree weather, all slowly dying.
12. Dessicated remains of an animal lying on floor of an unused cage off in one corner of the place.

This chamber of horrors is called "Coxville Zoo". It is apparently owned and operated by one Alvin Cox and is located in the twelve thousand block of North Lamar in this city. Local inquiry indicates the owner wants to sell the place along with the adjacent gasoline station.

Some action must be taken to destroy this place and the animals living(?) there. I shall be most appreciative if you will promptly advise what steps should be taken. If the AWI is not in a position to handle this outrage, I would appreciate being informed as to what organization should be contacted. This letter or a copy may be used as you see fit.

Yours very truly,

JOHN M. MEHRTENS.

[From the Daily Sentinel, Grand Junction, Colo., June 17, 1969]

AGAIN, ZOO SITUATION

EDITOR: I am of the opinion that the condition of the City Zoo should be brought to the attention of the public, and-or to those who are in a position from which they are able to do something about the situation.

It seems that the parks and recreation areas are "spozed t' be for the people." This scene is distorted in Grand Junction however.

Who could possibly enjoy looking at starved, old, ugly animals sheltered within filthy dirty cages in which sit boxes something akin to a dog house for the wretched things to rest in?

The lion cage for example—disreputable, not unlike the rest. The poor beast looks like he's from the ice age, his hair is even falling out.

Grand Junction—the All America City! Well, the next time you visit the Zoo think about what it is to be an All American. Are you proud of what you see? Are you proud of what you are?

CHRIS SULLIVAN.

CAPTIVE ANIMALS' PROTECTION SOCIETY,
 March 2, 1970.

Mrs. CHRISTINE STEVENS,
 Animal Welfare Institute,
 Grand Central Station,
 New York, N.Y.

DEAR MADAM, The above Society fully supports the Bill introduced in the United States House of Representatives which would extend the enforcement of minimum standards for the care, handling and housing of animals in the pet trade and for exhibition. In particular we are interested to know that, if passed, circus animals would be included in its provisions.

In Britain the Government Report of the Select Committee on Performing Animals, 1922, presided over by the late Sir Peter Chalmers Mitchell, F.Z.S., eminent zoologist, provided ample evidence of gross brutality in the training of circus animals. The Times demanded immediate legislation, following public indignation, yet the proposed legal reform was not effected. Since that time enlightened opinion has steadily grown against this form of cruel exploitation, to say nothing of the appalling conditions of travel of circus animals.

The Performing Animals' (Regulation) Act of 1925 which followed cannot, in fact, be administered in relation to its intended safeguards, because the *initial* training of performing animals takes place under conditions of the *closest secrecy*. This, in itself, is proof that there is something to hide. Contrary to the general assumption, no representative of an animal welfare society is allowed entry to circus training quarters, which are situated on private property. We have knowledge of one Inspector who was thrown out after his attempt to penetrate the training quarters of one of our largest circuses.

Sweden and Denmark, after full investigation, have prohibited most wild animals in circuses, and likewise all processions of animals.

In this country many Town Councils have banned circuses with performing animals on the grounds of the cruelty involved.

We feel that commercial expediency should not be allowed to overrule humanitarian aims. Even public demand is no argument against moral principles. Many major reforms have in the past been effected through minority opinions, and the circus with performing animals is an institution which should long ago have vanished from a civilized society, together with the medieval pastimes of bear baiting, cockfighting and the chained performing street bears.

The Society we represent is supported by people in all walks of life, including Peers, M.P.'s, Town Councillors, lawyers, clergy, actors and actresses, journalists and writers.

Although an attempt for fresh legislation in this country in the House of Lords, sponsored by Lord Somers in February 1965 was narrowly defeated, nine peers spoke for it. Increasing public support for such a measure and evidence supplied by us to the Home Office encourages us to hope that we may be successful before long in the House of Commons, to prohibit the use of animals as performers.

Your sincerely,

VIRGINIA MCKENNA.
 BILL TRAVERS.

Mr. PURCELL. Thank you, Mrs. Stevens. I think the members of this committee are very familiar with your dedication to this situation, and we compliment you for it. And during the ensuing time it may be that we will want to call you back for some consideration of what we will be taking up.

In regard to putting the material in the record that you have presented, there is no way we can put pictures in.

Mrs. STEVENS. I realize that.

Mr. PURCELL. But we can file that with the records of the committee, and it will be here in connection with this, but it cannot be printed in the report. But we would be glad to have it, and we will try to make use of it as documentation.

Mrs. STEVENS. Then there are a few statements there that societies and individuals have given me with requests to place them in the record. If you would do that we would appreciate it.

Mr. PURCELL. We want the things in the record that we can get. They will be placed in the record.

Mrs. STEVENS. Thank you very much, Mr. Chairman.

Mr. PURCELL. The remaining witness is Mrs. Robert Dyce, laboratory animal consultant, Detroit, Mich.

Is Mrs. Dyce here?

Mrs. DYCE. Yes.

Mr. PURCELL. We will just have to put off your testimony until tomorrow.

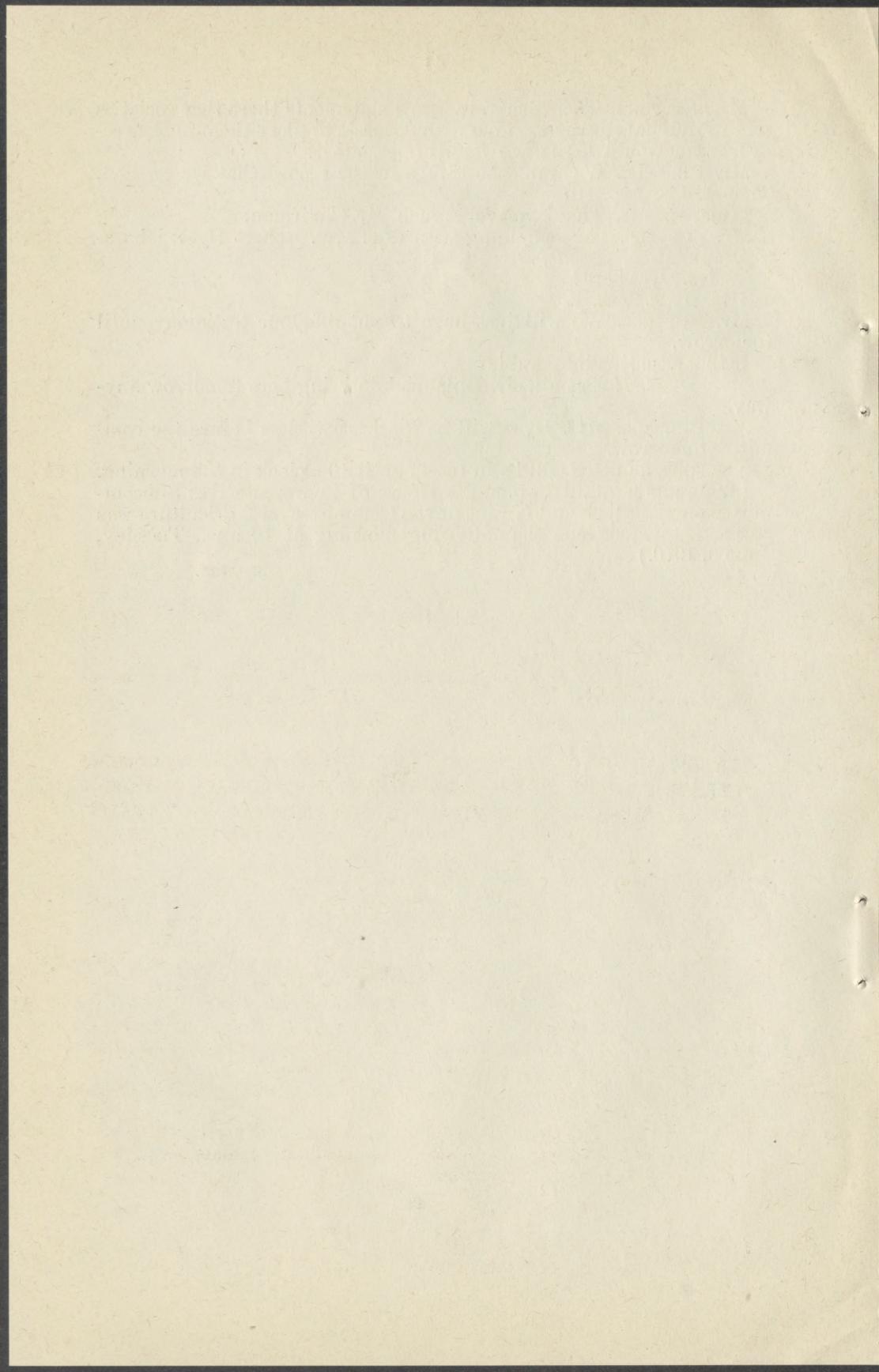
Is that situation intolerable?

Mrs. DYCE. Not at all, sir. I planned on being here tomorrow anyway.

Mr. PURCELL. Mrs. Dyce will be the first witness before the committee tomorrow.

The subcommittee will be in recess until 10 o'clock in the morning.

(Whereupon, at 12:15 p.m. the House of Representatives Subcommittee on Livestock and Grains of the Committee on Agriculture was recessed, to reconvene the following morning at 10 a.m., Tuesday, June 9, 1970.)



CARE OF ANIMALS USED FOR RESEARCH, EXPERIMENTATION, EXHIBITION, OR HELD FOR SALE AS PETS

TUESDAY, JUNE 9, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LIVESTOCK AND GRAINS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 1301, Longworth House Office Building, the Honorable Graham Purcell (chairman of the subcommittee) presiding.

Present: Representatives Purcell, Foley, Jones of North Carolina, Montgomery, Melcher, May, Zwach, Kleppe, Price, and Sebelius.

Also present: Hyde H. Murray, associate counsel, Lacey Sharp, general counsel, L. T. Easley, staff consultant, and Martha Hannah, subcommittee clerk.

Mr. PURCELL. Ladies and gentlemen, I am going to have to start at this time. Dr. Mulhern of the Department is the first witness that we will call. The other members I am sure will be here.

All of you who were here yesterday know what your time problem gets to be. So I think we would be wise to start at this time.

Dr. Mulhern, we would be glad to hear from you now.

STATEMENT OF DR. FRANCIS J. MULHERN, ASSOCIATE ADMINISTRATOR, REGULATORY AND CONTROL PROGRAMS, AGRICULTURAL RESEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Dr. MULHERN. Thank you, Mr. Chairman.

I am Dr. Francis Mulhern, Associate Administrator for Regulatory and Control Programs, Agricultural Research Service, Department of Agriculture.

I appreciate the opportunity to appear before the committee to present the views of the Department of Agriculture on H.R. 13957.

The bill would amend Public Law 89-544, known as the Laboratory Animal Welfare Act, to extend the authority and responsibilities of the Department for regulating the transportation, purchase, sale, housing, care, handling, and treatment of animals.

The bill would greatly expand program operations under Public Law 89-544 by:

(1) including all warmblooded animals under the act, which now limits coverage to dogs, cats, monkeys—nonhuman primate mammals—guinea pigs, hamsters, and rabbits;

(2) establishing requirements for conducting inspections throughout the research facility, in order to determine compliance with standards that would be required for the handling, care, or treatment of animals during actual research or experimentation;

(3) extending the licensing and registration provisions of Public Law 89-544 to include exhibitors which are defined under the bill as any person—public or private—exhibiting animals to the public free or for compensation. The bill provides that this would include but not be limited to zoos and circuses. It would be our understanding that this would include State and county fairs, dog and cat shows, 4-H Clubs, horse shows, and others.

(4) including certain provisions for regulating pet dealers.

During fiscal year 1970, we are enforcing the provisions of the act with an appropriation of approximately \$337,000. We are doing everything possible to carry out assigned responsibilities under Public Law 89-544 within limited, available resources.

We agree with the objective of the bill as to the need for humane care and handling of laboratory animals during actual research and experimentation. However, we believe that the Department of Health, Education, and Welfare is the appropriate agency to administer such an activity. We would expect to work with that Department to assure consistency of standards and other necessary arrangements to promote the objectives of both Public Law 89-544 and H.R. 13957.

If Federal regulation of laboratory animals is extended to all warm-blooded animals, we suggest it would be appropriate and consistent to extend the species of animals presently regulated under Public Law 89-544 to include all warmblooded animals.

Also, we would suggest to the committee that regulating the humane care and handling of animals by exhibitors and pet dealers should be the responsibility of State and local agencies, rather than the Federal Government.

Mr. Chairman, I will be happy to respond to any questions you or members of the committee may have.

Mr. PURCELL. Dr. Mulhern, there are two areas I want to take up. First, one of the main things that has been emphasized, I think, by each witness that testified yesterday is the need for enough funding of this legislation to make it really effective. And this is as much for the benefit of those of you who are interested in this as it is a question of Dr. Mulhern. But the Appropriations Committee has almost total jurisdiction of this, do they not?

Dr. MULHERN. That is true.

Mr. PURCELL. And those interested, with all the rest of us helping as best we could, just must let the need be known there and deal with that committee, is that not true?

Dr. MULHERN. That is true, Mr. Chairman. It would be important that any provisions to be under this bill should be effectively regulated. But it is going to take a substantial amount of funds. Extending Federal regulation to the area of the research alone, would be at least a million dollars. If you add the zoos and the others, you could almost add another million.

So the amounts necessary to effectively carry out this bill are substantial.

Mr. PURCELL. Then the only other thing is, would you care to elaborate any more than your statement in regard to having HEW handle the administration of this provision? You have made the statement there. Is there any elaboration that you think would be appropriate?

Dr. MULHERN. We believe that because HEW receives large funds appropriated for research projects, many of which require the use of laboratory animals that possibly they may have better opportunities of acquiring the money necessary to see that this is carried out.

Our interest is that these humane standards are established as soon as possible.

Mr. PURCELL. That is all I have, Dr. Mulhern.

Dr. MULHERN. Thank you, Mr. Chairman.

Mr. PURCELL. Our next witness will be Mrs. Dyce.

We appreciate your cooperation from yesterday, Mrs. Dyce.

Mrs. STEVENS. Mr. Chairman, I just wanted to say that Mrs. Dyce has photographs to show which I understand could be shown a little bit later, at the end.

Would that be satisfactory?

Mr. PURCELL. Yes.

Mrs. STEVENS. She wants to be sure to testify, of course.

Mr. PURCELL. Then let us set the projection equipment up and we will hear her later.

Is Dr. Charles Hobbs here?

Congressman Jones, would you and Dr. Hobbs come around?

While they are taking the witness table, let me, for whatever it is worth, reemphasize just what I was saying a moment ago, that I think most of you have worked on this so diligently that you understand the process really as well as any of us. But I cannot overemphasize the importance to you of your working with the appropriations people, because what happens if this bill becomes law tomorrow morning—which of course cannot happen, but let us assume it does right away—that still does not provide a single dollar for doing the things that this bill, this law would contemplate having done.

The Appropriations Committee in the House of Representatives is broken down so that subcommittees of that full committee correspond to the other, what we call legislative committees—the Subcommittee on Agriculture, the Subcommittee on HEW, the Subcommittee on Defense, and all the rest of them. They, as you might guess, have requests for money that it is most difficult to fulfill.

So I am trying to encourage you, with the tremendous knowledge and interest that has been shown in this very needed area by each of the witnesses, how important it is that—and we will be glad to help—that you carry your message to the appropriations people.

And I say that just for your knowledge. I will be glad to work with you any way I can.

So, Congressman Jones, I will be glad to hear from you at this time, please.

Mr. JONES of Tennessee. Thank you, Mr. Chairman and members of the committee.

I am delighted today to present to you a good friend of mine, not a constituent, but a very dear friend, who is head of the Department

of Animal Husbandry and Veterinary Science at the University of Tennessee, Knoxville.

Dr. Charles Hobbs is also past president of the American Society of Animal Sciences. And he has some testimony that he would like to present to the committee today.

Mr. PURCELL. We will be glad to hear from you at this time, Dr. Hobbs.

STATEMENT OF DR. CHARLES S. HOBBS, HEAD OF THE ANIMAL HUSBANDRY AND VETERINARY SCIENCE DEPARTMENT, UNIVERSITY OF TENNESSEE

Dr. HOBBS. Mr. Chairman, I am Dr. Charles S. Hobbs, head of the Animal Husbandry and Veterinary Science Department, University of Tennessee, representing the American Society of Animal Science. This is an organization of about 4,000 American scientists of which, as my friend Ed said, I am a past president.

Most of these scientists are employed by land-grant universities and State agricultural experiment stations, the U.S. Department of Agriculture, and privately owned agri-business enterprises. On behalf of our members I appreciate the opportunity to appear here to offer testimony regarding H.R. 13957.

Scientific advances in livestock production, made possible by the research, college teaching, extension activities and adult education efforts of our members, are largely responsible for the American livestock industry being able to provide 183 pounds of meat per capita in 1968—an alltime record—in spite of our exploding population.

In order to continue this progress, research must continue without unnecessary hindrance. A climate must prevail permitting the maximum research output per dollar of public funds expended.

While in full sympathy with the purposes of the proposed legislation we feel the act is far too inclusive. Thus, we must oppose the legislation.

Our objections with reasons therefore are as follows:

1. The legislation would include cattle, swine, sheep, horses, poultry, and other domesticated farm animals used in research.

Subjecting these farm-animal species to regulations designed specifically for dogs and cats would be at best greatly to increase the costs of doing research. There are, to our knowledge, no comprehensive data available on numbers of farm animals purchased for research purposes. However, we have estimated that as many as 20,000 head of cattle alone may be purchased annually by State and Federal research agencies. Many of these are purchased individually or in small groups because of specific genetic background or previous management which makes them uniquely useful for the specific research planned. Others are purchased through usual livestock market channels. The principal function of these markets is the transfer of millions of animals annually between primary producers and growers, feeders, poultrymen, packers, and others. In total, many hundreds of breeders, farmers, ranchers, and market operators sell farm animals to research institutions for research use. Under terms of the proposed legislation, each would be required to secure a license.

These many purveyors are normally not specialists in the sale of research animals. Since sale of animals for research is normally a minor part of any one individual's or company's total livestock or poultry sales, there is every reason to think that most purveyors could not justify the expense of securing a license under the proposed legislation.

Thus, if H.R. 13957 were enacted the effect would likely be enforced channeling of purchases of all large farm animals and poultry for research use through a few licensed dealers with resultant greatly increased costs. To the best of our knowledge, there is no demonstrated need for this legislation as it applies to farm animals used for research purposes are not known to be a problem.

Millions of head of livestock change hands annually in commercial channels. It is our opinion that marketing, handling, and interstate movement of livestock, including those animals purchased for research purposes, are adequately regulated under existing provisions of the Packers and Stockyards Act, the brand inspection laws, other laws of the various States, and other applicable regulatory legislation. There are no known reasons for imposing specific restrictions on those destined for research use.

Farm animals can be maintained in full comfort and health under such varied environmental and housing regimes that establishment of meaningful minimum standards for housing, feeding, watering, ventilation, sanitation, et cetera, would be virtually impossible. If realistic standards were adopted, they would of necessity be so broad as to be virtually meaningless. If required by law, unrealistically narrow and restrictive standards might be the inevitable consequence.

2. The proposed legislation provides that standards be promulgated for the handling, care or treatment of animals during actual research or experimentation.

This would needlessly hamper all types of animal research. It could well stymie research on livestock feeding and management. The only way new and more economical procedures for housing, feeding, and management of livestock are developed is through research. Adoption of standards at any given point in time would inevitably prescribe procedures then currently recognized as being in accord with good management. Experimental trials involving deviations from these would be necessary to develop new and better methods and to determine the effects of the new methods on animal comfort and production. Research of this kind would be impossible under enforced adherence to rigid standards.

3. The proposed legislation requires all exhibitors of animals to have licenses.

This provision could sound the death knell of livestock shows. Livestock shows are an integral part of most State and local fairs. They involve exhibition of many thousands of animals each year. Only small numbers are normally exhibited by any one exhibitor. Thousands of animals are exhibited by youthful Americans as part of 4-H Future Farmer and other youth activities. Normally, these young people exhibit only one or a few head each.

Livestock shows have historically been recognized as serving a highly useful educational purpose. They provide unequalled training opportunities for America's youth.

Requiring that all exhibitors at livestock shows be licensed would at best impose a heavy and costly burden. At worst it would discourage or prevent potential exhibitors from participating in shows and could well cause the demise of these exhibitions as they now exist.

We are unaware of inhumane treatment of animals at or prior to livestock shows not covered under existing laws. If specific abuses do exist they should be handled under specific laws. By their very nature, livestock shows require that animals on exhibition be in the pink of condition. This is not usually compatible with ill treatment.

4. No estimates of costs are included in the proposed legislation.

Before legislation such as proposed is seriously considered, precise data on frequency of abuse should be developed and equated with detailed estimates of costs. Cost estimates should include both administrative costs and the costs of less efficient research if scientists were required to spend 10, 25, or even 50 percent of their time satisfying the needs of the administrative requirements.

We strongly suspect that costs would be so high in terms of both administrative costs and in demands upon the time of research scientists which would divert their efforts from research itself, that total efficiency of the research process would be greatly reduced. We feel it is an obligation of proponents of this legislation to fully develop estimates of costs in both these areas. A program should be undertaken only if it has been definitely shown that there are serious abuses, that the proposed action would effectively prevent these, and that costs would be moderate enough to place the proposed activity in a favorable cost-effectiveness position as related to the many high priority demands upon the Nation's public funds.

To summarize, it is our considered judgment that the proposed legislation would hamper the effectiveness and increase the cost of livestock research and of livestock exhibitions. An inevitable consequence of its enactment would be a reduction in the scope and effectiveness of animal research and of livestock exhibits.

The long-time effect would be reduced quantity and quality of animal foods available to the American public. Levels of food and technical knowledge available for export to hungry nations would be reduced. The proposed legislation includes no estimates of either benefits or costs. These are a necessity if equating potential benefits costs is to be accomplished in any meaningful fashion.

Mr. Chairman, we are grateful for the opportunity to appear before this committee and to make the views of our members known to you.

