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COMMISSION ON HUMANE TREATMENT OF ANIMALS

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HEARING BEFORE THE SUBCOMMITTEE ON LIVESTOCK AND GRAINS OF THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES NINETY-FOURTH CONGRESS

SECOND SESSION
ON

H.R. 11112

SEPTEMBER 30, 1976

Serial No. 94-LLL

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COMMISSION ON HUMANE TREATMENT OF ANIMALS

THURSDAY, SEPTEMBER 30, 1976

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

The subcommittee met at 10 a.m., pursuant to notice, in room 1301, Longworth House Office Building, Hon. W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Bergland, Sebelius, Symms, and Hagedorn.

Staff present: Fowler C. West, staff director; John C. Baize, staff consultant, Subcommittee on Livestock and Grains; Gerald R. Jorgensen, staff consultant, Subcommittee on Department Operations, Investigations and Oversight; and Anita R. Brown, staff assistant.

Mr. POAGE. The committee will please come to order.

We recognize that we are running rather short handed this morning because the House is in session. It is entirely possible that we may at any time have to leave to attend that session.

Therefore, it is important that we try to move along as rapidly as possible. I am sure that our guests will understand that we simply cannot conduct the kind of hearing which is deserved by this legislation within the time that remains.

The committee recognized that. However, we have had a complete full calendar all year. This committee has passed what I perceive to be some substantial and important legislation on the subject of the humane treatment of animals. This session has, I think, set a creditable record in that respect.

We are, however, concerned with the importance of this legislation, H.R. 11112, which is presented by Mr. Koch. Therefore, we are going to proceed as far as we can at the moment. Also, I am sure that the next session will be able to give it a great deal more consideration.

[H. R. 11112 follows.]

[H. R. 11112, 94th Cong., 1st sess.]

A BILL To establish a Commission on the Humane Treatment of Animals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

COMMISSION ON THE HUMANE TREATMENT OF ANIMALS

SECTION 1. There is established a commission to be known as the Commission on the Humane Treatment of Animals (hereinafter in this Act referred to as the "Commission").

DUTIES OF COMMISSION

SEC. 2. (a) The Commission shall study the treatment of animals, including—

- (1) whether current farming practices cause needless infliction of pain on animals;
 - (2) whether laboratory research experimentation (including biomedical and military research) causes needless infliction of pain or unnecessary suffering of animals;
 - (3) whether there exists any inadequate substitute for the use of animals with respect to laboratory research experimentation;
 - (4) the treatment of animals in the domestic pet industry;
 - (5) domestic pet growth rates, especially in urban areas, and whether such growth results in dangers to the public health;
 - (6) the treatment of animals while being transported in interstate commerce;
 - (7) the treatment of animals in zoos, wildlife preserves, and other similar establishments;
 - (8) the need for wildlife preservation programs;
 - (9) whether methods which cause unnecessary pain are being used in the trapping and slaughter of animals; and
 - (10) the effectiveness of existing law with respect to the treatment of animals.
- (b) The Commission shall not study the treatment of animals occurring in connection with the exercise of any religion.

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of eleven members appointed from among persons who, by reason of their knowledge and expertise, are especially qualified for service on the Commission. Of such members—

- (1) two members shall be appointed by the President pro tempore of the Senate;
 - (2) two members shall be appointed by the Speaker of the House; and
 - (3) seven members shall be appointed by the President.
- (b) In making appointments under paragraph (3) of subsection (a) of this section, the President shall provide that the following are adequately represented by the members so appointed:
- (1) animal welfare and humane societies;
 - (2) medical schools;
 - (3) persons engaged in the profession of zoology;
 - (4) persons engaged in the practice of veterinary medicine;
 - (5) persons engaged in the practice of animal husbandry; and
 - (6) persons engaged in the profession of wildlife biology.
- (c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) Members shall be appointed for the life of the Commission.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316) for each day during which they are engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(f) Six members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(g) There shall be a Chairman and Vice Chairman of the Commission who shall be elected by the members of the Commission from the Commission membership.

(h) The Commission shall meet at the call of the Chairman or six of its members.

DIRECTOR AND STAFF OF COMMISSION EXPERTS AND CONSULTANTS

SEC. 4. (a) The Commission shall have a Director who shall be appointed and whose compensation shall be fixed by the Commission.

(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

(c) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 5. (a) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(c)(1) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance and testimony of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony concerning the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

REPORT

SEC. 6. The Commission shall transmit a final report to the President and to each House of Congress within two years after the last member is appointed to the Commission (other than an appointment to fill a vacancy). Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as it deems appropriate.

TERMINATION

SEC. 7. The Commission shall cease to exist sixty days after submitting its final report under section 6 of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There is authorized to be appropriated not to exceed \$750,000 per year to carry out the provisions of this Act.