Mr. PURCELL. Do you have any questions, Mrs. May?

Mrs. MAY. Yes.

Just one very brief question, Dr. Hobbs.

I assume from your background in your work that you are familiar with the present administration of the Laboratory Animal Welfare Act under Public Law 89-544?

Dr. HOBBS. I do not have close contact. I have read the law. But I do farm animal work. I do not do small animal work.

Mrs. MAY. And I gather you would have no objection to the way that law has been administered as to regulation of the transportation, the purchase and care of cats and dogs going into research?

Dr. HOBBS. I have no objections to the present law that requires cats

and dogs. And it does not concern the animals I am speaking of. I just asked for that exclusion.

Mrs. MAY. I was putting an "iffy" question here, I guess, to you. If your objections to the licensing procedure have validity—and I am certainly willing to agree that they do raise some very good questions, but if there were a way without licensing to be assured that we covered all types of animals going into research, with the basic minimums of care and housing up to actual research as we have done for cats and dogs, would it be so objectionable to you? I am speaking of any kind of warmblooded animal.

Dr. HOBBS. I believe I have fully answered that in the statement I have made. And I think it would be unrealistic to try to police such a thing in such a manner.

Mrs. MAY. I was speaking only of those animals that are being raised or sold for research. Shouldn't they have humane treatment before they are sent to a research facility. If there are cases—and we have reason to believe that there are—where there has been inhuman treatment of other kinds of animals that have been sold by dealers?

Dr. HOBBS. I have been in research. I grew up in the ranching business. And I do not believe there is the inhuman treatment that you mentioned in the livestock business. And as I said in the statement, I do not see any need for regulations which would make it expensive, and other things, until it has been proven and shown that it is needed. And I do not know of any instances where there are.

Mrs. MAY. This of course is the purpose of this session, and the testimony we are hearing. Again, we are confining it only to animals that are being used for research. We have heard a number of statements that there has been inhuman treatment of these animals too by certain dealers that are raising them or selling them for research. All I was saying is, I see the licensing difficulty, and this is a question. But I gather there is general agreement that humane treatment of any animal in its care and transportation and its handling at a research facility before it goes into experimentation has pretty general support.

Dr. HOBBS. I would like to cite as an example a cattle research last fall with several hundred cattle. By the nature of research you have to buy these cattle at auction all over the country. And they have certain rules and regulations already. I see no reason to impose further control on them. We just get a few out of the total number. Or we go to a local farmer because of certain genetic background.

For instance, in breeding I bought bulls in Oklahoma because of certain pedigree and bloodlines, at an auction sale of pure breeds. And for this purpose I do not see that there is any need for it.

Mrs. MAY. Of course, the need for any proposed legislation would be to get at only those who abuse the privilege, as we had to do under the bill covering humane treatment for cats and dogs.

Thank you, Dr. Hobbs. I did not mean to prolong this.

Dr. HOBBS. Thank you.

Mr. PURCELL. Mr. Sebelius, do you have a question?

Mr. SEBELIUS. No, sir.

Mr. PURCELL. Thank you very much, Doctor.

Our next witness is Dr. Helen Taussig, professor emeritus of pediatrics of the Johns Hopkins University.

We would be glad to hear from you, Doctor.

**STATEMENT OF DR. HELEN B. TAUSSIG, PROFESSOR EMERITUS OF
PEDIATRICS OF THE JOHNS HOPKINS UNIVERSITY; PRESIDENT
OF THE MARYLAND SOCIETY FOR MEDICAL RESEARCH, AND
PAST PRESIDENT OF THE AMERICAN HEART ASSOCIATION**

Dr. TAUSSIG. I am Helen B. Taussig, professor emeritus of pediatrics of the Johns Hopkins University, president of the Maryland Society for Medical Research, which is a totally separate organization from the national, and past president of the American Heart Association. I am best known to most of you as codeveloper, with the late Dr. Alfred Blalock of the "blue baby" operation, and also known to many of you as the physician who alerted the country to the danger of thalidomide.

I am here today as a representative of the above three mentioned institutes, the Johns Hopkins Medical Institutes—John Hopkins Hospital, Johns Hopkins Medical School, and the Johns Hopkins School of Hygiene and Public Health—the Maryland Society for Medical Research, the American Heart Association, and also the American Association for Laboratory Animal Science, the American Association for Accreditation of Laboratory Animal Care, and the American Dental Association.

First let me assure you that I, personally, and all of the institutions which I represent, are interested in the welfare of animals and are making a great effort to see that animals used in research are humanely cared for. Indeed, one of the important objectives of the Maryland Society for Medical Research is to educate young people and high school students and faculty in the proper care of laboratory animals, and an increasing number of our films are used by various groups to aid them in training laboratory animal technicians.

Parenthetically, I might mention that I have two dogs and a cat to whom I am devoted and who are devoted to me—so I am interested in pets.

I am, however, primarily and deeply interested in the welfare of mankind and in the advancement of medical science. Because of my interest in humanity and because of my work with children born with malformed hearts—as I say, I have worked with Dr. Blalock on the "blue baby" operation—and I have worked closely with surgeons and with persons engaged in animal research, not only in the correction of malformations, but also in their prevention.

The objectives of H.R. 13957 are threefold:

- (1) To protect owners of animals from the theft of their pets.
- (2) To prevent the sale or use of stolen animals.
- (3) To insure that "certain"—not specified—animals intended for

use in research facilities, exhibition purposes, or use as pets, are provided humane care and treatment. All three objectives are admirable but I do not believe that H.R. 13957 would accomplish these objectives, and further this law if enacted would place a well-nigh impossible task on the Department of Agriculture and an extremely heavy burden upon those who work in the biomedical sciences—so heavy as to seriously hinder their work.

H.R. 13957 would amend Public Law 89-544 to include all warm-blooded animals used in medical research. Thus, in addition to dogs, cats, guinea pigs, hamsters, rabbits, and nonhuman primates, the

law would include rats, mice, chickens (to mention only a few of the animals) and man himself, who is a warmblooded animal. Section 10 of this law requires that records be kept of the transportation, purchase and sale, and previous ownership of animals, as the Secretary may prescribe. The animals which require such records should be specified and not left to the discretion of the Secretary. Rats, mice, and chickens are not commonly sold as pets and to identify each and every rat, mouse, is a well-nigh impossible job. Such a requirement would, I believe, cause many a small hospital to give up the use of mice in testing sputum and stomach washing for active tuberculosis and thereby endanger the health of the community. Public Law 89-544 required identification of dogs and cats only.

Section 11: All animals delivered for transportation, transported, purchased or sold in commerce by any dealer or exhibitor shall be marked or identified at such time and in such a manner as the Secretary may prescribe.

That is, they shall be marked, it does not say he cannot decide for one cat.

To require identification of all rats, mice, hamsters, guinea pigs, and chickens individually is an absurdity (if necessary they could be identified in groups).

As a matter of fact, a bill to classify all warmblooded animals, from chickens and mice through men together, is a mistake. These animals really do not all belong in one class nor should they be treated alike or subjected to the same laws.

Second, if you are interested in the protection of pets from theft and in their humane treatment, the law should include veterinary hospitals, veterinary clinics, kennels and pounds, animal shelters and humane societies (just because the latter profess to be humane does not necessarily mean that they are all up to date and humane, or use the most humane methods for disposing of animals, nor do they account for the animals they dispose of). And they certainly should be held accountable for the number of animals they dispose of. Hunting dogs are notoriously liable to be stolen for hunting and sold to persons and to kennels across interstate lines.

Section 5: Requires all dealers to hold all animals for a period of 5 business days before selling or transferring them to another agency. This requirement would place a heavy burden on the dealers and would in some instances lead to loss of some animals and in others to increase the number, rats, mice, or chickens, and further render it well-nigh impossible for the research facility to receive the animals at the age and in the condition which is desired necessary for their investigation.

One of the great challenges of today is the prevention of malformations. The etiology is in most cases a combination of heredity and environment and the latter requires animal experimentation on the effect of environment on the pregnant animal.

The change in Public Law 89-544 by section 13, to extend the power of the Department of Agriculture to prescribe standards for the handling, care, or treatment of animals during actual research experiments in a research facility, in my opinion, places the responsibility for medical research in the wrong department.

I understand—I was not here yesterday—that yesterday it was stated that you were deleting that from the bill, and you were not cer-

tain. In my opinion the standards necessary in medical research should be the responsibility of the Department of Health, Education, and Welfare; the U.S. Public Health; or the National Institutes of Health; and not the Department of Agriculture.

Furthermore, as proposed in section 16, to allow an inspector to use his own judgment as to when an experiment is ended and to permit the inspectors to confiscate or destroy an animal without giving the research worker an opportunity to present to an impartial board the nature of the experiment and his reason for considering the experiment not terminated is completely unjustified.

Scientists today are tremendously interested in late and long-term effects and to permit a person to interrupt their work without due course to law, I believe, is fundamentally wrong. Inspection should be made by persons qualified both in regard to the care of animals and the nature of the research, and the problems involved therein, and their findings should be reported to a board to whom the offender can appeal. In the eyes of the law of our country all persons are innocent until proved guilty.

A further objection to the bill is that to properly administrate the bill and to equitably enforce the law throughout the 2,000 medical and research institutes, not to mention the zoos, roadside zoos, circuses, and pet shops, even omitting the kennels, the veterinary hospitals, veterinary centers, animal shelters and the pounds, and the humane societies, would require a tremendous team of knowledgeable men, a far larger number than are now available.

To inspect any of the large medical institutions in this country would require 2 to 4 days time and certainly all such inspection should be made independently by at least two different inspectors with two different interests, in order to insure against the bias of any one inspector. The latter precaution is mandatory, if failure to comply with any single point in the law, in any department of a large institution, penalizes the entire institution.

In view of the great size of many research institutions and universities, section 20, Public Law 89-544 should be revised and amended so that only that department or division of the university which is at fault is penalized. Human we all are and with the best will in the world, some errors are inevitable, not only in the handling and treatment of animals, but also in the judgment of the inspectors. Medical science in any large institution should not grind to a standstill because of a single error on either side.

To have this law equitably administered would require millions of man-hours and billions of dollars—I think far more than Dr. Herner estimated, millions of dollars. Far more would be accomplished toward the objective of this bill and the taxpayers' money would far better be utilized for the benefit of society if a fraction of these funds were made available for the improvement, updating, and maintaining of adequate animal facilities, and for the training of personnel in the care of laboratory animals.

All of the organizations which I represent are deeply interested in the welfare of man. Nevertheless, for the above reasons they are strongly opposed to the Whitehurst bill—H.R. 13957.

Finally, may I ask to have the testimony which I have brought over in part, the American Association for Laboratory Animal Science,

and the American Association for the Accreditation of Laboratory Animal Care, appended to my record.

Thank you. That completes my testimony.

Mr. PURCELL. Doctor, whose testimony is it you are asking to be inserted in the record?

Dr. TAUSSIG. From the American Association of Laboratory Animal Science and the American Association for the Accreditation of Laboratory Animal Care. They wrote out their own testimony.

I am representing the ones on this list. And they sent in separate testimony. This was the broad testimony for all of them that I have presented today.

Mr. PURCELL. I am sure that if we knew these people that are members of the board of trustees we would all be impressed, but I am not sure that it would accomplish anything by burdening the record with all these names of schools.

Dr. TAUSSIG. That is a matter of your judgment, Mr. Chairman.

Mr. PURCELL. We will take out the statements themselves, and we will allow those to be inserted, but not just put in a list of names and schools.

Dr. TAUSSIG. They were sent over and we thought you might be interested in what the association had done in this respect.

Mr. PURCELL. We are very interested, but we see a lot of pedigreed people up here, so maybe we do not get carried away as we should. So we will be glad to have the statements themselves.

(A list of laboratory animal facilities fully accredited by the American Association for Accreditation of Laboratory Animal Care, and a list of the members of the board of trustees of that organization may be found in the files of the committee. The two statements referred to by Dr. Taussig appear after her testimony.)

Mr. PURCELL. Are there questions of this witness?

Mr. Jones?

Mr. JONES. Can you elaborate on the last sentence of your statement, please, Doctor, "Far more would be accomplished toward the objective of this bill and the taxpayers' money would far better be utilized for the benefit of society if a fraction of these funds were made available for the improvement, updating, and maintaining of adequate animal facilities, and for the training of personnel in the care of laboratory animals."

Dr. TAUSSIG. I think there has been great improvement in the handling of laboratory animals through research facilities. But throughout the country, with the rising cost of medical care, there has been a tendency to cut corners. And many times corners have been cut, and the amount of money allocable to animal care has been cut. They need funds. They wish to improve the care, in many of the laboratories they are anxious to do it, and they are trying to find funds to do so. And it is only recently that they have sent in the experienced men and the technicians in the handling of laboratory animals. And it is almost a new branch of technology that is coming out in our country.

There are only a comparatively few men trained in that field in comparison to the need. And rather than hiring the most menial person to do the job, the need is to have somebody who knows how to handle the animal properly, and who can recognize sicknesses and see

that cages are cleaned, somebody who is there all the time and not someone who goes home at 5. It takes a great deal of intelligent help.

I think it is customary for a lot of people to work from 9 to 5, but you should have a person in over the weekend who knows how to handle the animal and see that things are done properly.

And there is a great need for training people in that regard. The NIH is beginning to give grants, but we have not begun to fill the need for all the medical research in this country in research institutes.

Does that answer your question, Mr. Jones?

Mr. JONES. Yes; thank you, Doctor.

Mr. PURCELL. I have one question, Doctor. I have been impressed with the fact that none of the witnesses so far have had any real estimate of the cost of this other than the Department witness this morning. But now would you briefly tell me what you are going by when you make a statement on the next to the last page of your written testimony that it would probably cost billions of dollars. What are you basing that on?

Dr. TAUSSIG. I am basing it on what it would cost for the accreditation people, say what it costs for the number of institutes that come in, the number of places, and what it would cost for a careful inspection within the large institutes, really inspecting every division that is handling animals. Let us say it would take 2 to 4 days to do Hopkins and other large institutes over the country. It will take manpower-days. And you will have to pay the men, and you will have to pay the time and travel.

I think it would be a colossally expensive undertaking.

Mr. PURCELL. Of course, the factors that you stated are very elementary in having any kind of inspection. And when you say it would be colossal, you are using the word "billion" fitting with "colossal," I take it? You do not have any estimate or study or any actual figures that you or anyone else has developed in this regard, is that correct?

Dr. TAUSSIG. No. I think that the accreditation of animal care would tell you how much it cost per university that they have. I do not have the figures at hand. But it is a very sizable amount. I would be glad to give you the figures on that.

I do not believe it is in the testimony.

Mr. PURCELL. Do you have any method of getting figures based on reality or a realistic study?

Dr. TAUSSIG. I could try to get you some.

Mr. PURCELL. I thought maybe with accessibility to all these institutions and people that you might have someone who is an expert in this field that would have a good estimate on it. If you do not have, we will get the figures from someone else. I just wondered if you had a source of that kind.

Dr. TAUSSIG. Dr. Melby would be the person who has it if anyone does. I would be glad to let you know later in the day.

Mr. PURCELL. Who are you speaking of?

Dr. TAUSSIG. Dr. Edward Melby, who is head of our animal care.

Mr. PURCELL. If he has any figures, and you can get them today conveniently, we will appreciate having them.

Thank you.

(The information requested of Dr. Taussig by Mr. Purcell for inclusion in the record at this point and the two statements previously mentioned, follow:)

ADDITIONAL INFORMATION SUPPLIED BY DR. HELEN B. TAUSSIG

National Institutes of Health: Estimates for upgrading animal facilities in N.I.H. eligible Institutions.

(Does not include drug firms, zoos, S.P.C.A.'s, shelters, pet shops, etc. Not including state universities and School of Agriculture)

Total cost for implementation, \$350,000,000 to \$400,000,000

	Millions
Construction and renovation of facilities-----	\$30.0
New facilities required-----	240.0
Caging and equipment-----	59.0
Training of professional staffing-----	10.0
Technical assistance-----	14.0
New resources and research-----	42.0
Certification and information exchange-----	2.5
Total -----	388.5

Johns Hopkins Medical Institutions: ½ million for automation and improvement—on campus; 3 million for off campus support (Farm animals, breeding, and professional staffing.)

Cost of single accreditation inspection by A.A.A.L.A.C.—\$500.00 to \$1,000.00 depending on the size of the institution requesting inspection.

STATEMENT OF THE AMERICAN ASSOCIATION FOR LABORATORY ANIMAL SCIENCE,
JOLIET, ILL.

The American Association for Laboratory Animal Science is an organization comprised of persons with professional interest in laboratory animal science. Membership of the American Association consists of 2,300 physicians, veterinarians, dentists, research scientists and animal technicians at approximately 300 institutions which use laboratory animals in research and education. The American Association is a non-political organization and as general policy does not involve itself in matters of Federal and State legislation. However, the Bill before this Committee, HR 13957, would have its greatest impact on the members of the American Association and the research and educational projects which they are conducting. The American Association is the only national organization of individuals directly involved in the use of laboratory animals for research and education. The American Association was founded in 1950 on the general principle that increased education of scientists and technicians in the use of laboratory animals will improve standards of laboratory animal care and the value of the results of research and educational programs using animals. Good animal care is an essential prerequisite to getting valid research results. Proper care for laboratory animals is not a matter of intuition. An untrained person or self-trained person is not in a position to evaluate standards of care and the relevancy of various aspects of animal handling to research and educational projects. This takes the expertise of someone who has undergone extended training.

The untrained person can only impose his own instincts and subjective determination as to what constitutes proper use of laboratory animals. The untrained person uses his visceral reaction to determine what is good and what is bad laboratory animal care, resulting in some instances in unnecessary interference with research and animal well being, and other times in missing negative situations which need correcting. This visceral reaction is all that is needed and the American Association for Laboratory Animal Science has wasted its time and the time of its members for the past twenty years. Because this organization's function is to provide continuing education programs in laboratory animal science for persons who usually have an extended form of postgraduate education before they even start to work in animal laboratories. Naturally we do not believe that this time has been wasted and this organization believes in education and continuing education of full time experts in the field of laboratory animal science as the way to improve laboratory animal care and the resulting scientific information.

Professional members of the American Association usually have one or two or more professional degrees added to their Baccalaureate. They receive subscriptions to *Laboratory Animal Care*, the official journal of the American Association. They attend seminars, lectures and other scientific programs conducted by the

American Association and its regional branches. We estimate that 250 to 300 scientific lectures and seminars were conducted last year, attracting more than 2,000 persons in attendance, some of course attending more than one session.

The technicians who are members of the American Association also receive the scientific publications and the Journal Laboratory Animal Care. In addition, the American Association conducts a certification program for technicians which encourages and rewards continuing education. The American Association believes that it would be a substantial error to subject the trained laboratory scientists to the visceral reactions of the self-acclaimed experts in laboratory animal care. No substantial increase in laboratory animal care could be expected. Instead, we would find it interference with the progress that is being made both in animal care and in medical science. For this reason the American Association recommends to the Committee and to the Congress that no legislation should be adopted which would subject laboratory animal science to the interference of well meaning persons who would seek to substitute their visceral reaction for education and training. The American Association for Laboratory Animal Science has not ignored the fact that laboratory animal care can benefit from objective criticism, from well trained and educated persons who are experts in this field, and at the same time dedicated to the improvements of laboratory animal care. For this reason the American Association supports the creation of the American Association for Accreditation of Laboratory Animal Care a peer review organization conducting a voluntary program for upgrading laboratory animal care.

Some time ago an editorial appeared in one of the Washington newspapers referring to a peer review program as the fox guarding the chicken coop. The point in the editorial was that the research scientists themselves are the foxes and the persons least qualified to judge laboratory animal care. This is nonsense. It is only the research scientist who can judge laboratory animal care. They are the only ones who use educational training and experience in laboratory science instead of the visceral reaction.

Perhaps the fox and the chicken coop example assumes that the research scientist favors poor care and is a fiend dedicated to causing pain and suffering to research animals. This is so illogical that no rebuttal is required. The problems that exist arise out of insufficient funding and need for additional training, old facilities and general problems relating to a relatively low priority position with respect to getting sufficient funding. An inspection program conducted by anyone other than those persons qualified in laboratory animal science would only add to the problems and achieve nothing. The voluntary accreditation program provides peer review and consultation, which demonstrates to the offending institutions that their peers have examined them and found them wanting. As will be discussed by the American Association for Accreditation of Laboratory Animal Care this has been a productive means for getting the necessary funds that has resulted in the improvement of laboratory animal care.

In summary, the American Association opposes any program for inspecting and evaluating laboratories using animals, which is conducted by persons who are not themselves educated and experienced within the field of laboratory animal science. Science and education should not and cannot be subjected to interference from well meaning but unqualified persons who believe their intuition is a better standard than years of university education. The American Association favors the voluntary concept of the American Association for Accreditation of Laboratory Animal Care as a proper agency for conducting a continuing program for upgrading the standards of laboratory animal care. The Bill provides for the Secretary of Agriculture to set standards for laboratory animal care. The American Association questions the advisability of this action as standards already exist created by the Institutes of Laboratory Animal Resources of the National Research Council, in consultation with the National Institutes of Health, Department of Health, Education and Welfare and contained in the "Guide for Laboratory Animal Facilities and Care". This "Guide" is used as a standard for accreditation with the American Association for Accreditation of Laboratory Animal Care. The second set of standards promulgated by an agency heretofore not involved in laboratory animal science seems to be ill-advised. The American Association offers its services to the Committee and will be pleased to provide whatever additional information which it possesses which the Committee believes can be used in arriving at an appropriate decision relative to the legislative proposal which is presently before the Committee.

STATEMENT OF AMERICAN ASSOCIATION FOR ACCREDITATION OF LABORATORY ANIMAL CARE, JOLIET, ILL.