Mr. POAGE. At this point we do have all of the proponents of the legislation present at the table. I am going to ask Congressman Koch, who is the author of this legislation and who has long expressed interest in these matters, if he will introduce his witnesses as he wants to call them, and to take charge of the presentation of the witnesses.

We have tried to assign half of the time that is available this morning to this group and have assigned the other half to the opponents.

Mr. Koch, we are honored to have a Representative from the State of New York to lead in this endeavor. We would appreciate hearing any statement you care to make, and would ask you to call the witnesses in any manner in which you desire.

You may proceed.

STATEMENT OF HON. EDWARD I. KOCH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK

Mr. KOCH. Thank you very much, Mr. Chairman. First, I want to express my appreciation to you and to the members of the committee for having a hearing at this point in the session. We all know that it is a matter of an educational hearing rather than one that would lead to legislation's being passed at this time. But hopefully, the interest that will be engendered as a result of this hearing will cause additional hearings in the next session, and will ultimately lead to legislation.

I appreciate, Mr. Chairman, that your committee has other obligations this morning. And as I understand it, we would have a total of 10 minutes for each speaker who will appear here today. Some of us may speak a little less than that while others may speak a little more. But we do understand that we will have 50 minutes and that the other side will have approximately the same amount of time.

I would appreciate it if someone on the committee staff could tell us when each of us has reached 10 minutes. We may go over that, but at least we will know that that has occurred.

I, Mr. Chairman, would make a very brief comment. I am not the expert, but I have introduced this legislation. Therefore, I would like to give an overall point of view, as I see it, and then ask our witnesses who are experts to testify.

First, I would like to set the nature of our hearing. Too often hearings which relate to legislation concerning animals puts people at edge and angers them, and causes the feeling that the whole matter has been polarized. That is not our intention, nor does this legislation polarize the subject.

Also, I would like to say at the outset that while there are people for whom I have high regard with respect to this matter of animals and the rights that we ought to afford them in terms of the way we treat those animals, there are some things with which I disagree. I am not a vegetarian; I am not an antivivisectionist. I do not put those down, but I do not happen to subscribe to those points of view.

But I do think that all of us, no matter where we are in that spectrum, believe in the humane treatment of animals. The difference that does come forth is our perception of what constitutes humane treatment and what the nature of that treatment should be.

The purpose of my legislation, which is H.R. 11112, is to set up a commission which will be balanced with people who have an expertise not only in the professional walks of life, but also in the nonprofessional walks of life—people who have dedicated their lives to the humane treatment of animals.

Indeed, my proposal, in a strange way, has been berated by those who are absolutely opposed to any controls with respect to how we shall deal with animals, whether in the field of animal experimentation or animal husbandry or any other aspect. They say that no controls in this area are necessary. That is one group.

But then there is the other group which says, "Koch, you are not going far enough. What you should do is to outlaw the eating of animals." And every other aspect which they have as their point of view is presented.

In a way, it makes me feel a little comfortable that in some way or other I, perhaps, have something of a balanced point of view while

putting down neither end of the spectrum. And, Mr. Chairman, these witnesses are trying to present a balanced point of view.

I would hope that the opponents of the legislation would look at the legislation in that fashion, and not from some preconceived point of view which they have with respect to every item of legislation which comes into this field.

The cosponsor of this legislation, Mr. Chairman, is my good friend Edward Pattison, who is at the table with us. He is from upstate New York. At this point, I would yield to him for a brief statement, and then we will go to the other witnesses.

**STATEMENT OF HON. EDWARD W. PATTISON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. PATTISON. Mr. Chairman, I thank you for this opportunity to speak. I am not an expert on the treatment of animals, or their use in experiments, and I do not claim to be.

I introduced H.R. 11112 with Congressman Koch because I believe the treatment of animals is an important problem that we have ignored for too long. At the outset of this hearing, I would like to emphasize the two major concerns I have on this subject.

First, I believe we need a thorough investigation into current practices in this field. I am not opposed to necessary experimentation or research using animals. But I am opposed to repetitive, useless experimentation, or experimentation that causes unnecessary pain. We need to establish where abuses tend to occur, and how they can be stopped. I believe that a serious report will help end sensational stories and emotional criticism, and thus benefit legitimate researchers.

Second, we need to establish some clear guidelines for experiments with animals: What constitutes proper research, what standards for animal treatment should be maintained, what level of repetition is necessary. Also, a procedure should be set up for some kind of ongoing monitoring of experiments. This would also help quiet unnecessary fears in the public mind.

A Commission on the Humane Treatment of Animals could accomplish both of these important goals. In addition, a commission could look into such things as finding viable substitutes for the use of animals in experiments, and the treatment of animals raised for racing, showing, or food. Not much has been done in any of these areas.

The task before you is not an easy one. This is a subject more often talked about with emotion than with reason. I look forward to a serious discussion of these issues, and thank you all for your willingness to take part.

Mr. POAGE. Thank you. We are delighted to have you with us and we appreciate your interest on this matter.

There is a quorum call on the floor. Members will answer and try to be back in about 10 minutes. At that point, we will proceed with this hearing.

The committee will stand recessed for 10 minutes.

[Recess taken.]

Mr. POAGE. The committee will come to order.

It has been suggested and announced that the record for this hearing will be open for 10 days to allow any interested parties for either side to insert statements in the record.

If anyone wants to insert a statement into the record and will make that request this morning, we will keep the record open for 10 days.

Now, we will proceed as expeditiously as possible. Mr. Koch, you may continue.

Mr. KOCH. Mr. Chairman, I would like to have permission to file my formal statement and some exhibits in the record.

Mr. POAGE. Without objection, that will be done.

[The prepared statement submitted by Mr. Koch follows:]

STATEMENT OF HON. EDWARD I. KOCH, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW YORK

Mr. Chairman, first let me thank you for scheduling this morning's hearings on H.R. 11112, a bill which would establish a Commission on the Humane Treatment of Animals and which was introduced by our colleague, Edward W. Pattison, and me.

Each year millions of animals in this country needlessly suffer pain and death at the hands of humans. Because animals are incapable of defending themselves from the humans under whose control they fall and because animals are unable to organize their own protest groups and lobbies to bring pressure on Congress, we have a responsibility as moral human beings and as legislators to act in their behalf. All too often we forget that we, too, are animals, allegedly higher ones, although we don't always conduct ourselves that way, and that suffering and pain are not unique to us.

Despite this inherent moral responsibility to act in a humane way to the entire animal kingdom, some people still ask whether there are not more important matters for Congress to do than worry about animals. Fortunately, a large portion of our population feel as I do that this matter is not a trivial one. I suspect there is not a congressional office that does not consistently receive mail on the humane treatment of animals. It is the one issue that continues to generate a persistent flow of letters to my office. Certainly from time to time one or another issue will initiate a sudden flood of correspondence from constituents, but on a regular basis the humane treatment of animals is a matter of widespread popular concern.

As it is now written—and let me stress that it is only a draft that can and will be improved—H.R. 11112 calls for the creation of an eleven member commission to study a broad range of questions relating to the humane treatment of animals, including:

Whether current farming practices cause needless infliction of pain on animals;

Whether laboratory research experimentation (including biomedical and military research) causes needless infliction of pain or unnecessary suffering of animals;

Whether there exists any adequate substitute for the use of animals with respect to laboratory research experimentation;

The treatment of animals in the domestic pet industry;

Domestic pet growth rates, especially in urban areas, and whether such growth results in dangers to the public health;

The treatment of animals while being transported in interstate commerce;

The treatment of animals in zoos, wildlife preserves, and other similar establishments;

The need for wildlife preservation programs;

Whether methods which cause unnecessary pain are being used in the trapping and slaughter of animals; and

The effectiveness of existing law with respect to the treatment of animals.

The members of the Commission, after it begins work, will have to decide what specific issues and areas of animal welfare it will examine in depth. The Commission's mandate allows it to investigate areas where it feels that animal abuse might exist, but because of time limitations, it will not be able to deal with all the animal problems that exist today.

The areas of concern which the Commission might consider to be the subjects of hearings include:

Experiments on primates which appear to cause pain and appear to have no beneficial scientific purpose

The use of purse seine nets to catch tuna which also unintentionally catch porpoises who die and are not used for food

The clubbing of baby seals

The use of steel leghold traps to catch animals with marketable furs

The soring of Tennessee Walking Horses

The massive killing of whales

The inadequate care provided animals in zoos

The poor conditions in the interstate shipment of pets

The use of toxic substances in the control of wild predator animals

The blinding of rabbits by putting bubble baths, detergents, mascara, nail polish, deodorants and zipper oil in their eyes.

The overcrowding, neglect, traumatizing, and physical mutilation of countless millions of animals on "factory farms"

And many, many more.

The proposed Commission will have the power to subpoena witnesses and evidence and will have direct access to information from any department or agency of the United States that is necessary to carry out its duties. At the end of two years, the Commission will transmit to the President and to the Congress a report of its findings and conclusions, together with its recommendations for appropriate legislation. These legislative recommendations would be in no way binding and the Commission would cease to exist after making its report, unless Congress chose to extend its life. Naturally, I would hope that the Congress would utilize the Commission's work to enact comprehensive measures to protect the rights of animals in this country.