The American Association for Accreditation of Laboratory Animal Care wishes to express appreciation to the Committee for the privilege of submitting this statement on HR 13957. The American Association for Accreditation of Laboratory Animal Care is comprised of the following organizations concerned with professional use of laboratory animals:

1. American Association for Laboratory Animal Science.
2. American Association for the Advancement of Science.
3. American Association of Colleges of Pharmacy.
4. American Association of Dental Schools.
5. American College of Physicians.
6. American College of Surgeons.
7. American Dairy Science Association.
8. American Dental Association.
9. American Heart Association.
10. American Hospital Association.
11. American Medical Association.
12. American Society of Animal Science.
13. American Veterinary Medical Association.
14. Association of American Medical Colleges.
15. Association of American Veterinary Medical Colleges.
16. Association of State Universities and Land Grant Colleges.
17. Federation of American of American Societies for Experimental Biology.
18. National Society for Medical Research.
19. Pharmaceutical Manufacturers' Association.
20. The Poultry Science Association.

The Accreditation program was created in 1965 in an effort to improve the standards of animal care in institutions using animals for research and education. It is respectively submitted that the Accreditation program is achieving these results and that much progress has been made and will continue to be made. It is also respectively submitted that the passage of legislation such as that currently before this Committee may have the effect of retarding and even undoing some of the progress that has been made in this important area. The Accreditation program is conducted on a voluntary basis and on the basis of peer review. All are qualified experts who are themselves involved in conducting laboratory animal programs, are invited to conduct site visits and inspect the facilities operated by their peers.

Perhaps it is the idea of some persons in and out of the scientific community that such peer review is a non-critical whitewash. Nothing can be further from the truth. There is no more critical evaluation than found in peer review. Their's is objective criticism substituted for intuition. Their's is review by a group which can see further into the actual operations of an animal facility than the surface because they themselves conduct similar facilities. But the arguments heard that such peer review is clearly a whitewash and only pays lip service to improving laboratory animal care. What evidence is there that the American Association for Accreditation of Laboratory Animal Care actually imposes these objective standards? The evidence of this truth is found in the fact that twenty-five institutions have been denied accreditation and forty institutions have been given accreditation but only on a provisional basis. In addition, accreditation has been withdrawn from four institutions which have been previously awarded provisional or full accreditation. But it is not enough to demonstrate the credibility of the accreditation program, its effectiveness must also be demonstrated. In thirty-four instances institutions were denied accreditation or awarded provisional accreditation and given a list of irregularities which must be corrected and then the institutions re-submitted their applications and were later accredited because they improved their programs. In addition there have been instances where an institution has applied a second time reporting to have corrected their deficiency and that a second site visit demonstrated that there has not been sufficient improvement and accreditation has been denied for a second time. The American Association for Accreditation of Laboratory Animal Care does not publish the names of institutions which have been denied accreditation. To do so would be to discourage applications from marginal and unacceptable institutions which would not want the public recognition of having been denied accreditation. But we can state that there have been substantial

numbers of institutions denied accreditation that have included many prominent and otherwise respected institutions.

Seeking applications from unqualified institutions has some merit. A veterinarian or other professional in charge of animal facilities may have difficulty convincing his institution of his need for additional funds or at least that his request should have a high priority. There is a lack of funds that results in peer standards and not a lack of care by the persons in charge. Where a facility has been denied accreditation and has a specific list of the reasons for denial the director of that facility has demonstrable evidence of deficiencies which he can present to his institution with request for additional funding. We have seen this time and time again. Some institutions apply knowing they will be turned down, but knowing that the denial of accreditation will result in improving their facility and the standard of care which it can provide. Other institutions have not applied for accreditation because they have done a self-analysis and found themselves wanting. We have received letters from a number of institutions stating this reason for not applying at the present time but also stating that they are engaged in a major project to improve their facilities and will apply at a later date when they can meet the standards found in the "Guide for Laboratory Animal Facilities and Care", the standard of the accreditation program. The "Guide" was prepared by the National Research Council in cooperation with the National Institutes of Health, U.S. Department of Health, Education and Welfare.

The American Association for Accreditation of Laboratory Animal Care has been achieving its objectives which are the same as those of the Bill which is before the Committee, improve laboratory animal care. These objectives are being achieved without any self-effulgence of individuals and with a minimum of cost. Funds for operating the organization come from the members and the institutions which apply for accreditation. Effectiveness of this voluntary accreditation program should not be discounted because there isn't any huge budget, no Federal appropriations, no self-effulgence and no empires are being built. We asked that the actions on the voluntary accreditation program be measured by achievement and that this achievement be considered when deciding whether or not to substitute a Federally sponsored and payed for program for want of peer review. One further comment about the Bill which is before your Committee. The Bill has achieved nothing positive but it has had a detrimental affect. In some quarters it has created a feeling of depression and defeatism among some scientists.

The result could discourage cooperation with the voluntary program "why bother now we will have to meet a new Federal program later". We believe the Committee should keep this point in mind when deciding what action to take. Appended to this statement is a list of facilities which have been accredited by the American Association for Accreditation of Laboratory Animal Care.

Mr. PURCELL. Our next witness is Dr. Howard Schneider, the Committee on Public Affairs of the American Institute of Nutrition, of the University of North Carolina.

We would be glad to hear from you at this time, sir.

STATEMENT OF DR. HOWARD A. SCHNEIDER, DIRECTOR, INSTITUTE OF NUTRITION, UNIVERSITY OF NORTH CAROLINA

Mr. SCHNEIDER. Mr. Chairman and members of the subcommittee, I am Howard A. Schneider, for more than 30 years a working scientist in the biomedical research community of this country. I am the designated director of the Institute of Nutrition of the Consolidated University of North Carolina and I appear here today in response to your invitation, as chairman of the committee on public affairs of the American Institute of Nutrition, the professional nutritional society in the United States, and as a member of the public affairs committee of the Federation of American Societies for Experimental Biology.

This last is comprised of six professional scientific societies which include, in addition to the American Society of Biological Chemists, the American Experimental Pathology, and the American Association of Immunologists.

The federation has a combined membership of over 11,000 experimental biologists. These are the men and women who, with their assistants, technicians, and students, stand at the benches in the laboratories and at the operating tables of the medical research institutes, medical schools, and biology departments of universities in this country. It is understandable that these people should have an attentive interest toward bills such as we are considering here today.

Mr. Chairman, it is probably easy to recall to your mind the climate of 5 years ago when this very committee began the first hearings which broadened to include the scope of laboratory animal welfare but which began in an emotional atmosphere engendered by fear of the theft of our pets for research purposes.

Mr. Chairman, you will also easily recall how this committee, under the able chairmanship of Mr. Poage began the process of accommodation of the interests of the scientists and the concerns of the public. The responsibilities handed to the Department of Agriculture and its Animal Health Division of the Agricultural Research Service under Public Law 89-544 were a challenge to our scientific knowledge and our humanity.

The record of the Department of Agriculture in implementing and enforcing Public Law 89-544 is an excellent record and the scientific community commends the hard-working men of the Department of Agriculture for a job well done.

It was one of the great achievements, to my mind, of the legislative process that the Public Law 89-544 preserved for the scientist in full freedom those hours of his experimentation when he seeks to learn nature's secrets. It is of the utmost importance that this freedom for the scientist in that moment of truth, be preserved, and I would emphasize to the committee that this, above all, we save. It is reassuring to learn that H.R. 13597 will be amended so as to preserve this freedom.

By now we have had several years of experience with the administration of Public Law 89-544 and here, as in many other parts of life, experience has been a good teacher. If we are now to proceed out from Public Law 89-544, as a base, there are certain things which, I respectfully suggest, should be taken into account.

When the committees of the Institute of Laboratory Animal Resources, of the National Academy of Sciences, of which Institute I had the honor then of being its chairman, responding to the request from the Department of Agriculture for expertise in the laboratory animal field—when these committees sat down to help draft, so to speak, the fine print under Public Law 89-544. they found their task not an easy one and although that law is confined to but six animal species, many months were used in coming to grips with the many problems exposed.

In H.R. 13957, on page 3, line 13, we see, "The term animal means any warm blooded animal." I submit to the committee that this is an expansion of considerable magnitude from the six species mentioned above. There are, for example, over 9,000 known species of birds.

Under the terms of the bill before us, the Department of Agriculture would be confronted with a timetable of only 1 year to fulfill what this bill asks. I would suggest that the Secretary of Agriculture be given discretionary powers to assign priorities in this expansion. Noah may have filled the ark and saved all the animals from the flood, but he was not required to write the regulations for each species.

If there is one thing the scientists have learned in these confrontations with those who would instruct him how to be about his business, it is that in the public mind the scientist's care of the animals, entrusted to him easily and mistakenly assumed to be no better than is visible to the public in the marketplace and in the exhibition and sale of pets. That there is no connection here sometimes seems hardly relevant. To stop being unfairly smeared with this brush, the self-interest of the scientist and his humanity persuade him that he should join in those efforts, such as are specified in the bill before us, that lead to the elimination of such inhumane practices among exhibitors and dealers. As for the research laboratory the doors are open to the trained men of the Department of Agriculture.

But, Mr. Chairman, whatever we jointly aspire to, we must remember the moneys we will need. I have no competency to estimate what burdens will fall on zoological societies or the private sector. But I can give you very precise information by what sums the biomedical community still falls short of its needs to upgrade laboratory animal facilities. The Institute of Laboratory Animal Resources has just completed a national survey of laboratory animal facilities and resources. The first publication of the extensive study is scheduled for August 1970, but let me, in advance of publication supply you with one hard intractable number, for our goals in laboratory animal facilities we are right now in shortfall of \$191 million. Where will this money come from?

I should interpose, Mr. Chairman, that the extensive report of the Institute of Laboratory Animal Resources which will be released in August is now in the Institute of Laboratory Animal Resources. It is in the process of publication. It is reminiscent of a Sears, Roebuck catalog, sir, with all its computerized outputs. But it has table after table after table which identify those problems in funding that you have exhibited a sensitivity toward. And I am certain that on application to the National Academy of Sciences before its publication, this can be made available to this committee within a day.

Mr. PURCELL. Thank you very much. We will make that request.

Mr. SCHNEIDER. As we did for the Poage bill, the part of the scientific community I represent stands ready to assist this distinguished committee, and endorses the broad principles of H.R. 13957.

Mr. PURCELL. Thank you very much.

Are there questions of this witness?

Mrs. MAY. Just one quick question.

Dr. Schneider, in your last statement there about the national survey that will be completed in August—

Mr. SCHNEIDER. No, it is completed, Mrs. May.

Mrs. MAY. That will be published in August?

Mr. SCHNEIDER. Right.

Mrs. MAY. You are in shortfall \$191 million?

Mr. SCHNEIDER. Right.

Mrs. MAY. The money that you were short of would be used for what?

Mr. SCHNEIDER. Upgrading laboratory animal facilities through standards set by another instrument or of the National Academy which has been used now for many years called the Guide for Laboratory Animal Facilities and Care. And there the committees of the Institute of Laboratory Animal Resources since 1952 have been assembling, collating, debating, et cetera, these standards. And when Mr. Poage's bill was passed, and the Department of Agriculture sought expertise, it turned to this organization, as it rightfully would be expected to do.

And the committees worked very hard, around the clock. It was then that we discovered that when you put into law in fine print what your aspirations are it is very, very difficult, and takes some time.

Mrs. MAY. What I am assuming here is that the upgrading of all these facilities would be to reach the goal of more humane care for any animal.

Mr. SCHNEIDER. Larger cages, more room, lighter.

Mrs. MAY. But directed at any animal you use for research, not just dogs and cats.

Mr. SCHNEIDER. I am speaking, I suppose, with the conventional wisdom of the day. I cannot speak to what new exotic species which might be introduced, or what new species of monkeys. But in terms of what we are doing today we do not have adequate facilities.

For the purposes of survey—which is incidentally the second, the first one was prepared in fiscal 1962, and this represents fiscal 1967—these are the estimates that were collected for us in this survey.

Mrs. MAY. I see.

Thank you, Mr. Chairman.

Mr. PURCELL. Dr. Schneider, we do not often have to ask these witnesses about their own background, since they usually come forth rather quickly with it. But we may need you on some other items that we bring up now and then. Just very briefly what is your background and education? I see you are a Ph. D., Director of the Institute of Nutrition. So what is your other background?

Mr. SCHNEIDER. That is my job now. For 25 years I was on the faculty of the Rockefeller Institute for Medical Research in New York City. For 5 years I was deputy director of the Institute for Biomedical Research of the American Medical Association in Chicago. I have moved now to North Carolina.

Mr. PURCELL. I am sure they welcome you there. You do not talk like a North Carolinian, though.

Mr. SCHNEIDER. Not yet.

Mr. PURCELL. Have you dealt in the field of nutrition, human nutrition, for many of these years that you are speaking of?

Mr. SCHNEIDER. In the field of experimental nutrition, yes. I was trained at the University of Wisconsin, and I received my degree in 1938 as a biochemist and nutritionist in that department. And those were the days of the vitamins.

Mr. PURCELL. We have spent many days on nutrition in the last few years, and we know more about the nutrition of Indians and Eskimos and Africans than we do about the nutrition of our own people. And I am just glad to find somebody who apparently knows a great deal about it. We may get in touch with you.

Mr. SCHNEIDER. The State of North Carolina—and that is why I am going there—is very much interested.

Mr. PURCELL. We are, too.

Thank you very much, Dr. Schneider.

Mr. SCHNEIDER. Thank you.

Mr. PURCELL. I understand Mr. Parker would like to be moved down the list.

So, Miss Dunn, we would be glad to hear from you at this time, please.

STATEMENT OF MISS PEYTON HAWES DUNN, SECRETARY ON THE EXECUTIVE COMMITTEE OF WARDS

Miss DUNN. WARDS is devoted to the professional care of animals in interstate traffic and in research. It was founded in 1953. I am the secretary on the executive committee and my name is Peyton Hawes Dunn.

First, we want to express our gratitude to the chairmen of this subcommittee, the Honorable Graham Purcell and the Honorable William R. Poage for their interest in the plight of animals and their owners confronted with the lawless traffic in dogs and cats and other animals. Your committee has guided the livestock industry toward useful protective laws. The origin of these animals and their ultimate destiny fits into an orderly legal pattern. Diseases have been eradicated to the satisfaction of every concerned breeder.

Still practically untouched is the traffic in animals for pet markets and research. If a truckload of animals is stopped on the highway and the driver says, "Scouts honor, these animals are not destined for research," USDA must bow out of the situation without H.R. 13957. In the same way at an auction, if a man piles his truck with crates of pitiful puppies and kittens and makes a similar statement he can go on his filthy way without a word from USDA. This is why it is necessary to pass H.R. 13957.

The poor citizen who buys a hunting dog from a dealer in another State and finds it is not trained in any way has a tough time. He returns the dog to the dealer but the dealer will not pick up the animal from the freight depot. There the dog languishes until the duped citizen, out of mercy for the poor creature, has it sent back to him.

Again take the family that buys a dog from a pet shop. The animal continues to be ill and turns out to have mange. This costs hundreds of dollars in a vain effort to save the animal the family now loves. A glib guarantee of another animal can never make up for shoddy merchandising when this merchandise has just happened to become a member of the family.

Breeders have lost valuable dogs because there are no laws for protection in transportation. Even in the transportation of animals for research there is a large harvest of suffering and death. One friend in a large research center complains to us frequently about the footless lack of protection for his animals. All we can tell him is to work for H.R. 13957.

We recognize the difficulties faced by all enforcement agencies. Under Public Law 89-544 the source of animals is still lost in the jungle of petty thieves and bunchers. One intention of Congress,

when it passed Public Law 89-544, was to stop petnapping. This has not happened. The lawless element has moved out beyond the law. Only one case against a buncher has been successfully prosecuted by USDA. The tireless efforts of Mrs. William Shennahan, president of the Talbot County Humane Society of Maryland, insured this victory.

At first the citizen does not despair when his animal disappears although it is taken from his fenced yard. He cannot believe it is stolen. He begins to believe it when there is no trace in a week or so * * * just a complete void. Many that never return are already out of State—taken by a buncher.

This crime pattern must be known to one responsible Federal agency and it must be informed when a dog or cat is stolen. WARDS made a beginning of this by the circulation of the telephone numbers for USDA in each State. We hoped this would alert USDA to the facts about petnapping. To our knowledge they have found the owner of only one lost dog in a research center and returned it yet hundreds vanish from their homes each day across the country. Strong penalties and complete coverage by USDA will stop this.

Other dogs are found later. These are the ones taken by small hoods. Youngsters are often used to bring in dogs. They fit unsuspectingly into a neighborhood. They lead off the dog with the scent of a female. If a buncher cannot take in the dog conveniently it is staked out in a basement or wooded area. The youngster keeps it this way until a buyer can be found. During this time the dog gets little food or water and gradually becomes sick. Then it is often released and ultimately lands in a pound or shelter.

There it is destroyed since the lapse of time has convinced the owner to give up. Mrs. Nester Ortizer, a tireless volunteer whose dog was stolen, has reunited a few of these dogs with their owners after the dog was picked up weeks later and miles from its home. She is here and we hope that there will be time for her to testify at a later hearing. She is with Mrs. A. S. Mike Monroney, the chairman of WARDS.

Mrs. Monroney is not here today, but she was here yesterday when I wrote this. We can stop this racket only by the strict regulation of bunchers.

The need for clear standards of care for animals in research becomes increasingly well understood. Experiments that have succeeded in one place have failed in another based entirely on the difference in care. Phases in the production of drugs are carried on by subcontractors under conditions that fail to meet the most primitive needs of animals. These places are located in towns where a license is not required.

There is no regular inspection to protect citizens from the contamination possible from such establishments. Working conditions are often substandard for those who handle the ingredients of drugs that go into interstate commerce. No local code is violated because there is none. Meaningful prosecution is next to impossible without H.R. 13957. USDA must be empowered to face this problem with a realistic opportunity to solve it.

Putting Public Law 89-544 where it can function successfully is the purpose of the Whitehurst legislation, H.R. 13957. It is getting increased support from careful breeders of dogs and cats and obedience

classes; the boards of humane shelters; those who are in charge of research animals who want to do a professional job; and the beleaguered local police departments in no position to handle the well-organized interstate traffic in animals.

The bewildered citizen is tired of seeing criminals come off with a slap on the wrist. Many humane societies have united behind H.R. 13957. Here is a clear opportunity to give Public Law 89-544 a chance to treat these needs like others in the field of livestock.

Thank you for this opportunity to represent WARDS.

Mr. PURCELL. Thank you very much.

Are there questions?

If not, we appreciate it very much. And thank you very much.

Now we will call on Mr. Robert Parker, an attorney in Washington, representing the Docktor Pet Centers, Inc.

**STATEMENT OF ROBERT P. PARKER, COUNSEL, REPRESENTING
DOCKTOR PET CENTERS, INC., PHILADELPHIA, PA.**

Mr. PARKER. Mr. Chairman and members of the subcommittee, my name is Robert Parker. I am associated with the law firm of Parsons, Tennent & Zeidman, counsel to Docktor Pet Centers, Inc., of Philadelphia, Pa.

I am honored to appear before you today. The Docktor Pet Center franchise system, with presently more than 100 franchised pet centers established in 25 States and the Commonwealth of Puerto Rico, is the largest organization in the United States devoted exclusively to the sale of a full line of pets and pet supplies.

Our interest in H.R. 13957 is prompted by section 2(5) of the bill, which provides that dealers, to whom all of the bill's provisions apply, shall include:

Any person who for compensation or profit * * * buys or sells animals in commerce for research purposes or for exhibition purposes or for use as pets;

Thus, if enacted in its present form, the Laboratory Animal Welfare Act would apply to all Docktor Pet Center franchisees and to virtually all of the 12,000 other pet shops in the United States as well. These are typically small businesses, often owned and operated by a man and wife. The pet shop "industry" is highly fragmented and largely unorganized. I speak today only on behalf of Docktor Pet Centers, Inc., and its franchisees, but I would ask the committee, in the absence of a strong trade association to champion the interest of other small pet shops across the country, to consider the impact of H.R. 13957 on all such pet shops.

I wish to emphasize that Docktor Pet Centers fully supports the goals of H.R. 13957, which are:

(1) to insure humane treatment for animals used in research laboratories and

(2) to thwart the vicious traffic in stolen animals. We must, however, oppose as unnecessary, unwarranted, and harmful, the application to pet shops of the extensive requirements set forth in the bill. Our sympathy with the objectives of this measure cannot obscure the fact that, as presently drafted, it will have a very damaging effect on the many small businessmen whose livelihood is the pet industry and

on those millions of Americans who wish to obtain pets and pet supplies at reasonable prices.

We feel strongly that the inclusion of pet shops within the coverage of the bill is unwarranted by existing circumstances and unnecessary in achieving the objectives of the bill. There is no evidence that pet shops are either trafficking in stolen animals or that they are treating their animals in an inhumane manner. In point of fact, there is overwhelming evidence to the contrary.

All puppies sold by Docktor Pet Center franchisees are registered with the American Kennel Club, and the purebred kittens sold by our pet shops are registered with the Cat Fanciers Association or one of the other similar groups accredited for that purpose. In order to sell a stolen dog or cat to a pet shop, a thief would have to steal the animal's registration papers as well.

I am sure the committee appreciates the unlikelihood that this would ever occur. Birds, hamsters, and other smaller animals sold by Docktor franchisees are purchased from established, reputable sources which Docktor has thoroughly investigated and approved.

Moreover, after the sale, these smaller animals are usually kept in the customer's home and, while they sometimes are lost or escape, they are rarely susceptible to being stolen.

The humane treatment of all living creatures greatly concerns Docktor Pet Centers. A love of animals is one of the principal reasons most men go into the pet business. At the same time, a franchisee's livelihood depends upon demonstrating to the public that the animals his store offers for sale are clean, healthy, and properly attended.

In helping its franchisees care for the animals during their brief stay in the pet shop, Docktor Pet Centers has developed a number of significant improvements in the field of animal care. The sanitary kennels, advanced ventilation systems and regular exercise programs required in all Docktor Pet Centers stores have been cited with approval by numerous zoologists, veterinarians and humane society groups.

The very fact that pet shops serve the public is itself important, because it points out the inappropriateness of applying to pet shops a standard designed primarily for the regulation of experimental animal laboratories. The animal purchased by an experimental laboratory usually dies within the walls of that institution. The public has little knowledge of what goes on there.

By contrast, the animals offered for sale as pets in pet stores across America are constantly on view to the public, and any operator of a pet store could tell the committee how vigilant is the public in bringing the smallest detail of an animal's welfare to the attention of the store owner. The general public, the SPCA, various humane societies and the enforcers of State and local laws and regulations all help insure the humanitarian treatment of animals on display in a pet shop.

Section 10 of H.R. 13957 would require pet dealers to identify and keep records on each of the hundreds of thousands of warm-blooded animals in which they deal each year. These records would have to reflect the purchase, sale, transportation, identification and previous ownership of all such animals. In the Docktor Pet Center franchise, the necessity for such records with regard to dogs and cats seems doubtful at best, since they already keep full records on these animals

in conformity with the standards of accredited cat registration organizations and the American Kennel Club.

The same can be said of many other retail pet dealers. H.R. 13957, however, goes far beyond dogs and cats to include in its coverage thousands of white mice, gerbils, hamsters, guinea pigs, hundreds of species of birds—and this list is by no means exhaustive.

The time and paperwork involved in such a process, entailing individual records of hundreds of thousands of animals, would be staggering for the average pet dealer. The process would quickly become a nightmare, taking up massive amounts of a dealer's time, swamping his business files, and in many cases necessitating the hiring of additional employees to perform the task.

To the immense recordkeeping burden imposed by section 10, section 11 of the bill adds an equally onerous requirement that the dealer place an identifying mark on each warmblooded animal. Once again, when this requirement is applied not only to dogs and cats but to the countless varieties of birds, hamsters, gerbils, guinea pigs and mice carried annually by each Docktor Pet Center dealer, the oppressiveness and unreasonableness of the requirement becomes obvious.

The margin of profit on many of the species I have mentioned is often only a few cents, and the added expense of branding, tattooing or tagging each individual animal—a task which can be performed only by a veterinarian under the law of many States—would be prohibitive. Any customer who wishes to have his animal thus designated will, of course, be referred by the pet center to a veterinarian capable of performing the identification operation.

Another section of the bill which deserves careful scrutiny in section 5, the 5-day holding period. The pet dealer's very livelihood depends on his ability to make a sale when the customer comes to the store and sees an animal if he wants to buy it. If at the moment the sale is lost it may be lost forever. Very few pet centers have the facility for warehousing animals during that 5-day holding period. And to impose this kind of requirement arbitrarily upon them is certainly commercially unreasonable.

I think a very valuable contrast can be drawn between the various kinds of institutions to which the bill would attempt to apply its sanctions.

Those who come under the jurisdiction of this bill by virtue of their activity as experimental laboratories are usually large and heavily funded institutions. Those who may be covered by virtue of their activities as exhibitors frequently maintain a fairly stable inventory of animals over a considerable period of time.

By contrast, the owner of a pet shop is a small businessman who depends upon a high turnover of stock to make his living. His margin of profit is small, and the crushing economic burden which would be imposed upon him by this legislation would, in many cases, be ruinous.

The ultimate consequences of applying H.R. 13957 to retail pet dealers would include the following:

First, it would drastically increase the costs incurred by each dealer in his ordinary business operations. Virtually all of these small businessmen would suffer sharply reduced incomes, and many would be driven out of business altogether.

Second, it would also harm the consumer. As the dealers take protective action by raising their prices, families seeking to purchase a pet will again be victimized by the mounting inflationary spiral.

Third, it may eliminate profitability in the legitimate sale of small animals altogether, creating a situation in which these creatures can only be purchased from sources operating outside the regulations.

Fourth, it will create a costly enforcement problem for the Federal Government. The inclusion of the more than 12,000 retail pet dealers and an additional 30,000 retail outlets where the sale of pets is a substantial, though not a predominant, source of income would constitute a major headache to enforcement authorities.

CONCLUSION

These unfortunate consequences can be avoided. This bill's coverage of persons who hold warmblooded animals for sale as pets is neither necessary nor appropriate to the achievement of the laudable purposes which inspired the basic proposal. We urge the committee to amend H.R. 13957 by striking all references to such persons and removing from the definition of "dealer" a person who for compensation or profit buys or sells animals for use as pets. Docktor Pet Centers, which heartily endorses the spirit of this bill, will be pleased to offer any assistance it can in the committee's consideration of such amendments to the bill as members of the committee may deem appropriate.

We are grateful for this opportunity to present our views to you, and for your thoughtful consideration of the ideas we have respectfully submitted.

Thank you for your attention.

I would be glad to answer any questions you may have.

Mr. PURCELL. Thank you very much, Mr. Parker.

Are there questions?

Mr. SEBELIUS. What is a gerbil?

Mr. PARKER. They tell me that it is like a white mouse, but shorter and stubbier.

Mr. SEBELIUS. Thank you.

Mr. PARKER. I am told by the audience that that is not right at all.

Mrs. DYCE. It is an Asiatic mouse like the kangaroo mouse, and it is brown.

Mr. PARKER. Thank you.

Mr. PURCELL. Any other questions?

If not, thank you.

At this time we will hear Mrs. Twyne.

So you may testify at this time, Mrs. Twyne.

STATEMENT OF MRS. PEARL TWYNE, PRESIDENT OF THE AMERICAN HORSE PROTECTION ASSOCIATION, STATE OF VIRGINIA

Mrs. TWYNE. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, my name is Pearl Twyne and I am president of the American Horse Association and humane officer in the State of Virginia. In these capacities I have seen animals terrified, abused, and exploited for exhibition purposes, in

pet shops and crowded into cages too small for the animals in research institutions.

Since grants are made from public money for much of the research for which animals are used, we believe that H.R. 13957 is vitally needed to protect animals in the public interest. Primates are shipped into the United States crowded for long periods in cages so small they cannot turn around. Many are young animals bound for sale through pet stores. Generally the mothers of the young animals were killed to make it possible to take their young.

At a research institution in Falls Church, Va., I have seen large primates in cages stacked about 8 feet high from the floor to the ceiling, row after row. The cages were so small that the animals could not stand or lie out straight. This is as cruel as to place a human being in a box where he can neither sit, stand, nor lie. These animals are not protected under the Animal Protection Act of August 24, 1966—Public Law 89-544.

Another research institution at Kensington, Md., has a large number of beagles which have been kept in cages about 2½ by 2½ feet for long periods of time. This institution claims that its animals are under research from the time of purchase to the ultimate use of the animals. Therefore, they are exempt from the provisions of Public Law 89-544 which requires humane housing of animals while waiting to be used in medical schools.

I watched a Mr. Watson drive his truck to the livestock sales at Culpeper, Va., where he had advertised in the paper that he would pay from \$1 to \$2 for every cat brought to him. Children took cats to him for which they received pay; however, he did not ask them about the ownership of the cats, and after he left with his load of cats, reports were made by persons whose pets had disappeared at about the time the man was in the neighborhood. This man is not required to be licensed under Public Law 89-544 as he takes the cats home, kills them, freezes their dead bodies which are shipped by him to medical institutions for research.

One of the most cruel operations involving animals in behalf of the human race is the treatment of pregnant mares on the pregnant mare urine farms of the Northeast part of the United States and Canada. These mares are placed in standing stalls from about 4 months of pregnancy until time to foal. They have a rubber inner tube fastened with chains to their bodies to catch the urine for its estrogen content. These mares are not let out of their stalls for exercise during the rest of the pregnancy otherwise the farmer might lose a dollar. The laboratory buying the urine gives feeding instructions which produces large quantities of urine, but this diet is not good for the mare or her foal.

The foals are the unwanted products of these farms, and they are thrown out to die of exposure or hunger, or are shipped to livestock sales where they arrive dead, injured, or sick. As a result of this brutality, the State of New Hampshire passed a law which prohibits the sale of a foal under 6 months of age unless accompanied by its dam. These mares often acquire sores as a result of the rubbing and pressure of the chains and rubber tubing, and they continuously suffer from an abnormal lack of exercise.

House bill 13957 would include these mares as animals in man's service needing humane protection.

Pet stores are in urgent need of Federal regulations also. Their cages are usually too small for the animals, especially the large animals. They are often dirty, the animals sick, and receive no care over Sundays. I had the manager of one of the pet stores in Virginia summoned to court for the inhumane housing of a St. Bernard. The dog had been purchased as a 6-weeks-old puppy, and had been closely confined in a small cage until it was 5 months old. Its head pressed against the side of the cage, and it could not stretch out its hind legs.

I had the dog taken out of the cage and the dog could hardly stand on its feet, its hind legs collapsed from cage paralysis. I have seen this same situation in many pet stores in Virginia.

Most of the pet stores I have visited keep young monkeys in bird cages. This is cruel as monkeys are tree swingers and they need to use their arms. They are neither comfortable nor healthy in such a prison.

One woman in Virginia today advertises the sale of unusual pets and sells on consignment lions, tigers, and other exotic animals. She says she will not sell one for apartments, but a yard is sufficient. The big cats are declawed and their fangs pulled at an early age. However, even with this mutilation, they can kill, as one slap with the paw, whether in play or not, can break a human's neck. When full grown these animals are dangerous and must be disposed of, but they have no protection if they are released to wild animal refuges. This is needless exploitation of animals for profit.

Large numbers of animals are maimed and mutilated each year for the sole purpose of greed and sheer sadism. At prestigious horse shows, as well as local shows, I have seen horses beaten around the head for not taking a jump, and their ribs lacerated by the overzealous use of spurs by a brutish rider. I stood and watched a man inject a needle in the neck of his horse to dope it for one of the championship classes. I have seen horses whose forefeet had been blistered and were bleeding lying in their stalls in sheer agony unable to stand on their tortured feet so that their owners might boast of their possession of blue ribbons, or see their names in print as owning a big winner.

The U.S. Senate passed the horse protection bill S. 2543 in September 1969, which would make it a Federal offense to ship sore horses in interstate commerce. The act is now waiting a hearing in the House of Representatives. This type of exhibition is pure fraud as a very sore mediocre horse can win over a properly trained clean horse. H.R. 13957 would stop this brutality.

I have seen calves roped in rodeo exhibitions and thrown so hard that they had concussions and blood ran from their eyes. These calves were used over and over until they were hopelessly crippled. This is done for money and entertainment purpose only.

These are only a few of the cases I have seen in the abuse of animals, and I feel that the American people, if they had knowledge of this unnecessary suffering, would want Federal laws to assure decent treatment for the animals which have served mankind in so many different ways.

Mr. Chairman, in this country we need a new set of ethics that will make cruelty to animals not just bad, but as senseless and painful as hacking off one's own foot.

We strongly urge that this committee give a favorable report to H.R. 13957.

I had another paragraph regarding appropriations, but since you made your statement I will not mention it.

Thank you.

Mr. PURCELL. Thank you very much.

Are there questions of this witness?

(No response.)

Mrs. TWYNE. Mr. Chairman, I have a request from the attorney for Docket Pets, he asked me to tell you the Docket organization compromised with us. Do you mind?

Mr. PURCELL. I think you should.

Mrs. TWYNE. They compromised with us very well, and they said they would make provisions to see that their animals are exercised, they would have the man take the large animals out of their cages and exercise them at least once a day. Also they refunded the money we paid for the St. Bernard to the organization. And they said that they were going to install humane treatment throughout the country in their 100 stores.

But I must say that I think they are one of the better pet shops. I have seen others who were very much worse, whose cages were bad, and where the monkeys were terribly confined.

Mr. PURCELL. Thank you.

Are there any questions?

Mr. ZWACH. I note you are executive director of the Virginia Federation of Humane Societies.

Mrs. TWYNE. That is correct.

Mr. ZWACH. What results do you get when you make complaints to groups that are abusing the animals? Do you get much result this way? Could we have a report on that? You do that, do you not, register complaints?

Mrs. TWYNE. Yes; I get complaints. And also I check exhibits in the various areas that I mentioned. As a general rule, when you are dealing with businessmen, and they know that there will be police power, and you can take them to court, and there will be adverse publicity, they cooperate. In the case of prestigious horse shows it is another thing. You need Federal laws for that, because I have very influential people who do not want to give up their practices.

I think that generally we get pretty good cooperation except for the exhibitions.

These calves that I saw badly injured, I went to the manager of the rodeo, which is a registered cowboy rodeo which is supposed to have standards set for the rodeo and they cooperated. And one calf was so terribly injured and they were going to put it back in, and I told him not to, if they did I would have him arrested for cruelty to animals. So they did withdrew the calf and put it back in the truck. But the next night they were going to another area, so they could very well have used it again.

But you do need a Federal law to correct these things, because it is interstate commerce, and it is impossible for local humane societies to do it. And all humane societies do not have trained agents or the money to do that.

When I go to a horse show I take a lawyer and a veterinarian with me, because these are very influential people, they are money people, and they have very expensive lawyers. And one individual, a humane officer, would have a very poor chance in such company.

Mr. ZWACH. Thank you.

Mr. KLEPPE. In your reference to horses' feet, were they basically Tennessee walking horses?

Mrs. TWYNE. Yes.

Mr. KLEPPE. I come from North Dakota, where they have rodeos. Have you ever seen the neck of a calf broken in a contest?

Mr. TWYNE. I think there are only States where they twist the neck. I have never seen it happen. I have only seen it thrown hard.

Mr. KLEPPE. Have you ever seen a steer's neck broken by bulldogging?

Mrs. TWYNE. No; I have not. That is not done in this area.

Mr. KLEPPE. They have another event called "heel and toe" where one man will rope the animal's horns and another man its hind legs to stretch him out. I was wondering if you have ever seen any of that?

Mrs. TWYNE. I have seen pictures of it from the State of Wyoming where it is common practice. And I have seen animals with broken horns and broken necks in these pictures.

Mr. ZWACH. Somehow or another it is hard to believe that they catch these calves at full speed with a rope and throw them down and they just bound up and go right back again. I have never seen a neck broken either, and yet it seems like it is a very difficult thing for the animal to stand.

Mrs. TWYNE. It is, very.

Mr. KLEPPE. I was just curious about your observation in this regard.

Also in your reference to horses did you refer to jumping horses? That needle in the neck, for example, was that a jumping horse?

Mrs. TWYNE. No; it was a saddle horse. And they used the needle a lot. A saddle horse is supposed to be a very hot horse, and they usually put blankets on it, and they do things to excite the horse in these shows. And the horse comes out with this very high-stepping action, sweating profusely, its eyes wide and its head high. They usually want to pep it up. In fact, the American Horse Show Association is now having quite a fight in trying to stop the doping of these horses.

Mr. KLEPPE. I am going to make a facetious comment now. The way to make a horse step lightly is to feed him Hadaacol with his oats. Hadaacol has got 12-percent alcohol, and it would make him step lightly.

Mrs. TWYNE. I agree with you, it would make anyone step high.

Mr. PURCELL. Thank you very much.

Dr. Taussig, I understand you have the figures we wanted a moment ago.

Dr. TAUSSIG. I have a few figures. We have estimates for upgrading animal facilities for the NIH eligible institutions. That does not include any of the drug firms, the zoos, SPCA's, the shelters, or the pet shops. And they have a total cost for the implementation and upgrading between \$300 million to \$350 million. And they have broken it down of course to what it is.

The Johns Hopkins Medical Institutions, for upgrading and improvement of the campus they need a half million.

For off-the-campus animal farm, and for the upgrading of the professional staff they need \$3 million.

For each of the single inspections of the accreditation program, depending on the size of the institute, it costs them between \$500 and \$1,000. And there are \$2,000-plus to inspectors. And many can take more than one inspection, two or three, if they are found faulty they come in again. And prices are still rising. And I think if you come down you will find that inspection is a very expensive thing. And if we could have millions of dollars to help us improve the animal care, you would come out a great deal better for the care of the animals.

And this is, I think, a pretty good estimate of where the NIH needs to construction facilities, the new facilities required, the caging and equipment required, the training and the professional staff. They have got the technical assistance, the new resources for research. And the certification information and exchanges is broken down into figures here.

I can give you these figures to incorporate into the record.

Mr. PURCELL. Do you have them listed there now?

Dr. TAUSSIG. Yes, I have an extra copy.

Mr. PURCELL. If you would, before you leave, just give a list to the reporter. We will appreciate it.

Dr. TAUSSIG. Thank you very much.

(See p. 55.)

Mr. PURCELL. At this time we will hear from Mrs. Dyce.

STATEMENT OF MRS. DOROTHY DYCE, LABORATORY ANIMAL CONSULTANT FOR THE ANIMAL WELFARE INSTITUTE, DETROIT, MICH.

Mrs. DYCE. Mr. Chairman, members of the committee, my name is Dorothy Dyce and I am here to submit testimony in favor of the Whitehurst bill, H.R. 13957.

As a laboratory animal consultant for the Animal Welfare Institute I have visited more than 200 institutions in the United States which use live animals for experimental research. I have seen the overcrowding, the neglect and the unbelievably bad conditions these animals were forced to endure in many of these research facilities before the passage of the Laboratory Animal Welfare Act, Public Law 89-544. Because the research institutions, and the dealers who supply them with an endless stream of animals, were untouched by laws, licensing and inspection they were free to operate pretty much as they pleased.

Animals in dealer compounds were often kept in unspeakably filthy compounds. They were often fed stale bread, entrails and other such unpalatable substitutes for food. Those who survived were crowded into small trucks and went for hours and days without food and water while transported across State lines to research laboratories.

While tremendous improvements in the care, handling and housing of dogs, cats, monkeys, rabbits, guinea pigs, and hamsters have been made since Public Law 89-544 went into effect, hundreds of thousands of exotic animals imported into this country have no protection at all.

The Whitehurst bill would expand the coverage of Public Law

89-544 and give protection to wildlife coming into the United States in staggering numbers.

Last year 140,858 mammals were imported into this country—of this number, 124,440 were primates destined for pet shops, zoos, circuses and research laboratories. Many of them die of exposure, starvation, thirst, overcrowding and fear. The dead and injured are simply and matter-of-factly separated from the living.

More than 91,100 of these mammals entered the United States through the Miami International Airport last year. I've seen the massive numbers of animals which come in almost daily from South America. I watched the unloading of the crates of live cargo and saw the frightened animals which are crammed into them. The animals are ordered in large quantities because a high mortality rate is expected.

As many as 1,000 animals arrive in a shipment. Those who survive the fright of capture and the ordeal of transportation often die in the pet dealer's holding area or of the added trauma of being shipped to their final destination in pet shops, zoos, circuses and research laboratories across the country.

In one shipment alone there were 109 dead monkeys and two dead ocelots. A veterinarian who examined 10 of the dead animals certified that they "showed evidence of dehydration and malnutrition." He further stated that in his opinion the monkeys were dead on arrival in the United States.

Another veterinarian who examined 10 dead squirrel monkeys in this shipment certified that death resulted from "heat prostration and dehydration."

The mortality rate in this single shipment was 15 percent. One of the inspectors of the animals said "the 78 dead animals he observed were densely packed and had no facilities for food and water."

It is virtually impossible to feed or water crated animals even when it is evident they are hungry and dehydrated. I saw crates of macaws and parrots which had come all the way from Quito, Ecuador. The birds were consigned to England and had been left at the Miami airport for a change of planes. For some reason BOAC would not accept the shipment and the birds were at the Miami airport all day until they could be put back on a plane to Ecuador.

The macaws were crammed into crates 9 inches high by 13 inches deep; others were in crates just an inch larger. Photographs of the macaws and parrots, who were equally as crowded, have been submitted to the committee as evidence.

There was no water in the crates. The birds were thirsty from their long trip and would be even more thirsty by the time they got back to Ecuador. It is impossible to get water to them because the double wire at the front of the crate is designed in such a way that nothing can get through it. I was told that it is up to the airline to feed and water the animals. No airline employee would take the wooden crates apart to water them for fear of losing the birds.

In another large shipment of animals I saw eleven capuchin monkeys in a crate just 9 inches high by 14 inches deep by 39½ inches long. Jaguarundis, grissons, kinkajous, olingos and falcons were packed in compartments just 9 inches high by 7½ inches wide. Photographs of these shipping crates have been submitted to the committee. The gris-

son in one of the photographs is frantically biting at the wire in a desperate effort to free himself. Also in this same shipment from Ecuador I saw three ocelots jammed into a crate just 9 inches high, 14 inches deep and 24 inches long. There was barely room for one ocelot to move in comfort.

I've heard the pitiful cries of infant monkeys torn from the bodies of their mothers who had been brutally killed by their captors. Peering into the darkened shipping crates I saw tiny monkeys, barely able to eat by themselves, huddled together in terror. Touring some Miami pet shops I saw these tiny monkeys for sale. The pet dealers turn their backs on the wanton killing of the mother to get the infant because baby woolly monkeys sell for \$150 and up.

Last November, Mrs. Morehead, a kindly Detroit housewife, decided that she wanted a woolly monkey as a pet. She contacted Bird Town, a local pet shop and put in her order. Within a month she was contacted by the pet shop owner who notified her that the baby woolly monkey would arrive that night. Arrangements were made for Mrs. Morehead to meet with him that night immediately after he had picked up the monkey at the Detroit airport. When Mrs. Morehead arrived, she saw the two baby woolly monkeys and one ocelot which had been shipped in cardboard boxes. All three of the animals were shivering with cold. She selected the infant woolly she wanted and paid the \$200 asking price. Within a week the monkey was dead. The veterinarian she consulted, an expert on primates, was unable to save her. Wanting to replace her, she called Bird Town and bought the second infant woolly monkey at the asking price of \$180. Within a week the second infant woolly died.

The lone ocelot which arrived in the shipment suffered a similar fate. The pet shop owner tranquilized the ocelot in preparation to take him to a veterinarian to be declawed. He gave the ocelot an overdose of the tranquilizing agent and it died.

In November of 1968 the Flying Tiger Airline at Metropolitan Airport in Detroit called me and asked if I would please come out to the airport and do something about a shipment of dead and dying animals. The shipment had arrived the night before and the consignee had refused to accept the c.o.d. order because upon opening one of the crates he found a dead raccoon and the stench from the remaining nine crates indicated an abundance of dead animals. The airline did not want to be stuck with a shipment of dead animals and could not send them back to the Fauna Tropical Ltda., in Barranquilla, Colombia because they wouldn't accept it either. I took the animals to the Detroit Zoological Park where Dr. Applegate, the veterinarian, and I spent several hours opening wooden crates and sorting the dead animals from the live ones. I submit to the committee the shipping invoice which indicates the following mortality: "12 horned frogs, nine dead; 20 rainbow lizards, 18 dead; 25 frogs, 20 dead; one raccoon, dead; 25 baby alligators, five dead; 12 ameivas, six dead; one cotton top marmoset, alive; two falcons, alive; 11 finches, all dead; 20 finches, one dead; six tegu lizards, four dead."