The eleven members of the Commission will be appointed by the President, the President pro tempore of the Senate, and the Speaker of the House from among persons of knowledge or expertise in animal related matters. The President must insure that animal-welfare and humane societies, medical schools, zoologists, veterinarians, and persons engaged in animal husbandry are adequately represented in the membership. Now, this question of membership is a controversial one and will undoubtedly be the subject of revision before a final draft of the bill is achieved. A number of people and organizations interested in H.R. 11112 have pointed out to me that the success of such a Commission would be largely dependent upon its makeup. In endorsing this bill, the Humane Society of the United States, represented today by Dr. Michael Fox, expressed its concern that the work of the Commission would be impaired if special interest groups were too heavily represented and suggested that the section on membership be changed to require that no fewer than five of the eleven members be nonprofessionals representing animal-welfare and humane societies. When revising this bill for reintroduction in the next Congress, I will certainly take this and other recommendations for improvement into consideration.

The reason I am sponsoring this legislation is that the laws to date concerning animal welfare are grossly inadequate. Time and again clearly inhumane practices come to the public's attention, and we find that no mechanism, short of passing specific new legislation, exists to end or even investigate these practices. Recently for example, allegations surfaced that cats have been the victims of cruel and pointless experiments at the Museum of Natural History in New York City for more than twenty years. I have a gut feeling about these experiments; but I am not an expert, and I am not, therefore, qualified to give an authoritative opinion on them. Were a Commission like the one Rep. Pattison and I propose in existence now, it would be in a position to provide an impartial, expert analysis of whether these experiments are necessary, and if so, whether they are as humane as they could be.

There is no lack of compassion in America for animals; the problem is that most systematic abuse of animals is hidden from the public view. Millions of animals needlessly suffer each year in the professional, military, industrial, and academic research laboratories and in the many new factory farms where methods of "intensive rearing" are employed. For detailed and shocking accounts of the inhumane treatment of animals in these areas, I recommend Peter Singer's new book, *Animal Liberation* and, of course, Ruth Harrison's well-known book *Animal Machine*. These volumes describe the wide range of painful experiments conducted on animals in America, such as the U.S. Army testing of poisonous gas on beagles whose vocal cords had been tied to eliminate their barking or the study of heatstroke in rabbits and dogs which have been placed in heat chambers. The heat stroke experiments have resulted in the same conclusions as a battery of similar tests going back to 1881—that heatstroke victim should be cooled!

I wish to point out that I am not an anti-vivisectionist. I believe that there is appropriate experimentation to be done on animals. That includes basic research,

and matters which would relate to the welfare and the health of humankind as well as animals that are not human. What I wish to eliminate is needless and what may be pointless experimentation on animals and where experimentation is necessary, to insure that it be conducted humanely. Where alternatives to animal experimentation exist, they should be used. For example, I understand that new inexpensive methods of testing toxic substances involving tissue cultures and computer analyses have been discovered. I would like to see these options explored further.

Singer's book also describes the unconscionable conditions on the factory farms which abound in America but with which few people are familiar. The eggs you ate for breakfast probably came from a hen that will spend its entire life with eight others in an 18x24 inch wire cage with a slanted floor that is awkward and painful to stand on. According to Singer, the hens can hardly turn around, let alone stretch a wing, and 20-30,000 such birds are often cared for by only one person. It is not surprising that 15% of them die of stress.

Calves destined to become tender veal dinners are kept for three to four months before slaughtering in stalls too small to turn around in so they will not get any muscle-building exercise. They are fed protein deficient diets to retard normal development, and they are kept in darkness 22 hours a day to suppress the natural agitation that results from the conditions under which they are kept. Similar horror stories are related about intensive rearing of chicken friers, pigs, and beef cattle.

The root cause of suffering on factory farms is economic incentive. What Americans want for their dinner tables is indeed produced in greater quantities, in less time, and far cheaper under the inhumane conditions of intensive rearing, but is it morally defensible? I think not. At present, even if an individual factory farmer wants to be humane, he is unable to because even slight improvements would raise his costs above those of his competitors.

Obviously, any evaluation and subsequent recommendation by the proposed Commission will provoke the agribusiness lobby, which will resist every inch of the way. It will be a tough fight because farming has become big business, involving familiar corporate giants like ITT and John Hancock Mutual Life Insurance. Nevertheless, we cannot be indifferent to the problem.

These are just a few examples from the gruesome litany of animal abuse in America. We are faced with nothing less than a moral imperative to establish a Commission such as the one proposed. To date there has been no comprehensive study of inhumane treatment of animals; the legislation that exists is inadequate and the extent of animal abuse in this country is much greater than is commonly thought. Regrettably, humankind today is the greatest predator.

In conclusion, Mr. Chairman, I just want to express my appreciation to our other witnesses this morning. These individuals are authorities on animal welfare and I want to thank them for taking the time to share their expertise with us. Those witnesses who will testify are Mrs. Christine Stevens, Mrs. Ruth Harrison, Dr. Michael Fox, Ms. Carol Koury, and Ms. Linda Pfeiffer.