I submit to the committee, along with the shipping invoice, a photograph of the dead baby raccoon and some of the dead reptiles. Another photograph shows the size of the shipping crate which held one of the falcons. On opening the crate, Dr. Applegate and I could not under-

stand how the falcon could have existed in such cramped quarters. We took him out of the impossibly small crate and put him in the carrying cage at the right in the photograph. The falcon was finally able to lift his head and spread his wings. I also submit to the committee the airway bill which indicates that this shipment was inspected and released in Miami, Fla. before being sent on to Detroit. The photographs are evidence that this shipment could not have been inspected in Miami because it is impossible to see into the crates without opening them. The opening process took Dr. Applegate and me about 2 hours.

Checking the pet dealer who had refused this shipment I discovered that he keeps the animals in a dark, dismal basement in cages which are highly unsuitable. Checking with the authorities I found that I could do nothing about his operation because he is not required to have a license and, therefore, is not subject to any kind of inspection.

In August of 1969 a memorandum from the U.S. Government was released with reference to the increased mortality in birds arriving from treatment centers. The memorandum stated that the most consistent observation of necropsy and laboratory examination of the dead birds showed subcutaneous and abdominal hemorrhages apparently due to trauma. It further stated that in some shipments mortality may have been due to suffocation or heat prostration because of overcrowding, improper stacking of shipping boxes or prolonged exposure to direct sunlight. A copy of this memorandum is available to the committee.

One of Miami's biggest animal dealers wanted to smuggle two parrots out of the United States. He tranquilized them and stuffed them into a concealed part of the wooden shipping crate which held other live animals in the visible portion of the crate. A Government inspector discovered the hoax and a complaint of this activity has been filed with the authorities. A photograph of the tranquilized parrots in the hidden compartment has been submitted to the committee.

That isn't all that's being smuggled in crates with live animals. In November of last year Government officials discovered a supply of marihuana, valued at \$48,000 at retail prices, concealed in a crate along with some boa constrictors. Search for additional marihuana the officials opened the remaining 16 crates of live animals. In removing the animals from their crates they found that all 940 of the mammals, birds and reptiles crammed into 17 crates were in terrible condition from lack of food and water. The suffering animals were taken to the local humane society where they were fed, watered and treated.

It has been suggested to me by a knowledgeable pet dealer in Florida that this type of activity may account for the tremendous increase in the importation of wildlife which has doubled in the last 5 years.

Last year almost 2 million reptiles, 492,280 birds, 140,858 mammals and 64 $\frac{1}{4}$ million tropical fish were imported into the United States. The majority of these, with the exception of the birds, come in through the Miami International Airport.

The wildlife and fish arrive in such large shipments that it is virtually impossible to inspect each crate. The agencies who inspect the shipments see no more than 10 percent of the animals. The inspection is cursory at best. The crates are not opened and it is not possible to examine the animals and other contents by peering into the crates with a flashlight.

The various agencies which do the inspecting of incoming animals do not work after 5 p.m. and animal shipments which arrive after that hour are usually left on the dock all night. Pet dealers rarely pay to have the inspectors come in after hours and prefer to wait until the next day for the release of their animals.

Pet dealers, like dealers in dogs and cats for research before the passage of Public Law 89-544, do not have to be licensed or inspected. Their activities are as mysterious as were the dog dealers before the Federal law was passed. Like dog dealers, they are not receptive to visitors from animal welfare organizations.

Checking the many animal dealers in Miami, I was surprised to find that many of the addresses which I checked did not look like business places at all. For example, Exotic Animal Imports turned out to be a small wooden house in a residential neighborhood. When I finally roused somebody from the house I was told by the young man that the house used to be their office but they had moved to a new one. I asked him if I might see their animals. He told me the animals are kept in a compound and that nobody can see them. Asking him if he also sells animals for research purposes, he said, "I'll sell them to anybody that will buy them."

Several other animal dealers which I visited turned out to be warehouse-type buildings with no name to designate the type of business. Checking with adjacent companies I was told the people just sort of come and go and have no regular business hours.

Going to Safari Animal Imports I saw a chimpanzee and a young cougar in a cage on the outside of the building. When I stepped inside I saw hundreds of birds, reptiles and monkeys. I was there a very short time when the owner asked me to leave the premises. He said the public is not permitted in his place because he has no insurance to cover bites.

At Gators of Miami, the most pretentious pet dealer building which I saw, I was told that I could not see the animals without permission from Mr. Pare, the manager. Telephoning Mr. Pare a few days later he asked me to call him back that afternoon at 2 p.m. after he had talked with somebody else about my visiting his establishment. Calling back at exactly 2 p.m., I was told by the receptionist that Mr. Pare had to leave and would not be back until 5:30 p.m. which is, of course, after hours.

The Blue Ribbon Pet Farm which is listed in the book, *Animals for Research*, Institute of Laboratory Animal Resources, National Academy of Sciences book, turned out to be a private home in a residential neighborhood. The Blue Ribbon Pet Farm is also listed in the official publication of the American Association of Zoological Parks and Aquariums and advertises in this publication as offering wading birds, mammals, reptiles, amphibians, and rare foreign quarantined psittacine birds from all parts of the world.

In a telephone conversation with the owner, Mr. Marolf, he told me that the demand for monkeys is so great and the supply so short that he was never able to get what he wanted from the Miami suppliers. He told me that his animal compound is in Colombia where he can pick the monkeys he wants when he wants them. He keeps the monkeys in hanging cages and only pays \$1.50 a day for help to

the Colombians as opposed to the \$10 a day he had to pay for help in Florida.

The Blue Ribbon Pet Farm also deals in timber wolves. Two timber wolf pups ordered from Prince Edward Island and consigned to the Blue Ribbon Pet Farm were delivered by Air Canada to Miami on November 18, 1969. The timber wolves, each weighing approximately 48½ pounds, were stuffed into a crate which measured 20 inches wide by 36 inches long and 36 inches high. The cage was of heavy wire construction and completely covered inside with wire with plywood on all four sides and on the top and bottom except for a few 1-inch air-holes drilled in the plywood. A solid wooden divider was inserted down the center of the cage giving each animal a space only 10 inches wide. There was no food or water in the cage. On arrival at Miami International Airport one timber wolf pup was on the floor of the cage and believed to be dead. The other was still alive but very sick. Both of these lovely young animals were pronounced dead the following day. The veterinarian who examined them diagnosed the cause of death as circulatory failure. The inspector who witnessed the cruel manner in which these animals were shipped said he thought the animals died as a result of slow suffocation. A photograph of the shipping crate has been submitted to the committee.

Many of the animals which do not die of suffocation, hunger, and thirst are sold to roadside zoos. At Noells' Ark and Chimp Farm, a roadside zoo in Tarpon Springs, Fla., also listed in the official publication of the American Association of Zoological Parks and Aquariums. I saw a female Orangutan in a cage so small she could not move. This rare and beautiful animal, on the endangered species list, could not stand or lie down in the filthy cage in which she is imprisoned. An adult chimpanzee, in the cage next to her, sat in a curled position clutching the bars of his prison. Photographs of these pitiful animals have been submitted to the committee.

On visiting this roadside horror on a Sunday I saw an adult chimpanzee sitting in the corner of her cage. She was rocking back and forth in her bare cage, her eyes dazed and seemingly sightless. On the following day I returned and found her sitting in the same position still rocking back and forth in despair. A baboon clutched the bars of his small cage while youngsters jumped up and down and made faces at him. Photographs of these wretched animals have been submitted to the committee.

Other monkeys, chimpanzees and baboons are shipped by the pet dealers to research institutions for experimental purposes. If these dealers do not handle dogs and cats they do not come under the regulations of Public Law 89-544, nor do the monkeys if the research institution does not use dogs or cats. The Whitehurst bill would expand our present legislation to include dealers in primates who are now exempt from the law. It would also remove the exemption in the present law which excludes animals under experimentation. Such legislation is urgently needed because many monkeys and other animals are classified "under experimentation" the moment they enter a research laboratory.

At Western University in Michigan squirrel monkeys are housed in cages which measure 13 inches by 11 inches in height. The monkeys cannot stand, but they are exempt from the Federal law because they

are on experimentation. Used in behavioral studies, they are forced to crouch in this manner with the added discomfort of having protruding electrode implants in their skulls.

A large number of primates, between 900 and 1,000, are maintained at the Department of Health, Education, and Welfare, National Institutes of Health in Bethesda, Md. The cages in which they are housed are 20 inches high. The height of the average small monkey is 21 inches and the average large monkey is approximately 24 inches. In answer to a letter of protest from the Animal Welfare Institute, we have been advised that new caging for the monkeys will meet the standards of Public Law 89-544.

A similar letter of protest by the Animal Welfare Institute about the inadequate housing of primates in a Navy hospital was sent to the Secretary of the Navy. We were advised by letter that the situation will be corrected in the near future.

Expanded coverage of animals under experimentation as provided in the Whitehurst bill is greatly needed. Some institutions house their incoming animals in large cages or pens which meet the requirements of Public Law 89-544. However, the animals on experimentation, which are off limits to the inspectors of the U.S. Department of Agriculture, are often housed in old dog cages which do not conform with standards.

Visiting a large Midwest university medical school I found the dogs not yet on experiment housed in bright new stainless steel cages which meet the requirements of Public Law 89-544. However, the dogs on experimentation, which far exceed the number of new animals, are housed in old metal cages which, in many instances, are much too small for the large dogs.

This loophole in Public Law 89-544 must be corrected so the law will have true meaning and all animals, especially those on experimentation who need it most, will be housed in comfort.

Another area urgently in need of reform is the privately owned company which uses animals in research. Many of these companies do not have to meet any humane standards in the housing or in the care of the animals. A classic example of such an operation is a Michigan company which bleeds rabbits and sells the blood. The approximately 1,000 rabbits are housed in cages which are just 12 inches by 12 inches by 20 inches. A veterinarian who visited this establishment last month told me that rabbit fur was stuck to the blood which had splattered on the refrigerator and on the floor. Such inhumane and insanitary conditions would not be permitted under the provisions of the Whitehurst bill.

I've seen the tremendous improvements in the care and housing of the research animals which come under the Laboratory Animal Welfare Act. An expansion of this law is vital so that all animals, especially those under actual research, will have equal protection under the law.

Careful thought must be given to the tremendous waste of wildlife which results through neglect, abuse, ignorance and cruel handling and transportation of these animals. It is shameful that adult woolly monkeys are killed because it is the only way to capture the babies who rarely reach maturity because they can not survive the nightmare of capture and lack of care.

The Amazon, once a paradise of tropical animals, birds, and fish life is now, in many areas, almost devoid of wildlife. Protection for these helpless animals is needed now before they, too, are added to the long list of animals of endangered species.

On behalf of the Animal Welfare Institute, I hope H.R. 13957 will be passed in this session of Congress.

Mr. PURCELL. Are there questions of this witness?

If not, thank you very much, Mrs. Dyce.

Now we will hear from Mrs. Morrisette, who has the pictures.

**STATEMENT OF MRS. MARY FRANCES MORRISSETTE, PRESIDENT,
VIRGINIA FEDERATION OF HUMANE SOCIETIES, AND EXECU-
TIVE DIRECTOR OF THE NORFOLK SOCIETY FOR THE PREVEN-
TION OF CRUELTY TO ANIMALS**

Mrs. MORRISSETTE. Mr. Chairman and members of the committee:

I am president of the Virginia Federation of Humane Societies and executive director of the Norfolk Society for the Prevention of Cruelty to Animals. In performing these services I have seen much neglect and cruelty to animal exhibits, pet shops, horse shows, and animals collected for research.

Lions and tigers have been exhibited in shopping centers confined to cages allowing just enough room to turn around, and usually placed in open areas exposed to the hot summer sun. This is not good public relations as evidenced by the numerous calls of protest received by our office.

Animals used as gimmicks in store windows of shopping areas are never provided adequate space or facilities. In a downtown store window, a capuchin monkey in a small space could do nothing but sit. Finally, unable to stretch his legs, he could only scoot around. After many months of therapy at our animal shelter, he was able to climb into chairs, coaxed by food, and to shinny up a birdcage standing to the window sill, a favorite perch.

A beautiful specimen of great horned owl was the victim of another store gimmick in the downtown shopping area. We were unable to obtain this bird which we hoped to release. Instead, it was sent to another city to be similarly used by the chain of stores.

Monkeys exhibited at a summer amusement park area were so neglected in the fall that filth in the house and cage was appalling and the emaciated animals actually ate the flesh off each other's tails and the front feet of one. The owner, though putting the blame on incompetent employees, agreed to immediate humane euthanasia.

I do have some pictures on this. I do not approve really of taking pictures of atrocities, and we do not publish these things at the Norfolk SPCA, because we do not think it does any good. And in the cases of poisoning and things like that it only puts notions in the mind of other mentalities who cannot cope with them, and we have a series of other incidents. I was getting a series of colored slides depicting all the activities of the society and saying, "know your SPCA," and this experience came up at that time. And it illustrates very well the cruelty complaints that we get in our investigations and the results.

Sick, dead, and dying birds—mostly canaries and parakeets—in overcrowded cages are not an uncommon sight in many pet depart-

ments. Those in charge seldom know anything about the birds as they change positions in the store too often.

A badly soled walking horse won third place in his class in spite of viewers seeing and calling the judge's attention to the groom's quick action in throwing dirt on the pastern area to cover blood as he removed a boot.

I might add that I have also seen a horse three times beaten over the head with a crop by its rider because it refused to take the hurdle. I gloried in that animal's spunk. He knew what was going to happen, but he refused to obey a brutal handler.

One hot August day, our humane officer, responding to a call, confiscated 93 cats stuffed in a small shallow trailer barely adequate in size for 25. It was completely boarded to prevent viewing the contents and tiny cracks provided the only ventilation. Many of the cats were beautiful pure breeds, including Siamese and Persians. The driver of the car bearing a North Carolina license tag, readily admitted the animals were destined for across the northern border of our State. Few would have made the trip alive.

Many pure bred dogs and cats continue to disappear in the Virginia tidewater area. Loopholes through which stolen animals enter either pet trade or research could be closed by the passage of H.R. 13957.

The U.S. Department of Agriculture, chosen by the overwhelming approval of the majority of animal welfare organizations and individuals, has done an admirable job in enforcing the Laboratory Animal Welfare Act, Public Law 89-544, with the small funds allotted.

Let us safeguard the gains made in the passage of Public Law 89-544 and strengthen it to include all warmblooded animals by approving Congressman G. William Whitehurst's bill, H.R. 13957.

If I may, I would like to make a few comments on some of the reports that have been given.

May I add some remarks on some of the statements that have been made prior to this?

Mr. PURCELL. You may add whatever you would like.

Mrs. MORRISSETTE. One thing I would like to remind us, after hearing some of the use of animals, we know for a fact that there are capable computers that can give us much better data. They do not need to be fed. They do not need to be watered or cleaned in any way. And I would definitely hope that all researchers would look into something of this sort. It would certainly cut down on the cost immeasurably because the same computer could be used over and over again, there would be no dying process.

It also seems strange that the estimates of money for animal care greatly point up the lack of care and facilities that they have had in the past. And I am just wondering, what has been going on. It seems that all this is allowed, but apparently what they have been getting has been going all for the researchers and not for the animals and welfare. And whether they are small individually owned pet shops or a large national organization, they should all be willing to see all animals properly cared for. And it should not be any more of a burden on a small one or a large one if we all really love animals.

The animal welfare laws are for all handlers of animals.

And another thing, I feel that pet shops have no idea, and maybe some do not care or want to know, of the brief experience with pets

that they have sold to new owners. Many of them die in a short time. And not only that, some of them get so out of hand, the exotic animals, that that is the reason that humane societies and zoos are overcrowded with many of the unwanted animals formerly obtained from pet shops.

Lastly, I would like to say that it seems rather apparent that all those who do not approve H.R. 13957 are those whose profession or livelihood seems to depend on exploiting or experimenting on animals. We who have worked for many years for the welfare of animals do it for our love of life. And we only hope to instill in others an appreciation of the wonders of animals.

And speaking of animals contained in little cages, how can you find any true information about their habits? The only way we can do that is when they are free in the wild. And a few people have gone to the trouble and the expense to get acquainted with some of these animals, and that have brought back most interesting results, and not to the detriment of any animal.

I thank you for the privilege of being here.

And now, if I may, would you show us those few pictures.

If I had known that I would have been called upon to have something of this sort for a hearing like this, I could have halved them.

(Slide). This is the hand of one of the monkeys, if you can call it such. It is in a horrible condition.

I might add, we are having to keep an eye on this place, which we do regularly.

(Slide). And this is the other hand of the same little monkey—he is a right good-sized monkey. I am not sure what kind he was.

(Slide). This is one of the horrible tails. Evidently the flesh was just numb at that point.

(Slide). Here we see another tail.

And thereby hangs my tale for cruelty and for H.R. 13957.

Mr. PURCELL. Thank you very much.

And thanks to all the witnesses who have appeared just for today for being very cooperative and very precise in their statements.

I have statements from Dr. Martin Baum, chief of Public Health and Veterinary Section, Colorado Department of Health, which will be allowed to be put in the record.

(The statement of Dr. Martin Baum for inclusion in the record follows:)

STATEMENT OF DR. MARTIN D. BAUM, CHIEF, PUBLIC HEALTH VETERINARY SECTION,
COLORADO DEPARTMENT OF HEALTH

The Colorado Department of Health has been vested with the responsibility for enforcing a State statute governing the licensing of all pet shops, boarding kennels, breeding kennels, etc. and has established standards for the administration of such statute, including humane care, adequate housing, ventilation, and feeding of animals.

The Department is in agreement with the concept of the proposed legislation, however, we are in disagreement with the concept that all legislation dealing with animals must necessarily become a responsibility of the U.S. Department of Agriculture. It is our understanding that the U.S. Department of Agriculture was created for, and is supposed to function for, the purpose of promoting and protecting the agricultural interests of the nation. It is difficult to interpret their responsibility for the care of pet and exotic species of animals as falling in this category.

Most state and local health departments, along with the U.S. Public Health Service have extremely well trained veterinarians who are capable of administer-

ing programs such as proposed in H.R. 13957, and we cannot understand the rationale involved in attempting to deprive these agencies of their responsibilities for animal health, care, and welfare.

In the United States there are approximately 100 diseases of animals which are transmitted to the human population, so quite obviously the departments of health throughout the nation have a vested interest in any program dealing with the domestic, exotic, and pet animal population. Humane care and treatment is a most significant and vital aspect of any animal legislation, but certainly qualified veterinary personnel caring for the public health of the community are capable of policing that phase of the program.

This Department supports the concept of humane animal care, but believes that agencies other than the U.S. Department of Agriculture are able to administer such an act. The success of the Colorado enforcement program is based on local health department participation, thereby eliminating the need for an increase in federal personnel and financing which would be necessary to enforce the proposed statute, and such local participation would eliminate federal intervention in existing state programs.

It is respectfully requested, therefore, that H.R. 13957 not be considered favorably by the House Committee on Agriculture.

Mr. PURCELL. Then there is a statement from Dr. Barbara Orlans, members of the Animal Welfare Institute's Scientific Committee on Humane Standards for Research Animals, which will be allowed into the record without objection.

(The statement of Dr. Barbara Orlans for inclusion in the record follows:)

STATEMENT OF DR. F. BARBARA ORLANS, ANIMAL WELFARE INSTITUTE'S SCIENTIFIC COMMITTEE ON HUMANE STANDARDS FOR RESEARCH ANIMALS

As a physiologist and member of the Animal Welfare Institute's Scientific Committee on Humane Standards for Research Animals, I wholeheartedly support Congressman Whitehurst's bill, H.R. 13957, which will, I believe, effectively help to protect animals from abuse. All warm blooded animals, not just certain species, need protection of law provided by this bill. In addition, it is most important that all animal dealers, not just those that sell to laboratories, be licensed and inspected. This legislation should result in better day to day standards of animal care and help to forestall inadequate feeding and caging. The Department of Agriculture, which has done such an excellent job of enforcing the 1966 Laboratory Animal Welfare Act, PL 89-544, is well equipped to handle such inspections. Similarly, the Department is better qualified than any other department to set standards for humane handling, care, treatment and transport of animals by dealers, research facilities, and exhibitors, and for animal experimentation. Its veterinarians are experienced in seeing that animals receive good care, and can be relied upon effectively to implement this new legislation.

From my experience of conducting research in American and European laboratories, I realize the value of working under laws governing the use of animals in experimentation. Such laws make scientists more aware of their responsibilities and help to ensure that animal life is not taken lightly. Thus, in addition to the direct value to the animals of such legislation, it can have a beneficial effect on the attitude and training of young scientists. This legislation can provide for young students and technicians-in-training a new field of instruction on humane principles of using live animals for biological investigation. One manifestation of violence in our culture has been the widespread abuse of animals by untrained youths under the guise of biological "experimentation". This legislation should help to ensure that experiments which hurt or kill animals are scrupulously justified. Animal experimentation raises so many ethical issues that it should, to my mind, be conducted within a legislative framework responsive to informed public opinion.

I respectfully urge the committee to report favorably on HR 13957 and to reject weakening amendments.

Mr. PURCELL. We have a letter from Carl L. Shipley, who represents Pet Shop Management, Fond du Lac, Wis., a trade magazine

published in the interests of a better pet industry. The letter was addressed to Mr. Poage.

We will include the letter at this point in the record.
(The letter referred to follows:)

LAW OFFICES SHIPLEY, AKERMAN, PICKETT, STEIN & KAPS,
Washington, D.C., June 8, 1970.