Mr. KOCH. Next, Mr. Chairman, I would like to turn to our first witness. Because of the time limitations, I will not give you her full biography; but, I would like to introduce to you Mrs. Ruth Harrison, who is the author of *Animal Machines*, published in Britain, other European countries, and the United States.

She was gracious enough to come directly from Great Britain to participate in these hearings. She came here for that special reason. Therefore, if we may, we would like to put her on first.

I would mention too that she does have some slides, and will conduct her own statement.

You may proceed, Mrs. Harrison.

STATEMENT OF MRS. RUTH HARRISON, LONDON, ENGLAND

Mrs. HARRISON. I congratulate Representative Koch and his fellow Congressmen for having introduced this bill and I wish it every success.

I am here today because for the past 15 years I have been seeking a better deal for farm animals.

In 1964 my book, *Animal Machines*, was published in Britain and subsequently in other European countries and the United States. In it I questioned some of the more extreme systems of livestock production and the quality of meat produced by them. Six weeks after publication the British Minister of Agriculture set up a technical committee to inquire into the welfare of these animals and to make recommendations where necessary. The committee is known as the Brambell committee, after its chairman, Prof. Rogers Brambell, a distinguished zoologist. It confirmed many of my findings and made detailed recommendations, some aimed at immediate alleviation of suffering, some as long-term measures. Two of the latter which have been implemented are, firstly, a new act specifically concerned with the welfare of farm animals, which makes it an offense to cause "unnecessary pain or unnecessary distress," and enables the Minister to make regulations. Second, the formation of a standing committee to monitor the rapid changes now taking place in the livestock industry and to advise the Minister where necessary. I have served on this committee since its inception in 1967.

Following the publication of the Brambell report veterinarians realized how little was known about the behaviour of farm animals and in 1966 they formed the Society for Veterinary Ethology, of which I am a member. Its founder has now formed the American Society for Veterinary Ethology under the presidency of Dr. Bonnie Beaver of Texas A. & M. University.

Action has followed in many other European countries. In particular, the Council of Europe, representing 17 European countries, has recently completed a convention setting out the general principles of farm animal welfare on which detailed recommendations will later be based.

Last autumn the Humane Society of the United States invited me over to have a brief look at the livestock industry and I toured some Eastern and Midwestern States. It is from what I then learned and my knowledge of the European situation that I wish to comment.

You cannot farm animals without causing a degree of suffering, even under the finest systems and management. Stresses can be minimized but not entirely eliminated. Research in the last 30 years has led to improved welfare of farm animals through greater knowledge of their environmental needs, nutrition and medication. But the research has also thrown up some questionable practices and the agricultural industry is more vulnerable to criticism than many other industries because it is dealing, not with inanimate objects, but with living creatures. Furthermore, the animals man rears for food are young, active, playful and intelligent, and with a marked sense of curiosity, very much aware of their surroundings.

The agricultural journal *Confinement* carries an attack on the present bill on the basis that these animals are protected by Federal, State, and local laws. I failed to unearth this plethora of laws, but if they exist the livestock industry can have nothing to fear from the the proposed Commission.

The journal also claims that farm animals are protected "by the economic (law) that rules that animal suffering and profit are incompatible." What they are saying, in effect, is that an animal responds

to really adverse situations by being less productive—putting on less flesh or laying fewer eggs—and that no farmer would be mad enough to use any practice which produced this end result. This simple and persuasive argument is widely believed, but the contrary argument is as frequently used in the industry—that farmers should at times seek to maximize return on capital invested, by overstocking even though this results in lower productivity per animal due to stress. For example: an investigation on the profitability of stocking 12 by 18 battery cages with either three or four birds per cage, carried out at Illinois University, showed that the birds stocked at four to a cage had a higher mortality and laid fewer and smaller eggs than their counterparts in the 3-bird cages. But the researchers warned that “it would be wise to examine the cost side of the ledger as well. It appears that in times of high egg prices and low feed prices four birds will be more profitable than three. Conversely, when egg prices are low and feed prices are high, 3 birds will probably be more profitable.” The higher level of stocking quoted above appears to be the one commonly adopted in practice.

This clinical approach, which is so widespread, to the space in which an animal will spend almost its entire life, led a visiting professor to start each session of a poultry congress with the words: “Gentlemen, may I remind you that the hen is a bird.”

With a growing knowledge of the behavioral needs of animals and recognition of abnormal behavior under adverse conditions, researchers in Europe are beginning to devise alternative systems to replace those of extreme restriction. The present battery cage for laying hens not only restricts their movement but compels them to live on a wire floor (sometimes resulting in keratonisation of their feet) which has a one-in-five slope to permit eggs to roll away. The birds have to scramble over each other to reach the food trough and resulting injury may lead the normal gentle inquisitive pecking of the birds to turn vicious.

The victim has no means of escape and is pecked to death. Over 80 percent of the 276 million commercial laying hens in the States are now kept in battery cages.

In Britain and elsewhere in Europe larger aviary type cages are being investigated. These provide perches at two levels on which the birds rest and preen themselves. They have nesting boxes with litter in which the birds can lay their eggs and in which they can scratch. One of the more imaginative designs also has free access between the cages so that an attacked bird can escape its aggressor. No firm conclusions have yet been published but researchers are hopeful that the new cages will prove a viable economic alternative to the old. This may not go as far as some of us would like but at least it is a step in the right direction, and the greater feeling of contentment amongst the birds has to be felt to be believed.

The present bill comes at a very opportune time. All the extreme systems of rearing farm animals to be found in Europe are being faithfully mirrored in the States and enthusiastically promoted despite the problems which have beset them in Europe. But so far these have not been too widely taken up and it is still possible to effect changes without too drastic an economic upheaval.

I refer to such systems as piglet cages (a very similar device to the battery cage for hens), sow stalls and veal crates.

Sow stalls are designed to constrict the sow so that she cannot turn round. Some also include tethering for this purpose. The individual stalls were introduced to overcome the problem of aggressiveness at feeding time, but one suspects that ease of management—automatic feeding down one side and mucking out down the other—is a strong attraction. However there are already a great many alternatives to this severe form of restriction, one of which is the provision of individual stalls into which the sow goes only at feeding time.

The veal crate is also designed to prevent the calf from turning round, after the first few weeks. The 90-pound calf goes into the crate at a few days old and stays there for about 15 weeks until it is ready for slaughter weighing some 350 pounds. In the last weeks it is unable to lie normally, to stretch its legs freely when resting, or even freely to groom itself. The calves are fed entirely on a milk substitute so that their rumens cannot develop. The liquid feces clings to their tails and to the slats on which they stand. When they are taken out for slaughter they are sometimes made to step backwards and downwards out of their pens—a terrifying thing for a calf to do blindly, never having moved more than a few inches in its life. Lack of exercise and induced anemia lead the calves to fall when they are moved, resulting in further rough handling.

In Europe, it is now found that to the great benefit of the calves, and without detriment to the meat, it is possible to rear batches of calves in large straw pens and with a machine which automatically feeds them through teats as and when they wish to feed. In spite of the fact that the calves satisfy their urge to ruminate by chewing some of their bedding the color of the meat is not affected as it still mainly depends on the level of iron in their feed. White veal is an example of a system which has been built up over the years based on a mystique now proved false and simply to satisfy a fad for white flesh.

Now let me tell you one or two other things I saw in the States which make me feel that the proposed Commission is necessary: A wall-to-wall battery unit for laying hens was fitted with traveling carts for access to the cages. These ran on rails, immediately above the cages and feeding birds which did not move out of the way were crushed to death. A small covered beef yard was so tightly stocked that the animals had to defecate over each other and could barely lie down.

Another beeflot with inadequate drainage contained animals which were literally knee deep in dung.

Groups of sows, in slatted floored pens, were fed only once in every 3 days for ease of management.

Handling of all animals was frequently callous, especially of small animals such as chickens.

The time has come for a thorough reassessment of mutilations. This is being done by the Royal Veterinary College in Britain and their report is coming out later this year.

Methods of marking which are easy to read and permanent have always been a problem. On extensive systems, branding has been the only sure method. I saw animals in the feedlots with festering sores resulting from branding. It could be queried whether another form of marking such as tattooing, tagging, or banding would not be just as satisfactory in the confines of the feedlot?

Are there any regulations governing the age at which operations such as castration, dehorning of cattle, disbudding of calves, and docking of pigs' and lambs' tails, should be done? Any governing the need for? Are any mutilations brought under veterinary control? Has there been a recent reassessment of all the different methods? In the case of castration, is there still a general need for it to be done at all, now that animals are being slaughtered well before they reach maturity? Bull beef is already widely accepted in Europe, and there is now a move, warmly supported by farmers who dislike the horrible job, to discontinue castration of fattening pigs and lambs.

I saw more extreme debeaking in the States, both in poultry and turkeys, than I have ever seen before. Both in day-old chicks and in adult birds the top mandible (sometimes the lower mandible as well) was cut back nearly as far as the nostril. The Brambell Committee condemned debeaking as cruel and said that it was unnecessary in broilers—now slaughtered at 8 weeks, before they are old enough to inflict any serious damage. They recommended a program of selective breeding for docility to make debeaking unnecessary in any flocks.