Re H.R. 13957, Pet Shop Licensing.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN POAGE: We represent Pet Shop Management, Fond du Lac, Wisconsin, a trade magazine published in the interest of a better pet industry. Its publisher, Frank E. Dittrich, tries to speak up on industry problems as they occur. A sound pet industry serves all Americans. Pets are a source of education, companionship, and pleasure for old and young alike. The pet industry involves over \$4 billion a year. It provides employment for thousands of persons in providing food, supplies, and equipment for the millions of pets owned by countless persons. It is a substantial business.

In 1966 Congress responded to the interstate problem of theft of dogs and cats for sale to research institutions with 7 U.S. Code 2131, et seq., by requiring the Secretary of Agriculture to license dealers in dogs and cats for research. This resulted in protection against pet theft and inhumane treatment of stolen animals intended for research.

The bill now proposed (H.R. 13957) is quite a different matter. It would amend the existing law to extend it to a licensing requirement for every pet dealer or exhibitor in the United States. The term "dealer" is defined to include "any person who for compensation or profit . . . buys or sells animals in commerce . . . for exhibition purposes or for use as pets."

Pet shops are small, local businesses, operated in accordance with municipal, county, and state licensing, humane, sanitary, tax, health, and police laws and regulations. They are purely local in character, and often are very small businesses. They operate on small profit margins. A federal licensing law would result in onerous regulations, increased costs, red-tape, and unnecessary interference by the federal government in purely local matters.

The amendment would provide for federal standards—another infringement on the right of local policy making agencies of government to establish rules and standards suited to the needs of the citizens in each locality.

H.R. 13957 would require extensive records, another unnecessary and onerous duplication of local regulations.

We strongly believe that it is in the best interest of the pet industry to have healthy, well-cared for animals and livestock. No one can profit otherwise, apart from the humane aspects of the matter. We strongly favor adequate regulation, and we think that local law and rule making agencies now provide that protection. It is not necessarily in the national interest to have the federal government impose federal standards, federal licenses, federal record-keeping, federal red-tape, and federal penalties on the pet industry—a completely local neighborhood type business, a small business industry, and a business over which local governments now have complete authority and responsibility. It is difficult to imagine that federal agents in Washington can know better what is best for the pet shop business in each city, town, village and neighborhood in the United States.

Therefore, we would recommend that pets and pet dealers be eliminated from the bill, as follows:

1. delete from H.R. 13957—
 - a. "or for use as pets", page 2, line 4.
 - b. all of lines 9 and 10, page 2.
 - c. all after "purposes", page 3, line 12.
 - d. "or for use as a pet", page 4, line 14.

Also, we recommend that it be made clear that H.R. 13957 is subject to the Administrative Procedure Act, by adding after "hereunder" on page 4, line 11, the phrase "in accordance with 5 U.S. Code 551-559".

Very truly yours,

CARL L. SHIPLEY.

Mr. PURCELL. Does the clerk or anyone have any other statements that should have been included?

Those are the ones that I have been handed.

Miss HANNAH. That is all that I have so far, Mr. Chairman.

Mr. PURCELL. Then the record will be kept open for 4 or 5 days in case anyone else submits a statement.

Thank you very much, all of you.

(The following statements, letters, and telegram were later submitted to the subcommittee:)

TESTIMONY OF HON. G. WILLIAM WHITEHURST, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF VIRGINIA

Mr. Chairman and Members of the Committee, I want to take this opportunity to thank you for the consideration you have given me in regard to hearings on H.R. 13957, the Animal Protection Act, which I authored.

As you kindly stated at the outset, Mr. Chairman, I was not absent during the hearings on my legislation because of a lack of interest, but because I was in Southeast Asia as a member of the President's fact-finding committee.

You also stated that I planned to offer amendments to my bill to correct some of the inequitable and cumbersome situations that could result from the bill as it is now written. This I will do, and it is the main purpose of this testimony.

Since the enactment of the "Poage" Bill (PL 89-544) we have learned many things concerning the effectiveness of some of the provisions contained in that law. The primary concern of that law was to stop traffic in stolen pets, as well as the care and handling of animals. Not only have some of the provisions of that bill proven not as effective as had been hoped, but it has also become obvious that the principle of humane treatment to all animals must be extended to other institutions.

The purpose of H.R. 13957 is to accomplish just this. It will close the loopholes that now exist and extend the provisions of the "Poage" Bill to a area where animals are a source of financial compensation.

In the attempt to accomplish this end, however, it is important that we not cause hardships and difficulties where they should not exist, and that progress in the fields of science and medicine be left unencumbered.

For these reasons, I am offering the following amendments for the consideration of the committee, recognizing that you will be offering amendments of your own:

Page 3, subsection (6) of Section (2) is to be amended to read as follows: "The term 'animal' means any warm-blooded animal, as determined by the Secretary; and"

The purposes of this change (adding the discretionary power of the Secretary) is to eliminate the difficulty of having to consider, for instance, nearly 900 species of birds for regulation.

Page 3, subsection (7) of Section (2) is to be amended to read as follows: "The term 'exhibitor' means any person (public or private) exhibiting animals to the public for compensation, to include zoos whether for profit or not, as determined by the Secretary."

By eliminating the term "for free" from this subsection, the authority to regulate livestock shows and pet shows is eliminated, while the authority to regulate conditions in zoos and roadside parks is retained.

Page 4, Section (5) is to be amended to read as follows:

"No dealer or exhibitor shall sell or otherwise dispose of any animal within a period of five business days after the acquisition of such animal, or within such other period as may be determined by the Secretary."

The effect of this amendment is obvious. The terms of the delay feature, previously applying only to dogs and cats, can now apply to other large animals at the discretion of the Secretary. The amendment also eliminates the possibility of increasing an already substantial death rate of animals such as mice that are shipped in large quantities.

My final amendment deals with the inspection of animals in research laboratories. Apparently, ten of the top laboratories in the country are not affected by the provisions of PL 89-544 concerning inspection of animals in laboratories. It is the intent of Section 13 to guarantee that the animals in the laboratory

will be under the aegis of this law. I do not, however, wish to give any person or agency authority to interfere in any way with the design, conduct, outline, or method of an experiment.

Therefore I recommend that Section 13 be amended by eliminating all after the period following the word "care" at the top of page and inserting in lieu thereof the following:

"The foregoing shall also be construed as authorizing the Secretary to prescribe standards for the handling and care of animals while in the possession of a research facility (which has research or experimentation as the purpose for the possession of said animal), and during exhibition by an exhibitor. Nothing in this section shall be construed as authorizing the Secretary to interfere, for any purpose, with the actual design, outline, or guidelines of an experiment or research."

Mr. Chairman, there are other points in this legislation that should perhaps be rewritten, but I feel that the points I have covered overcome the major objections to my bill as it stands now.

I am most grateful to you for your consideration. You and your Committee have been most helpful to me, and I am deeply appreciative of the opportunity you have given me to present these amendments and comments.

Thank you, Mr. Chairman and Members of the Committee.

STATEMENT OF MARYBETH VAUGHN, HUMANE SOCIETY OF SMITH COUNTY, INC.,
TYLER, TEX.

Canton, Texas is a small town located just 33 miles west of Tyler. It is the home of one of the largest dog sales in the U.S., and certainly the largest west of the Mississippi. The sale takes place the 1st Monday each month, and includes the Friday, Saturday and Sunday before the first Monday. In other words, the sale lasts about four days. Buyers of laboratory animals come as well as dealers in so-called "hunting dogs." I say "so-called" because hunters have told me very few, out of the thousands of dogs brought to the sale, are true hunting animals. Good hunting dogs sell for at least \$250 each . . . dogs at Canton sell, on the average, from \$1 to \$50.

Since the enforcing of the Laboratory Animal Welfare Act, P.L. 89-544, the U.S.D.A. has kept a man on the trade grounds full time. This man's name is Harry Dunnam. He lives at Rt. 1, Palestine, Texas. Mr. Dunnam is doing a good job checking on the licensed lab dealers who come to the sale grounds, but he is powerless over the vast majority of unlicensed dealers who claim to be only dealers in "hunting dogs." These people operate outside of the law, and in a most unscrupulous and cruel manner. In other words, most animals at the Canton sale are unprotected, at this time, by any law.

I attended the sale last month. I saw a number of large Walker Hounds all chained in a group. I asked the owner how many dogs he had and he said 70, and he boasted that he had hauled them all the way from Oklahoma in the back-end of a pick-up truck and a small two wheeled trailer. The animals weighed 60-80 pounds each. He said dogs ride better when they're packed tight . . . don't flop around much. I will admit that this man's dogs do look healthy, which is more than I can say for most. This man does not deal in laboratory animals, however he has made sales to licensed dealers before. He does sell, at times, to Burney Gear, a licensed dealer from Arkansas.

Gear is the biggest buyer in Canton. But even though he is a licensed lab dealer, he rarely buys lab dogs in Canton . . . only "hunting dogs." so he says. This way, he skirts the law. It is true that he sells hunting dogs by mail order. He does business as Ozark Kennels in Alma, Arkansas and runs large ads in such magazines as *Sports Afield* and *Field And Stream*. I never heard of anyone buying a hunting dog by mail order, but I suppose a few do. Most of Gear's dogs go to labs. It was his truck that was confiscated by New Jersey State Police with a load of 210 dogs bound for a New Jersey lab. The animals had not been fed or watered since leaving Arkansas. The dogs were taken to the Humane Society of the United States New Jersey Branch, and the men, Bobby Spoon and M. O. (Mo) King (both working for Gear) were given fines and suspended sentences. Probably most of these animals had been purchased by Gear as hunting dogs. Maybe they were bought to hunt a research lab. The point is, if these animals were protected by law at the point of purchase, the New Jersey incident probably would never have happened.

Men known to the U.S.D.A. as "dog jockeys" bring dogs to Canton for a quick sale . . . the source of these animals is a point of conjecture. The dog jockeys (sometimes called bunchers) like to sell to Gear . . . he doesn't ask questions and he pays cash. All "hunting dogs" of course!

The enactment of the Whitehurst Bill would stop the abuse of animals in such places as the Canton dog sale. It would broaden P.L. 89-544 and protect all animals, and not just the ones wearing U.S.D.A. tags in a licensed dealer's truck.

All warm blooded animals need protection, and the Whitehurst Bill, as it is written, would give this vital protection.

Our Society has had much trouble with pet shops. One place in particular is operating under the most awful conditions. It is operated under the name "Petland" by a college boy named Lynn Cromer. The place is small, unventilated, and filthy. Animals are not watered and fed properly . . . the dead among the living; the sick with the well. We visit him regularly, trying to get him to clean up and care for the animals. He says he will, but never does. He told me once he bought and paid for the animals, and he'd do as he pleased with them. The public is complaining to us and demanding we take action. We can file general cruelty charges, which we plan to do this week, but state anti-cruelty laws in Texas leave much to be desired. The result is, at best, only a small fine, and the offender goes right on. Our only hope is that bad publicity may force him out of business.

Pet shops are a constant source of trouble in any city. Where no humane organization exists (and most places don't have one), law enforcement agencies get the complaints from the public. This causes much suffering and much loss of time. All of this, or at least most of it, could be prevented, by the passage and enactment of H.R. 13957, as it is written. The bill will provide that standards be set by the trained veterinary inspectors of the U.S.D.A.'s Animal Health Division.

I respectfully request, in behalf of the members of The Humane Society of Smith County, that the Whitehurst Bill, H.R. 13957, be passed exactly as it is written.

STATEMENT OF MARJORIE ANCHEL, SENIOR RESEARCH ASSOCIATE, NEW YORK
BOTANICAL GARDEN, BRONX, N.Y.

Four years ago, a bill designed to improve the treatment of experimental animals became law. It was passed in a difficult period of extreme hostility to regulation on the one hand, and shocked reaction to abuses on the other. The result was a compromise. A degree of protection was legislated, which though inadequate, was a substantial improvement over the existing anarchical conditions. Equally important, it provided legal recognition for the first time, that abuse existed in the treatment of experimental animals, inside as well as outside the institutions using them, and that self-policing by scientists was not a satisfactory solution. It regulated traffic in experimental animals, erecting barriers to the theft of pets, and the purchase of stolen animals. It made realistic provision for the promulgation and enforcement of minimum standards for housing of experimental animals not only in dealers quarters, but within laboratories. During the years that this law has been implemented, the bogey so feared and attacked by some groups, regulation from the outside, has proved quite possible to live with. I am confident that with time, the beneficial effects, from a scientific standpoint, of reasonable standards, impartially enforced, will be felt more and more.

It is time to extend the protection of the 1966 Act to cover animals not only before, but also during actual experimentation. The Department of Agriculture, which has acted with a combination of restraint and concern, and which now has the benefit of experience with the problems involved, is the logical enforcement agency.

There are signs that those scientists who do not feel that it is justifiable to use animals simply as tools, without regard for them as living creatures, may have moral support for their convictions: In a conference of theologians on "theology of survival" reported in the New York Times of May 1, 1970, it was "agreed that for several centuries theology, like Western philosophy has gone too far in making man the center of attention." "James M. Robinson, a prominent New Testament scholar said: 'there is a growing sense that man is responsible for what he does with God's creation.'" These statements, made in an ecological context, surely apply equally well to experimental animals.

It is appropriate that new laws should reflect advances in moral concepts as well as changing scientific requirements. The Bill introduced by Congressman Whitehurst is an acknowledgement of this responsibility. I urge its passage.

STATEMENT OF FRANCES HOLWAY, COMMITTEE FOR CONSTRUCTIVE LABORATORY ANIMAL LEGISLATION

My name is Frances Holway and I represent the Committee for Constructive Laboratory Animal Legislation. We are a relatively small group of dedicated humanitarians who banded together five years ago at a time when most of the legislation then before Congress for the protection of laboratory animals either would have imposed too heavy a burden on the laboratories or would not have given the animals the degree of protection which we feel is desirable. Though we, as individuals, are members of a wide range of national, state and local humane societies, we organized our committee so that we could promote and secure legislation which will prevent unnecessary pain and distress to laboratory animals without at the same time curtailing the benefits to mankind of the various biological activities which have produced those benefits.

Our Committee heartily endorses the bill now under your consideration and hopes it will speedily become law, for, like P.L. 89-544 which it amends, it is a great step forward towards our ultimate goal. As humanitarians we are interested in the welfare of all animals and so are glad to bring the benefit of law to pets and exhibition animals. We also believe that including them in the traffic portions of P.L. 89-544 will plug one of the biggest loopholes which dealers have, for they can no longer claim that their animals are going to these other sources rather than to laboratories.

Nevertheless, Mr. Whitehurst's amendments will not plug all of the loopholes. Four years of experience with P.L. 89-544 has uncovered other means by which the intent of that former law is being circumvented in ways to greatly reduce its effectiveness, and we believe that now is the time and Mr. Whitehurst's bill might be the vehicle to rectify these other deficiencies. I would like to bring these matters to your attention at the present time.

A. Supervision of dealers to prevent the theft of pets and the humane care and treatment of animals intended for research. Although the stated intent of P.L. 89-544 was to prevent theft of pets and insure the humane handling of animals in traffic to laboratories, we feel that the bill has come very far short of this goal. There is not, and never was, any adequate way of proving how many animals, if any, are stolen. But reports coming to us of animals which have mysteriously disappeared and therefore believed to have been stolen have not perceptibly diminished. We do know that the operations of many dealers have been considerably improved and some of the bad ones have been forced out of business, and for this we are grateful, but we still hear of extremely bad situations in other holding quarters and we read reports of dogs being trucked, even over state lines, under conditions not countenanced by U.S.D.A. standards. For four years the U.S.D.A. has supervised and licensed a hard core of around 200 dealers, but there may be several times that number who are still outside the reaches of the law. This is because licenses are only required for dealers who traded in interstate commerce or who sell for purposes of research. So the law may not touch all of those who are sub-contractors, bunchers, procurers, etc. who would do the stealing if any is done, and who corral dogs for some dealers who may be trading in animals for many purposes other than research.

One would think that Mr. Whitehurst's new definition which includes all dealers who trade in animals "for research purposes or for exhibition purposes or for use as pets" might now include about every dealer. But dealers and their lawyers can be pretty ingenious in thinking up new escapes. Right now many of them claim they deal only in hunting dogs. Should we not, therefore, be sure that "pets" include hunting dogs, or all dogs to be used either for companionship or as working dogs?

This broad definition should, indeed, include all dealers as far as setting standards of handling and care may go, but will even this insure that all pet theft will be stopped? To assure this I can think of no other way than to prescribe that every dog and cat in commerce for the purposes of this bill should be accompanied at all times by a certificate of origin. I therefore suggest that Section 4 be amended to read:

"Sec. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility or for exhibition or for use as a pet any animal

unless accompanied by a certificate of origin, or buy, sell, offer to buy or sell, etc. etc."

Under Section 2 a "certificate of origin" should be defined as :

"(8) the term "certificate of origin" means a form supplied by the Secretary and signed by any owner preferring any animal to a dealer which will show a description of the animal, the date, name and address of the dealer and name and address of the owner who preferring the animal, and the specific uses for which he preferring it in commerce. Pounds or other private shelters which have already kept the animal for at least five full days during which time the pound or shelter was open to the public at all reasonable hours so that persons might look for lost pets need not supply further proof of ownership. Any animal which seemed to be lost and unidentified may also be accepted if the location of the place found is given and three witnesses in the near vicinity attest that they have not seen the dog in that vicinity previously and do not know its owner. The certificate will also be designed to show all further transfers of ownership."

Section 11 should then be changed to read :

"Sec. 11. All dogs and cats received by a licensed dealer from the original owner or finder, and who must therefore help him to make out the original certificate of origin shall immediately mark or identify the animal in such human manner as the Secretary may prescribe. The certificate and marking shall accompany the animal to its final destination and all such animals and their dealers shall henceforth be subject to the provisions of this Act.

B. Retrieval of lost pets. Even with all these precautions pets may get lost or stolen. But it is of little use to hold an animal in some place not open to the public far from home. I therefore suggest that Section 5 be amended to read :

"Sec. 5. Any dealer who receives an animal from an owner or finder and supplies a marking for it under Sec. 11 and receives an initial certificate of origin for it under Sec. 4, shall hold such animal for five full business days during which time the public will be allowed to search for lost animals at all reasonable hours. Thereafter, any person trying to retrieve a lost animal may do so only at the courtesy of any dealer, research facility, or exhibitor.

C. Provision for additional standards. Both P.L. 89-544 and Mr. Whitehurst's amendments to it include only eight categories of care: housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species and adequate veterinary care. From time to time other standards may be necessary. For example, though the need for exercise is a bone of contention in laboratories, it would be imperative to include it for constantly caged circus animals. I suggest, therefore, that the Secretary be authorized to include other things as occasion demands by changing the second sentence of Section 13 to read, "Such standards shall include *but not be limited* to minimum requirements with respect to the housing, feeding, etc. . . ."

D. We are glad to see that you did eliminate the word "alive" from the definition of animals, but we would suggest clarifying this definition still further to read,

"(6) the term 'animal' means any vertebrate animal whose body or body products, alive or dead, are to be used in whole or in part for any biomedical activity or exhibition."

This would include the thousands upon thousands of cats whose carcasses are sold to schools for biology classes as well as animals whose blood, urine, tissues, etc. are used in biomedical activities. It will include animals who are bought and sold for stuffing in exhibitions. I also include all vertebrates because of the use of reptiles in zoos and exhibitions.

E. Common Carriers. Although common carriers are rightfully excluded from the definition of "dealers," this should not mean that they are excluded from the provisions of the bill itself. I therefore suggest a new section (possibly to take the place of deleted Section 18) to read :

"Sec. — No licensed dealer or research facility or pet shop or exhibitor shall ship or receive any animal by common carrier unless the animal has been prepared for shipment according to regulations promulgated by the Secretary and the carrier has adequate facilities and attendants for the proper care and handling of the animal both within the carrier and at its terminals. Although it is the prime responsibility of the shipper or receiver to insist upon these standards and said shipper or receiver will be in violation of this Act if he uses a common carrier which does not maintain these standards, the Secretary is also authorized, if he deems it advisable, to inspect such carriers and to declare them unfit for use under this Act, or to promulgate specific standards for carrying each species of animal."

F. An easy solution to the research animal problem. All of the above has to do with the traffic in animals, almost entirely dogs and cats. We endorse this bill because if carried out, particularly with the amendments we propose, this is a reasonably humane method of trafficking in animals. But it will take a lot of work and a lot of money to implement the program successfully. A far better solution was found in the Province of Quebec when in December 1969 it passed a law that all animals used in research activities should be especially bred for that purpose. Breeders whose main business is to grow healthy, stress-free animals will see to it that they are delivered in prime condition. Furthermore, the animal is oriented to institutional living. He has none of the emotional problems of the abandoned domesticated animal and he is a better research tool because his clinical history is well documented. He will cost the facility a little more, but he will be worth it, and he will cost the government a great deal less.

Our Committee has no objection to the use of pound animals for practice surgery or acute experiments where the animal goes directly from the pound to the laboratory, is put to sleep immediately and never allowed to regain consciousness. But for survival or long term experiments we prefer only especially bred animals. And, of course, we encourage the use of non-sentient models wherever possible.

G. Supervision of animals in biomedical facilities. P.L. 89-544 was originally conceived as a bill to regulate the traffic in animals going to laboratories, to prevent theft and to insure humane handling. It was amended to set up standards for care within laboratories except during actual research because there was a great need for such supervision which no other Act has supplied. It is now being further amended by Mr. Whitehurst to extend those standards and that supervision to more animals in more laboratories than was done under P.L. 89-544. Neither the original bill nor Mr. Whitehurst's amendments ever intended to have any control over the research itself. But there is a problem of exactly where to draw the line between adequate veterinary care during research. To what extent can the investigator assert that the veterinarian who is looking out for the animal's well-being may be affecting the results of the research? This applies to a lesser degree with other standards, as with feeding, ventilation, etc.