I must add a word or two about feedlots. I have mentioned one which was insufficiently drained and another which was grossly overcrowded. Some provide no shelter whatsoever against the heat of the sun, winter winds, or cold. In wet weather the cattle will have no dry lying area. Few provide roughage for the cattle and I was told that liver abscesses were common as a result. Lights were left on all night to encourage overfeeding, and the crop of antipollution regulations that are coming in, pinpoint public health problems to come over large areas of the Midwest.

The advantages to the farmer of the new systems now being introduced is that they can be fully controlled, automated, and labor-saving. To get a return on high capital investment, he can, therefore, take on previously undreamt of numbers of animals.

One of the disadvantages to the animal is that it loses its individuality and is made to conform to inflexible time scheduling as one of a mass, for 24 hours a day, every day of its life. I have only had time to hint at the misery and frustrations caused by these systems—I have not even mentioned the complete lack of any stimulation and the darkness in which so many of the animals live.

We are not necessarily inflicting pain on these animals, but a form of suffering which lasts much longer and may be far more devastating. We are depriving the animals of the exercise of patterns of behavior which have been developed over millions of years of evolution. We are, with cynical disregard, depriving them of such basic needs as being able freely to turn around, stretch their limbs, and groom themselves.

I say "cynical disregard" because as animals ourselves we can easily recognize these needs. The animals try to tell us that all is not well—the sow by chewing at the bars and weaving her head from side to side, the calf by grinding its teeth and by attempting to chew the cud on its saliva, and the battery hen by going through the complicated ritual of making a nest out of air.

Professor Brambell, in his inaugural address to the Society for Veterinary Ethology, pointed out that there could only be gain for the farmer by working with the animal rather than against it.

Already millions of your animals are subjected to these extreme conditions. Before millions more are swept in may I earnestly ask you to support this timely bill.

I have one amendment to suggest. That in section 2(a)(1) the words "prolonged discomfort or distress" be added after "pain" to take in the concept of behavioral suffering.

[Mrs. Harrison showed a series of slides to coincide with her statement.]

Mr. POAGE. Thank you very much.

Mr. KOCH. Mr. Chairman, our next witness is Linda Koeber Pfeiffer, a co-director of the great ape protection project, and who will discuss a different aspect of the legislation before you.

STATEMENT OF LINDA KOEBNER PFEIFFER, CODIRECTOR, GREAT APE PROTECTION PROJECT

Ms. PFEIFFER. Having worked with animals both in laboratory and free-ranging settings for the past 8 years, I recognize the need for Congressman Koch's bill, H.R. 11112 to establish a commission on the humane treatment of animals. Conditions have greatly improved over recent years owing to the Animal Welfare Act, yet stricter enforcement of laws and greater supervision is required. My observations of confined animals show that the basic needs of their species are often neglected. Supervision is needed beyond that obtained by scheduled site visits or the checking of an animal's physical condition alone. As we become more and more attuned and versed in the dimensions of animal behavior and personality, it is our obligation, as the dominant animal, to take more than rudimentary needs into account when using other animals for our benefit.

My experience with research in animal behavior began early. While still in high school I assisted in the care of Bruno, a chimpanzee who, then and now, is learning American sign language. At present, Bruno is at the Primate Center of the University of Oklahoma under the supervision of Dr. Roger Fouts. While attending Hampshire College in Amherst, Mass., I majored in behavior and development concentrating mostly in primatology. I worked closely with the Behavioral Science Foundation doing field work in the Caribbean with Vervet monkeys. Through the tutelage of Dr. Frank Ervin and his colleagues I studied neuroanatomy and assisted during surgery. I have also assisted veterinarians and spent several months at Cambridge University, England working in Dr. Robert Hinde's world renowned animal behavior laboratory, at his invitation.

I am now enrolled as a graduate student at Rutgers University. For 3 years I have been involved in work with seven chimpanzees whom my husband and I, with assistance from the National Science Foundation and the Laboratory for Experimental Medicine and Surgery in Primates (LEMSIP), were able to take from the laboratory and release on an island at Lion Country Safari, West Palm Beach, Fla. I spent 9 months in the laboratory with these animals socially integrating them and providing a series of inoculations against diseases to which they might be exposed. Other attempts to take laboratory animals and release them in the wild had not met with success equal to ours because the animals were not properly prepared for the transi-

tion. A social animal kept in near isolation in climate-controlled sterile conditions for many years can hardly be expected to deal with the many new variables an island contains as well as new and strange fellow chimpanzees.

All but two of the chimps came from LEMSIP where, though bored, as any animal of such intelligence would be when caged, conditions were such that once released they have adjusted to their present habitat better and sooner than might have been predicted. Unlike other institutions I have seen, the technicians there were well trained and screened. They knew and cared for their charges and allowed no personality quirks of their own to be inflicted on the primates.