All but avowed antivivisectionists realize that there must be academic freedom in research. No one is proposing to control the design of any experiment. On the other hand, freedom in research should not be claimed as a *carte blanche* permit to disregard standards of humane handling and treatment. To settle this dilemma I suggest that the last sentence in Section 13 be changed to read:

"The foregoing shall also be construed as authorizing the Secretary to prescribe standards for the handling, care or treatment of animals during actual biomedical activities except that any research facility will be excused from maintaining specific standards during such times as the maintenance of those standards would interfere with a specific test or experiment or other biomedical activity, but then only upon the specific certification of this fact by a committee of three persons with a graduate degree in a biomedical science at least one of whom is a veterinarian."

I propose this solution because some laboratories have already voluntarily appointed such committees which have been effective in maintaining high standards of care within those laboratories. Such committees were proposed by the New York State Society for Medical Research as a provision of another bill before Congress which would keep pain in experiments to a feasible minimum (again, without in any way interfering with the design of the experiment.) This is what is known in the scientific community as "peer control", something they respect and consider an ethically sound method of maintaining high standards in research facilities.

H. Relationship of the Whitehurst Bill and the Rogers-Javits Bill. P.L. 89-544 extended standards to some animals in some laboratories (those using dogs and cats only). The Rogers-Javits bill now before the House as H.R. 12286 extends this care to all other non-human warm-blooded vertebrate animals under the administration of the Secretary of Health, Education and Welfare, who will also act under the bill to keep all pain during experiments to a minimum.

The Whitehurst amendments will have nothing to do with the experiments themselves but would extend the standards of care during experimentation under the administration of the Secretary of Agriculture who also administers P.L. 89-544. It seems, therefore, only a race against time to see which bill is passed first to see which Department is going to set the standards for these animals and administer their execution. The Committee for Constructive Laboratory Animal

Legislation which I represent is neutral. We want all animals protected and as quickly as possible. We think the two Departments are equally competent. Whichever bill is passed will have to defer to the other in this one aspect in which they overlap. Otherwise we endorse the provisions of each which do not overlap. We only beg that each bill will be enacted by the Congress before this session is over.

STATEMENT OF DR. FREDERICK L. THOMSEN, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION FOR HUMANE LEGISLATION, INC., ST. PETERSBURG, FLA.

Mr. Chairman, Honorable Members of the Committee, for many years the Congress has been wrestling with the problem of legislation to prevent unnecessary and avoidable suffering of the many millions of animals used for research and testing in biomedical laboratories.

At first, only a few humanitarians who had familiarized themselves with laboratory conditions, and who understood the difficult problems presented, were active in trying to obtain such legislation. The antivivisectionist societies vehemently opposed any attempt to regulate the use of animals in laboratories, being satisfied only with total abolition. The medical profession and biomedical scientists, suspicious of any suggestion that their activities be regulated in any way, generally opposed such legislation. The millions of animal lovers, demonstrably comprising over a third of the population, knew nothing of the problem. And the humane societies, which were interested, feuded among themselves about provisions of various bills that were introduced.

Now, everything is different. Even some of the antivivisection societies have come around to advocate laboratory animal regulation. Many biomedical scientists, and some of their organizations, admit that voluntary reform of the laboratories has not brought sufficient change in conditions, and openly advocate federal regulatory legislation. Over the years hundreds of thousands of animal lovers have been alerted to the problem, as the mail of almost any representative or senator will attest. The only thing that seems not to have changed is the feuding of humane societies over various bills.

Mr. Chairman, I for one would like to see that feuding ended, and to this end I wish to unequivocally endorse the Whitehurst Bill, H.R. 13957, and recommend that this Committee send it to the House, where the members will have an opportunity to show who is for and who is against the elimination of unnecessary and avoidable suffering by animals.

I do this, despite the fact that this bill apparently was initiated, and certainly is supported, by a humane society that has vehemently opposed other approaches that my own society considers potentially more fruitful.

There are two distinct phases of this laboratory animal problem. The first is to improve the conditions under which the animals are procured, housed and cared for by the laboratories. This is commonly referred to as the housekeeping or husbandry phase of the treatment of laboratory animals.

Public Law 89-544, which is such a housekeeping or husbandry measure, has proved to be entirely inadequate to produce the needed reforms. It has extremely incomplete coverage of dealers, laboratories and animals, and has not even been effective in stopping pet-napping, one of its principal purposes. At the time it was being considered by the Congress I pointed out these deficiencies to my colleagues in the humane movement, but they were so eager to get something—anything—passed, which could be pointed to as an accomplishment, that they ignored these deficiencies of the legislation.

The Whitehurst Bill is evidence that these deficiencies now are recognized, and of a desire by the humane societies that pushed P.L. 89-544 through the Congress to rectify the past errors.

This Whitehurst Bill, H.R. 13957, is a much more carefully drawn and effective piece of legislation than P.L. 89-544. It is to be hoped that it will not be modified in any way, except to include in the coverage all biological supply houses, which are important users of animals.

If this bill is not modified so as again to make the final product ineffective, the National Association for Humane Legislation urges its passage.

Passage of this bill should very acceptably care for the procurement and husbandry problems involved in the use of animals by laboratories. But it would leave totally uncared for the elimination of unnecessary and avoidable suffering arising from the actual experiments and tests for which laboratory animals are used.

This second, and most important source of animal suffering, would have to be dealt with in a separate bill. But passage of H.R. 13957 would eliminate several

important items of controversy which thus far have prevented agreement on bills designed to cover both phases in one Act. This is a separate subject which I will not even attempt to analyze here, but I really believe that passage of the Whitehurst Bill now being considered by your Committee might very well lead to later general agreement among humane societies and biomedical scientists regarding how to approach the second problem of research and testing. Would not it be a great day if all of us could finally agree on something? It is to be devoutly hoped that these hearings on this bill will prove to be the key that unlocks the doors of controversy which for so long have kept us from the alleviation of laboratory animal suffering.

STATEMENT OF OAKLEY M. RAY, VICE PRESIDENT, AMERICAN FEED
MANUFACTURERS ASSOCIATION

The American Feed Manufacturers Association appreciates this opportunity to present its views on H.R. 13957. We condemn the theft of pets and other animals for any purpose and the mistreatment of pets and other animals which has sometimes occurred. However, the problem at which this legislation is aimed does not appear to include the millions of head of livestock and poultry which are used for nutritional research each year. The bill as written would include all such research, adding greatly to both the cost of the research and the cost of administering the law. H.R. 13957 would require the Federal government to attempt "to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals. . . ."

The nutritional research which is conducted in the United States each year involves literally millions of head of farm animals—livestock and poultry. This research is carried out by agricultural universities in every state, by the U.S. Department of Agriculture, by feed manufacturers, by other private companies and by livestock and poultry farmers. Feed manufacturers alone use millions of head of livestock and poultry for nutritional research each year. We are hopeful that the problems of pet stealing and mistreatment of pets and other animals can be corrected without developing legislation which will hamper farm animal nutritional research, and thus increase the cost of meat, milk and eggs over the prices which would otherwise prevail.

Livestock and poultry theft is not a substantial problem in the U.S. One of the reasons for this is that in many communities the penalties applied to those caught stealing livestock or poultry have been far more severe than the penalties proposed in this legislation. Also, livestock and poultry for feeding trials can be readily purchased from farmers and/or hatcheries (in the case of poultry). Thus special legislation concerning the theft of livestock and poultry is not needed.

Nutritional research with farm animals is quite different from most medical research as discussed by witnesses during the June 8 and 9 hearings. Nutritional research normally involves feeding comparisons—such as feeding the layers in one chicken house a ration containing Vitamin A as obtained from one ingredient while the layers in an identical house are fed a ration containing Vitamin A as obtained from another source. Many of the animals which are purchased for nutritional research are purchased from individual farmers. Much of the poultry which is obtained for nutritional research is purchased from hatcheries which are primarily in the business of hatching chicks, poults, etc., for sale to farmers.

The thousands of individuals and organizations engaged in these types of activities should not be burdened with a licensing procedure, record-keeping, and requirement that each of the millions of animals used each year be identified in some manner. This would clearly add greatly to costs thus decreasing the amount of nutritional research carried out each year, resulting in higher consumer prices for meat, milk and eggs. It would also add greatly to the cost of administering the proposed law.

Nutritional research has contributed much to the high standard of living which most U.S. citizens enjoy. It has been an important factor in making it possible for the U.S. population as a whole to obtain a plentiful supply of appetizing, nutritious and wholesome food at a cost of less than 17% of our disposable income, a smaller percentage than in any other country in the world.

Nutritional research is a major factor contributing to the increasing quantities of meat, milk and eggs which most U.S. citizens can purchase with an hour's wages. The USDA recently reported that an hour of factory labor in the

U.S. in 1969 bought 2.5 lbs. of round steak vs. 2.1 lbs. in 1957-59, 10 quarts of milk vs. 8.5 quarts in 1957-59, 1½ dozen more eggs than in 1957-59, a pound more butter or ½ pound more pork chops than in 1957-59.

More specific evidence of the great strides which have been made in the nutrition of farm animals is also provided by information published by the USDA. At the present time less than 2½ pounds of feed are required (U.S. average) to produce a pound of broiler as compared with more than 4 pounds of feed in 1945 and earlier years. The most efficient operators are now producing with only about 2 lbs. of feed per pound of broiler. This great improvement in feed efficiency could not have occurred without extensive nutritional research. This is one of the major reasons that most U.S. consumers can afford to purchase chicken regularly today instead of only as a Sunday luxury.

The Federal Extension Service of the USDA has indicated that more than 498,000 4-H youngsters exhibit one or more head of livestock and poultry each year at various county, state, district and national fairs and other expositions. The number of 4-H livestock and poultry exhibited would be substantially in excess of 498,000, since many boys and girls exhibit more than one animal.

There are, of course, many thousands of exhibitors of livestock and poultry at these fairs and expositions in addition to those entered by 4-H youngsters. The livestock and poultry exhibited at such fairs, etc. generally consist of the finest animals and receive the best care and treatment. It would appear to be a waste of taxpayers' funds to require that the Federal government attempt "to regulate the transportation, purchase, sale, housing, care, handling and treatment of such animals . . ." which would be required by H.R. 13957.

We respectfully request that livestock and poultry be excluded from any legislation which the Committee approves following the June 8 and 9 hearings. There appears to be no need for this legislation as far as livestock and poultry are concerned. U.S. farm animals probably are the best fed and best cared for of any animals in the world. Inclusion of livestock and poultry would clearly increase the cost of nutritional research, resulting in higher consumer prices for meat, milk and eggs. It would also add substantially to the cost of administering the proposed law.

Your consideration of this request would be appreciated.

OAKLEY M. RAY,
Vice President.

STATEMENT OF CECILE B. O'MARR, FIELD REPRESENTATIVE, DEFENDERS OF WILDLIFE, WASHINGTON, D.C.

I am Cecile B. O'Marr, Field Representative for Defenders of Wildlife, a national, non-profit, educational organization dedicated to the preservation of all wildlife. I am writing in behalf of our organization and for the more than 1,900 members who have donated to our crusade against "roadside zoos".

I have traveled more than 10,000 miles within the past year and have visited more than 100 establishments exploiting animals for exhibition purposes in roadside zoos, city zoos, pet shops, wild animal dealer shops, traveling circuses, and parks. I have seen the overcrowding, the neglect and the unbelievably bad conditions many animals were forced to endure. Thousands of animals are subjected to needless suffering every year because there is no law to protect them.

I think that roadside zoos are cruel. I think that the use of them as an adjunct to commercial establishments should be prohibited with national legislation outlawing displays of wildlife for exploitation purposes. The ultimate aim should be to do away with confinement of animals that are designed to roam, for no matter how kindly the caged beasts may be treated, the true fact that they are caged is contrary to their very nature. However, whenever this end cannot presently be accomplished to see that conditions of confinement meet high standards is an important step forward.

The H.R. 13957, Animal Protection Bill, introduced by Mr. G. William Whitehurst, Virginia, amends U.S. Code 2131 to provide for the licensing of dealers and exhibitors demonstrate that their facilities comply with standards promulgated to include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. Such legislation has been badly needed for many, many years and is long overdue.

Defenders of Wildlife has been crusading against "roadside zoos" for several years. The following articles from Defenders of Wildlife News are attached and it is requested that they be kept in the files of the committee:

Jan. 1964, Roadside "Zoo"!, Michael Frome.

Apr. 1964, Roadside Zoos, The Editor.

Apr. 1965, Animal Slums, Alfred G. Etter.

Jan.-Feb.-Mar.-1967, "Reflections on the Death of an Elephant, Julia Allen Field.

Jul.-Aug.-Sept.-1967, Highway Animal Traps, Alfred G. Etter, Ph.D.

Oct.-Nov.-Dec.-1968, "Oh, Let Them Out!", Jeffrey P. Smith.

Apr.-May-June-1969, The "Bear" Facts, Jeffrey P. Smith.

Jul.-Aug.-Sept.-1969, Report on Bob Jones Animal World, Anna C. Briggs.

Oct.-Nov.-Dec.-1969, Roadside Zoos, Cecile B. O'Marr.

Jan.-Feb.-Mar.-1970, Roadside Zoos, Cecile B. O'Marr.

Apr.-May-June-1970, Wildlife in Captivity, Cecile B. O'Marr.

We appreciate this opportunity to present our views to you and your consideration of the ideas that we have respectfully submitted.

We wish to go on record as strongly in favor of H.R. 13957. We hope that our support will in some measure contribute to passage of legislation that will protect the display of wildlife and will ensure the improvement, updating, and maintaining of adequate animal facilities.

DALMATIAN RESEARCH FOUNDATION,
A NON-PROFIT SCIENTIFIC RESEARCH ORGANIZATION,
York, Pa., April 16, 1970.

Re: Whitehurst Bill #H.R. 13957.

COMMITTEE ON AGRICULTURE,
U.S. House of Representatives,
Washington, D.C.

GENTLEMEN: In addition to the obvious humanitarian reason, there is a valid *self-interest* reason why we ought to bring all laboratory animals under the protection of PL 89-544.

To lead into my case, permit me to review with you the reasons why animals are utilized in medical and scientific research:

a. animals are cheaper to maintain in laboratory surroundings than are human subjects.

b. animals may be sacrificed in bold, pioneering experiments whereas humans can't.

c. in many cases animals react similarly to humans to drug and disease stimuli, but on a smaller, more convenient and perhaps safer scale.

d. the life span of most animals is but a fraction of that of man, and thus the time for replication is correspondingly short.

For at least a hundred years animals have found significant use in medicine and science as so-called "biological models". Model as you know is defined as "a replica of the real thing".

Now we animal lovers and humanitarians have no quarrel with the *principles* of such utility. Every serious thinking person realizes that for our own survival we *must, absolutely must*, make progress in the conquest of debilitating disease and genetic disorder. And if the study of animal analogues helps in this pursuit, by all means let us do it. But, for Heaven's sake let's do it in a sane and sensible manner!

We animal lovers are aware that many notable advances in medicine and health-care have been made possible through—and perhaps only through—the use of analogue subjects. The first dose of insulin ever administered was shot into a dog. A monkey was the first earthling to visit outer-space; diphtheria toxin was first produced in horse blood. And so on.

We animal lovers want this kind of progress to continue even though we realize some of our four-footed friends will be called upon to make the supreme sacrifice as the price to be paid. We also realize full well, however, that every new development in human medicine and scientific technology has application in the field animal care. Every new drug developed to palliate a human disorder has a parallel value in comparative medicine. It's just a matter of veterinarians getting around to trying it and scaling the dose.

Thanks to transportation and urbanization, animals get into as many accidents as man, so human surgical techniques to repair say an automobils-smashed pelvis can be used with equal success on man's companion animals.

Go look at the operating rooms in the Department of Comparative Medicine at the new Hershey Medical Center; you can hardly tell them from human surgical wards. Or, go out to the College of Veterinary Medicine at Kansas State University and see the artificial kidney machine used to treat sick pets and farm stock in the same manner it is used to treat uremic people. Such developments are marvelous when you stop to think of it! And on our part we friends of animals want to encourage and foster such inter-species transfer of health-aids to the maximum extent possible. It helps to prolong the life of our pets and to prevent suffering.

Then why all the hullabaloo?

Just this: Cruel treatment of experimental animals by callous investigators is going to dry-up the supply of suitable animals.

In order to study many diseases in animals—especially those disorders which have a genetic basis—investigators must somehow obtain animals that have the desired disorder. For example: To study congenital deafness in a Dalmatian, one must first find a deaf dog!

Now investigators have only two options in this regard: Either establish a breeding program to raise animals with the desired defect, or obtain such animals from owners/fanciers/breeders.

Because of the capriciousness of statistical probability, which is the basis of genetics, a breeding program no matter how carefully devised, is a long-drawn-out affair and a most uncertain undertaking. Ask any breeder of a prize or show stock! One can never be certain what the precise outcome of a match is going to be. Thus, for many investigations, an integral breeding-experimental program is too slow, too costly and to uncertain an approach.

A better approach—faster and much less expensive—is for investigators to obtain animals with given characteristics from owners/breeders/fanciers who have them. Unquestionably, there are enough breeders of almost every required laboratory animal to meet all the needs of all medical and scientific investigation.

The question is: Will breeders make defective and diseased animals available for research purposes? Either by means of donation or sale?

I have proof positive that many will not! And this is a pity for it will impede valid and essential investigation. Mention "research" to dog, cat and horse owners and you have to scrape many of them off the ceiling. People who wouldn't recognize research if they saw it going on in front of their nose are hostile towards it almost to the point of physical violence!

Why?

Mainly because of unfavorable publicity attendant to unjustifiable cruelty and neglect on the part of callous and thoughtless investigators, and penny-pinching, dishonest and neglectful administrators. There are a few such people in science and medicine you know.

Let me tell you of one such case from my own experience. My interest concerns the Dalmatian dog, that black and white spotted fellow long known as the fireman's mascot. An elegant, personable and devoted pet, the Dal is however subject to three or four genetic based defects. Two of these defects are analogous to defects found in humans, namely congenital deafness and a protein-metabolism anomaly that results in kidney stones, uremia and dermatitis. For at least sixty years the Dal has been utilized as a biological model by those studying metabolism, kidney function and cell-transport phenomenon.

Recently, it has been learned that congenital deafness in the Dalmatian bears striking similarities to that found in children. Since in both cases the defect concerns the inner ear and is amenable for study only upon post mortem autopsy, it is apparent that opportunities for study of the problem in children is severely limited. In such a case the existence of an animal analogue is obviously of great value to the pediatrician.

A few months ago I received a request for a deaf Dalmation from a pediatrician at a world-renowned children's hospital. This man wanted to determine whether the deafness in children is related to congenital arrhythmias as it has been reported to be in the Dalmatian. Animals can of course be sacrificed for such investigations, children can't. So to begin the exploratory aspect of the study, the Doctor wished to practice on the Dalmatian. An entirely valid procedure provided it was handled properly and humanely.

After a good deal of effort, I found an ideal subject in a kennel on the West Coast. Acting as intermediary, I went to a lot of trouble to arrange the details of air shipment, receipt at the destination and all the other details necessary to assure effective yet humane treatment in the undertaking.

But the arrangement never came off!

Just before she was ready to ship the puppy, the owner chanced to read a report of the incredibly unsanitary and inhumane housing facilities and care practices at the Henry Ford Hospital in Detroit. Incensed at the report—the validity of which is unquestionable—the owner abruptly cancelled the agreement and ordered her veterinarian to destroy the defective puppy.

Not an uninformed “no-body”—the owner happened to be a registered nurse who presumably is aware of the need for animal models in medical research!

Who lost in this incident? Everyone, of course! Human medicine lost the opportunity to make a study which would contribute knowledge towards the understanding of heartbreaking problems in children; veterinary science lost the opportunity of gaining knowledge from an investigation carried on in one of the foremost institutions of its kind in North America.

Now this instance is not atypical. Thousands of pet owners in this country see red at the very mention of the word “research”. They would rather pay to have defective animals euthanized rather than donate them to scientific research organizations—irrespective of how noble and valid the intent of the researcher in question. Regrettably, “That’s the way it is,” as Walter Cronkite puts it.

Obviously pet owners simply do not trust researchers, many of whom are caught up in today’s “publish or perish” rat race to keep their names prominent in the right places.

You probably heard the quip that made the rounds in scientific circles a couple of years ago: “What is a drug? A drug is a chemical which when injected into a dog, produces a paper!”

* * * * *

You have had ample opportunity lately to observe the types of students on the campuses of our colleges and to reflect upon their character and demeanor. And you know very well many of these individuals are going to be rubber stamped right thru the diploma mills (in order to get rid of them mainly) and into the professional society of our nations.

Have we any reason to believe that the behavior and personal responsibility of violence prone and incompassionate people is going to improve in the “publish or perish” rate race they will find themselves in?

Of course, legislation is needed to assure sensible and humane treatment of laboratory animals, including that which takes place and is part of the experimental procedure itself.

Don’t be misled, gentlemen, by the assertions of the professional researchers that only they are in a position to dictate the conditions that shall prevail during experiments. There are many others of us in the country who are science trained, science orientated and also vitally interested in the generation of crucial knowledge which can only be gained in experiments upon—and possibly sacrifice of—living, sensible organisms. We insist that such investigation can and must be carried on in an honorable altruistic and compassionate manner however.

Look at the number of our fellow citizens walking around with physical, mental and spiritual abnormalities and handicaps! God knows there is an unprecedented need for scientific inquiry that will lead to the solution of the increasing number of cases of misery and deviant behavior.

Such investigation will be facilitated when the average pet-owning citizen gains sufficient confidence in and respect for scientific research to permit them to come forward and donate defective animal subjects . . . and money . . . for purposes of investigation.

I want effective legislation passed that will permit USDA inspectors to walk into any facility in the country, at any time, and either approve or stop *on the spot* laboratory housing and experimental procedures utilizing sensible animal subjects. And I expect such provisions to apply equally to my own operation.

In conclusion, permit me to urge you to institute measures that will instill confidence on the part of the general public in the goodness and compassion inherent in our scientific processes.

Thank you.

Respectfully presented by,

JOHN C. LOWREY.

ILLINOIS CITIZENS' ANIMAL WELFARE LEAGUE,
Chicago, Ill., June 5, 1970.

HON. GRAHAM PURCELL,

Chairman, Subcommittee on Livestock and Feed, Grains of the House Agriculture Committee, House Office Building, Washington, D.C.

DEAR SIR: The Illinois Citizens' Animal Welfare League and its thousands of members urge you to support the Whitehurst bill, H.R. 13957. Although we are interested in all aspects of this legislation, we are deeply concerned with the plight of wild animals kept by circuses, carnivals and roadside zoos. Many of the wild animals are not given proper food and care; their cages are often small and cramped, improperly cleaned and maintained, and often dangerous from a viewpoint of public safety if the truck and trailers transporting them should become involved in an accident.

On August 19, 1969 I had occasion to inspect a circus encamped in a northern suburb of Cook County. Although the animals were kept under such conditions which met only the minimum standards of our humane laws, I noted many violations on the vehicles used to haul these animals. As we work very closely with all police agencies in the State of Illinois, I had occasion to notify the Illinois State Police as to what, in my opinion, were dangerous vehicles. As a result of the cooperation of the police, fifteen arrest tickets were issued to circus officials for violations of the Illinois Uniform Traffic Code. Enclosed for your convenience is a copy of a letter from the Illinois Department of Public Safety relative to this matter.

In my twenty-seven years with the Illinois Citizens' Animal Welfare League, I have had the occasion to handle almost all types of animals, reptiles and birds, and our cruelty investigations have included circuses, zoos, rodeos, pet shops, pounds and other facilities where animals were sold or boarded. We have confiscated circus animals and removed lions, bears, ocelots and other exotic animals from individuals and businesses who in our opinion were not in a position to properly care for them. The conditions under which we removed these animals resulted in their remaining in our custody. At no time did we ever return circus animals or wild animals to owners who we felt were not caring for them properly.

In 1969 the Illinois Legislature passed a bill prohibiting individuals and other unqualified owners from keeping certain exotic animals and poisonous reptiles.

Any positive action you can take on the Whitehurst bill will almost guarantee a better life for all types of animals and other creatures.

Very truly yours,

ALLEN A. GLISCH, *Manager.*

STATE OF ILLINOIS,
DEPARTMENT OF PUBLIC SAFETY,
Springfield, September 11, 1969.

Mr. ALAN GLISH,
Chicago, Ill.

DEAR SIR: This District was contacted by Lieutenant Murie of State Police District #15 with regard to information you requested on the arrest of Sells-Gray Circus on August 19th.

It is my understanding that your organization is compiling records regarding mistreatment et cetera, of animals with the various circuses traveling throughout the country. To assist you in this please be advised that on August 19th troopers from this district checked this circus as it was leaving the Arlington Heights area. A total of 7 vehicles belonging to the circus were found to have violations. There were 15 arrest tickets issued, 7 of these being for No Valid Registration, 2 for No Valid Driver's License, and 6 on various equipment violations mainly lighting.

The normal procedure was taken. The drivers were required to post bond and equipment corrections to be made prior to the circus leaving.

Hoping I have been of some assistance to you, and assuring you of our cooperation in matters of mutual concern, I remain

Very truly yours,

CAPTAIN WILLIAM P. GENTILE,
Illinois State Police.

NEW YORK STATE SOCIETY FOR MEDICAL RESEARCH, INC.,
New York, N.Y., June 10, 1970.

HON. W. R. POAGE,
Chairman,
House Committee on Agriculture,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN POAGE: We have been informed that public hearings have been held on H.R. 13957—the Whitehurst Bill. We are sorry that we were not informed in time to appear before your Committee to protest against the possible passage of this Bill. However, we understand that it is still possible for objections to it to be entered into the records of your Committee and we hereby make request that the enclosed April, 1970, Bulletin of this Society be entered as setting forth our objections.

We have had the pleasure of meeting you before. If at all possible, we would like to renew that pleasure.

Sincerely, yours,

WARREN GLASER, M.D., *President.*

BULLETIN—NEW YORK STATE SOCIETY FOR MEDICAL RESEARCH, INC., APRIL 1970

AN EDITORIAL

The ultimate passage of a Federal law regulating the use of animals in biomedical research has now been acknowledged by the National Society for Medical Research. At its annual meeting on February 7th, 1970, a Director of the National Society, Dr. Isaac M. Taylor, Dean of the School of Medicine of the University of North Carolina, proposed that the National Society "endorse in principle" the Whitehurst Bill (H.R. 13957). His proposal was not immediately accepted on the grounds that the membership lacked sufficient knowledge of the bill.

Dr. Maurice Visscher, President of the National Society, has given belated acknowledgement of the probability of passage of a bill and has issued a critique of three research bills now before the Congress. This critique demurs to the Whitehurst Bill while continuing irrational opposition to the Rogers-Javits Bill. We consider the critique of Dr. Visscher to be biased and not consistent with the best interests of biomedical research.

We believe the Rogers-Javits Bill is well conceived to provide peer-scientific inspection by government and to provide peer control within the laboratory as its major self-policing contribution.

We have been informed that Mr. Whitehurst received advice, in the writing of his bill, from the Animal Welfare League which has been actively engaged in attempts to repeal the Metcalf-Hatch Act of the State of New York which permits the requisition of strayed, unwanted and unclaimed animals for biomedical research among other provisions. It would seem unreasonable to expect Mr. Whitehurst to forgo the help and advice of the Animal Welfare League to amend his bill to suit the requirements of scientists.

We submit that the National Society has spent too much of its time in fighting the Rogers-Javits Bill directly and indirectly. The Rogers-Javits Bill is supported by the American Pharmacological Society, Atomic Energy Commission, Humane Society of the United States, American Humane Association, Legislation for Animal Welfare, and the Department of Health, Education, and Welfare. The Rogers-Javits Bill is the legislation to be supported and affords the best opportunity for the scientific community. We must not be misled by the specious and often erroneous arguments made against this forward looking legislation.

NATIONAL AUDUBON SOCIETY,
Washington, D.C., June 11, 1970.

HON. GRAHAM PURCELL,
Chairman, Subcommittee on Livestock and Feed Grain, House Agriculture Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of the National Audubon Society in support of H.R. 13957, "To Amend the Act of August 24, 1966. . . ." We respectfully request that you include this letter in the hearing record.

The National Audubon Society is a citizen conservation organization with 100,000 direct members around the country, who are concerned with the quality

of the environment. Since the first decade of this century, the Society has been active in the preservation of wildlife, and we have deplored and opposed the exploitation of wild animals and birds for commercial purposes. We have worked to prevent the greedy slaughter of endangered species, such as the snowy egret, alligator and bald eagle, but the torture and slow death which many caged animals endure is just as revolting to any civilized person.

Although many of the wild animals which are displayed in "roadside zoos" are not on the Endangered Species list at present, their numbers are rapidly diminishing. The Endangered Species Act of 1969 is designed to complement the efforts of foreign nations who are trying to protect their wildlife, and among other things it directs the Secretaries of Interior and State to work toward an international conference in this matter. Hence, it seems only logical that our Nation, which is looked to as a leader in conservation, should set an example by discouraging practices which create a drain on wild animal populations in this country and in other nations.

Therefore, we are extremely pleased that the bill before your Subcommittee would extend the protections of the Act of August 24, 1966 to all warm-blooded animals and would regulate the treatment of animals used for exhibition purposes or for sale of pets. We believe that the provisions for licensing and inspection will help to prevent the inhumane and ill-informed treatment of wild species which often results in their death, and we hope that this legislation will discourage the heinous practice of using wild animals solely for commercial gain.

We urge your Committee to report this bill favorably, and we appreciate the opportunity to comment on it.

Sincerely,

CYNTHIA E. WILSON,
Washington Representative.

MARYLAND SOCIETY FOR MEDICAL RESEARCH, INC.,
Baltimore, Md., June 16, 1970.

COMMITTEE ON AGRICULTURE,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

GENTLEMEN: I regret that because of illness I was not able to be present when hearings were held on H.R. 13957, a bill introduced by Mr. Whitehurst "To amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets". We concur in the testimony of our President, Helen B. Taussig, M.D., of the Johns Hopkins Hospital, and we trust that you will accept our remarks as representing the views of the Health Sciences Communities of The University of Maryland and The Maryland Society for Medical Research.

We agree with Dr. Taussig that any bill attempting to regulate the sale, transportation, research or testing use, and holding of *all* types of warm-blooded animals, and the comprehension records that would have to be made for all animals would be unworkable and extremely expensive to attempt to enforce.

We agree with Mr. Whitehurst that all animals for whatever use should be humanely housed, transported and treated in a matter as to afford sufficient food, water, shelter, and freedom from unnecessary pain, but it is our contention that research and medical scientists should be held solely responsible for such care, and it should be the duty of the Institution employing them to see that such rules are enforced. In addition, it seems to us, that an entire Institution should not be shut down or deprived of animals or funds because of the violations of one individual or group.

We also feel that H.R. 13957 also places the authority for enforcing the bill in the wrong hands—the Secretary of Agriculture, when such authority should be invested in the Secretary of Health, Education and Welfare. We also urge that the vital Section 18 of the bill of August 24, 1966 (7 U.S.C. 2148) should be retained.

In these days of extremely tight money, those of us in medical research and teaching are endeavoring to hold down costs as much as possible, and we feel certain that your committee agrees with us in this matter. We favor legislation ensuring humane treatment of all animals, but we feel that the Whitehurst Bill

would greatly increase cost of enforcement and would ultimately fail because of the sheer magnitude of the work involved.

Thank you for permitting us to present our case before the Committee on Agriculture.

Very sincerely,

RAYMOND M. BURGISON, Ph. D.,
Secretary.

HARTZ MOUNTAIN PRODUCTS CORP.,
New York, N.Y., June 24, 1970.

COMMITTEE ON AGRICULTURE,
*Longworth House Office Building,
Washington, D.C.:*

We wish to thank you for your letter of June 16, 1970 addressed to our Mr. Milton North, Hartz Mountain Products Corp., with respect to H.R. 13957.

Since it is so close to the executive session of the subcommittee we would appreciate that copies of this telegram be placed in the hands of Honorable Graham Purcell as well as Chairman Poage, so that our views which follow, may be in their hands before the subcommittee considers H.R. 13957 in executive session on June 24th.

In addition to the material already heard at the open hearing, we sincerely ask that the following information also be considered regarding this bill. We believe it is in the interest of not only the pet industry but for practical and economical purposes as well in the best interest of the citizens of the United States, that this bill be amended so that it is confined only to the sale, transportation and handling of animals used for purposes of research, experimentation and exhibition. To accomplish this we recommend that all sections pertaining to "Sales as Pets" be eliminated from the bill.

We sincerely feel that the more than 13,000 outlets that sell pets are sufficiently regulated by local States and counties. There are local regulations covering these outlets in virtually every part of the United States. We feel that additional Federal legislation covering these local businesses would be redundant, extremely expensive and extremely difficult to enforce. We believe from the wording of the bill that the main intent is to regulate the transportation and handling of animals in the channels of research, experimentation and exhibition and that if pets were to be included the enforcement task would be insurmountable for the Department of Agriculture.

CLAUD KISSIN, *Vice President.*

PEARCE VETERINARY HOSPITAL, INC.,
Southfield, Mich., June 6, 1970.

HON. GRAHAM PURCELL,
*Chairman of Subcommittee on Livestock and Feed Grains, House Agriculture
Committee, House of Representatives, Washington, D.C.*

DEAR SIR: In view of the fact that I personally testified in behalf of P.L. 89-544 in 1966, and due to the fact that I am unable to appear before this committee at this time, I would be most appreciative if you would accept my plea in behalf of H.R. 13957 and enter my letter in the record of these hearings.

The wise enactment into law of P.L. 89-544 was the cornerstone of decency to experimental animals in this country and the Congress was rightfully applauded nationwide for its action. As fine a piece of legislation as it was, it fell short of affording basic humane living standards to laboratory animals under actual research, animals in the pet industry, and exhibition animals.

Four years have passed since that legislation became law and untold animal suffering has been prevented by the enactment of P.L. 89-544. In the face of criticism from selfish interest groups who would oppose such legislation, it is time once again for the Congress to act boldly, forthrightly, and in the name of humanitarianism to extend this protective blanket of basic decency of ALL living, warmblooded creatures.

Animals actually under research certainly deserve the same minimal living standards as those in transit or those living on animal-dealer premises. Logic itself should extend this protection to these creatures.

Experimental animals arriving in this country, most specifically primates and birds, also deserve the same protection afforded their brethren who are already citizens of this country. The interests of these unfortunate creatures will be best articulated by enactment of H.R. 13957.

In short, Congress has come a long way in enacting legislation which promulgates human treatment of animals. The time is here and now for the Congress to act by extending this Bill of Rights to cover those unfortunate creatures presently lying outside its protective guardianship.

Sincerely,

RICHARD G. PEARCE, D.V.M.

Mr. PURCELL. The committee will have some executive sessions. I do not know exactly when that will be, because our time schedule is such that I am not able to announce at this particular time any set date. But we will have those this week or next week.

Thank all of you for being here.

And the committee will now adjourn until the call of the Chair.

(Whereupon, at 12 noon the House of Representatives Subcommittee on Livestock and Grains of the Committee on Agriculture adjourned, to reconvene subject to the call of the Chair.)

91st CONGRESS
1st SESSION

H. R. 13957

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1969

Mr. WHITEHURST introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition or held for sale as pets.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the first 17 sections of the Act entitled "An Act to
- 4 authorize the Secretary of Agriculture to regulate the trans-
- 5 portation, sale, and handling of dogs, cats, and certain other
- 6 animals intended to be used for purposes of research or
- 7 experimentation, and for other purposes", approved August
- 8 24, 1966 (7 U.S.C. 2131 et seq.), are amended to read as
- 9 follows:
- 10 "That, in order to protect the owners of animals from

1 theft of their animals, to prevent the sale or use of animals
2 which have been stolen, and to insure that certain animals
3 intended for use in research facilities or for exhibition pur-
4 poses or for use as pets are provided humane care and treat-
5 ment, it is essential to regulate the transportation, purchase,
6 sale, housing, care, handling, and treatment of such animals
7 by persons or organizations engaged in using them for re-
8 search or experimental purposes or for exhibition purposes
9 or holding them for sale as pets or in transporting, buying,
10 or selling them for any such purpose or use.

11 "SEC. 2. When used in this Act—

12 "(1) the term 'person' includes any individual
13 partnership, firm, joint stock company, corporation, as-
14 sociation, trust, estate, or other legal entity;

15 "(2) the term 'Secretary' means the Secretary of
16 Agriculture;

17 "(3) the term 'commerce' means commerce be-
18 tween any State, territory, possession, or the District
19 of Columbia, or the Commonwealth of Puerto Rico, and
20 any place outside thereof; or between points within the
21 same State, territory, or possession, or the District of
22 Columbia, or the Commonwealth of Puerto Rico, but
23 through any place outside thereof; or within any terri-
24 tory, possession, or the District of Columbia;

25 "(4) the term 'research facility' means any school,

1 institution, organization, or person that uses or intends
2 to use animals in research, tests, or experiments, and
3 that (A) purchases or transports animals in commerce,
4 or (B) receives funds under a grant, award, loan, or
5 contract from a department, agency, or instrumentality
6 of the United States for the purpose of carrying out
7 research, tests, or experiments;

8 “(5) the term ‘dealer’ means any person who for
9 compensation or profit delivers for transportation, or
10 transports, except as a common carrier, buys, or sells,
11 animals in commerce for research purposes or for ex-
12 hibition purposes or for use as pets;

13 “(6) the term ‘animal’ means any warm-blooded
14 animal; and

15 “(7) the term ‘exhibitor’ means any person (pub-
16 lic or private) exhibiting animals to the public free or
17 for compensation, including but not limited to zoos and
18 circuses.

19 “SEC. 3. The Secretary shall issue licenses to dealers
20 and exhibitors upon application therefor in such form and
21 manner as he may prescribe and upon payment of such fee
22 established pursuant to section 23 of this Act. No such license
23 shall be issued until the dealer or exhibitor shall have demon-
24 strated that his facilities comply with the standards promul-
25 gated by the Secretary pursuant to section 13 of this Act.

1 Any person who derives less than a substantial portion of his
2 income (as determined by the Secretary) from the breeding
3 and raising of animals on his own premises and sells any such
4 animal shall not be required to obtain a license as a dealer or
5 exhibitor under this Act. The Secretary is further authorized
6 to license, as dealers or exhibitors, persons who do not
7 qualify as dealers or exhibitors within the meaning of this
8 Act upon such persons' complying with the requirements
9 specified above and agreeing, in writing to comply with all
10 the requirements of this Act and the regulations promulgated
11 by the Secretary hereunder.

12 "SEC. 4. No dealer or exhibitor shall sell or offer to sell
13 or transport or offer for transportation to any research fa-
14 cility or for exhibition or for use as a pet any animal, or
15 buy, sell, offer to buy or sell, transport or offer for transpor-
16 tation in commerce to or from another dealer under this Act
17 any animal, unless and until such dealer or exhibitor shall
18 have obtained a license from the Secretary and such license
19 shall not have been suspended or revoked.

20 "SEC. 5. No dealer or exhibitor shall sell or otherwise
21 dispose of any animal within a period of five business days
22 after the acquisition of such animal or within such other
23 period as may be specified by the Secretary.

24 "SEC. 6. Every research facility and every exhibitor

1 shall register with the Secretary in accordance with such
2 rules and regulations as he may prescribe.

3 “SEC. 7. It shall be unlawful for any research facility
4 to purchase any animal from any person except a person
5 holding a valid license as a dealer or exhibitor issued by the
6 Secretary pursuant to this Act unless such person is exempted
7 from obtaining such license under section 3 of this Act.

8 “SEC. 8. No department, agency, or instrumentality of
9 the United States which uses animals for research or experi-
10 mentation or exhibition shall purchase or otherwise acquire
11 any animal for such purposes from any person except a per-
12 son holding a valid license as a dealer or exhibitor issued by
13 the Secretary pursuant to this Act unless such person is
14 exempted from obtaining such license under section 3 of this
15 Act.

16 “SEC. 9. When construing or enforcing the provisions
17 of this Act, the act, omission, or failure of any individual
18 acting for or employed by a research facility, a dealer, or
19 an exhibitor or a person licensed as a dealer or an exhibitor
20 pursuant to the second sentence of section 3, within the
21 scope of his employment or office, shall be deemed the act,
22 omission, or failure of such research facility, dealer, exhibitor,
23 or other person as well as of such individual.

1 “SEC. 10. Research facilities, dealers, and exhibitors
2 shall make, and retain for such reasonable period of time as
3 the Secretary may prescribe, such records with respect to
4 the purchase, sale, transportation, identification, and previous
5 ownership of animals as the Secretary may prescribed, upon
6 forms supplied by the Secretary. Such records shall be made
7 available at all reasonable times for inspection by the Sec-
8 retary, by any Federal officer or employee designated by
9 the Secretary.

10 “SEC. 11. All animals delivered for transportation,
11 transported, purchased, or sold in commerce by any dealer
12 or exhibitor shall be marked or identified at such time and in
13 such humane manner as the Secretary may prescribe.

14 “SEC. 12. The Secretary is authorized to promulgate
15 humane standards and recordkeeping requirements governing
16 the purchase, handling, or sale of animals by dealers, research
17 facilities, and exhibitors at auction sales.

18 “SEC. 13. The Secretary shall establish and promulgate
19 standards to govern the humane handling, care, treatment,
20 and transportation of animals by dealers, research facilities,
21 and exhibitors. Such standards shall include minimum require-
22 ments with respect to the housing, feeding, watering, sani-
23 tation, ventilation, shelter from extremes of weather and
24 temperature, separation by species, and adequate veterinary

1 care. The foregoing shall also be construed as authorizing
2 the Secretary to prescribe standards for the handling, care,
3 or treatment of animals during actual research or experimen-
4 tation by a research facility and during exhibition by an
5 exhibitor.

6 "SEC. 14. Any department, agency, or instrumentality
7 of the United States having laboratory animal facilities
8 shall comply with the standards promulgated by the Secre-
9 tary for a research facility under section 13. Any department,
10 agency, or instrumentality of the United States exhibiting
11 animals shall comply with the standards promulgated by
12 the Secretary under section 13.

13 "SEC. 15. (a) The Secretary shall consult and cooper-
14 ate with other Federal departments, agencies, or instrumen-
15 talities concerned with the welfare of animals used for re-
16 search, experimentation or exhibition when establishing
17 standards pursuant to section 13 and in carrying out the pur-
18 poses of this Act.

19 "(b) The Secretary is authorized to cooperate with the
20 officials of the various States or political subdivisions thereof
21 in effectuating the purposes of this Act and of any State,
22 local, or municipal legislation or ordinance on the same
23 subject.

24 "SEC. 16. The Secretary shall make such investigations

1 or inspections as he deems necessary to determine whether
2 any dealer, exhibitor, or research facility has violated or is
3 violating any provision of this Act or any regulation issued
4 thereunder. The Secretary shall promulgate such rules and
5 regulations as he deems necessary to permit inspectors to
6 confiscate or destroy in a humane manner any animals
7 found to be suffering as a result of a failure to comply with
8 any provision of this Act or any regulation issued thereunder
9 if (1) such animals are held by a dealer, (2) such animals
10 are held by an exhibitor, or (3) such animals are held by a
11 research facility and are no longer required by such research
12 facility to carry out the research, test, or experiment for
13 which such animals have been utilized.

14 "SEC. 17. The Secretary shall issue rules and regula-
15 tions requiring licensed dealers, exhibitors, and research
16 facilities to permit inspection of their animals and records
17 at reasonable hours upon request by legally constituted law
18 enforcement agencies in search of lost animals."

19 SEC. 2. Section 18 of the Act of August 24, 1966 (7
20 U.S.C. 2148), is hereby repealed, and sections 19 through
21 24 of such Act, including any references thereto, are hereby
22 renumbered as sections 18 through 23, respectively.

23 SEC. 3. Renumbered section 18 of the Act of August 24,
24 1966 (7 U.S.C. 2149), is amended by inserting "or ex-

1 hibitor" immediately after "dealer" in each of the three
2 places such word appears.

3 SEC. 4. The amendments made by this Act shall take
4 effect one year after the date of enactment of this Act.