Two of our animals would have greatly benefitted from closer scrutiny by an authority outside the institution where they were held captive for 8 and 10 years. There they spent their lives in 3 by 3 by 3 smooth-sided black boxes, being kept as blood containers. Both were psychotic; neither could walk or respond like chimpanzees. Light made them cringe. After 3 years in freedom, Larry runs and behaves like a chimp half his age—nice, since he can finally play. He seldom reverts to stereotopic "cage-crazy" behavior. Instead of sitting all day watching his fingers or banging his leg against the floor he now has other ways of stimulating himself. However, his knuckles are permanently enlarged from banging the cage. He is still incapable of climbing or breeding.

It is a tribute to the adaptability of the chimpanzee that Larry and his companions are doing as well as they are. They are the survivors. It is estimated that no more than half of the young chimpanzees imported from Africa survive from the time of capture, usually accomplished by shooting the mother, through the first year in the laboratory. Given the chance, they will live half a century. In the laboratory or in shows, their usefulness is over in a decade. They are too strong, smart and bored to be kept captive. Many sit idle in small cages in laboratories where there are no funds available for research. On islands, as in the Great Ape Protection Project, the hundreds of chimps, not currently being used in research, would be manageable, less expensive to maintain, and they reproduce well thus saving native chimpanzee females from being shot, and give their offspring a chance in what is left of their native habitat. On islands, they are easily observable for behavioral studies which will teach us more about these intelligent animals. So many have given their lives, we must at least take every precaution that animals no longer give their lives in unnecessary or repetitive research.

The first employment I had working with animals was at the American Museum of Natural History in New York where I had a National Science Foundation undergraduate stipend to participate in the studies being done there. It was in 1969. I was 17 and quite naive in the ways of research. I was volunteering in anthropology and, quite by accident, learned that the Department of Animal Behavior existed. This intrigued me, I went up and soon had two three month appointments. No training or credentials were required other than enrollment as a student.

My duties consisted of taking data on the sexual behavior of the cats, pre- and postoperative, to keep records up to date, to prepare for surgery every week and to assist in surgery. During my stay there, the

olfactory lobes of the male cats were being removed in order to determine if smell was a major factor in their sexual behavior. Following these operations—to fulfill my National Science Foundation requirement for a project—I did a somewhat primitive followup and found that many of the cats retained some, if not all sense of smell—responding to such odors as oil of wintergreen, fish and ammonia. I therefore assume that they were behaving throughout the experiment with their senses intact although they had undergone an operation to rid them of their sense of smell.

At the time I was there, the feeding was not equal to that described in the recent site visit. All food had water added so that maintenance personnel would not have to clean up the biscuits the cats otherwise played with and knocked to the floor. This mush prevented a mess but allowed quantities of tartar to build up on their teeth, often causing them to decay and actually break off in some cases.

I was instructed on how to use the autoclave and set up for surgery. All drapes, masks, gowns and instruments were sterilized; nevertheless, infections developed. A graduate student who was learning surgical procedures took part in the surgery. I assisted in any way I could. After the cat was anesthetized, a dental drill was used to remove the bone flap. Possibly because it was not sufficiently sharp, it often took from half an hour to 45 minutes to remove a section of the skull to expose the brain. Once the skull was open, brain tissue was suctioned out. I believe this drill was replaced after I left.

Surgery over, I cleaned up and settled the cat in a paper-lined box. No other special precautions were taken except a shot of antibiotic. For a time while I was there, several cats developed bone flap infections. I remember one cat in particular suffering so severely from the infection that I asked if he could not be euthanized. He was emaciated and the wound was badly infected. It was clear to me that there was no chance of his recovery, but I was told he would not be euthanized because he was too costly.

My introduction to animal behavior was a harsh one. It was not a happy time in my life, and I am grateful that attention has finally been drawn to the Department of Animal Behavior in the museum.

Upon leaving the museum, I went to Dr. Hinde's laboratory in England. There, too, were cats, but such different creatures. When not "employed" they could bask in the sun and play with others in an outdoor run. There, such treatment was expected: it did not seem to require much extra care.

Mr. KOCH. Our next witness, Mr. Chairman, is Mrs. Christine Stevens, who is well known to this committee. She is the secretary of the Society for Animal Protective Legislation and president of the Animal Welfare Institute.

STATEMENT OF MRS. CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

Mrs. STEVENS. Mr. Chairman, it is a pleasure to present testimony for humane legislation to you, for you pioneered in obtaining humane treatment for livestock at a time when animal protective legislation was virtually unheard of in Congress. You followed up in legislating against abuses by animal dealers and laboratories using dogs, cats,

and other small animals. Now you have before you a proposal to establish a Commission on the Humane Treatment of Animals. On behalf of the Society for Animal Protective Legislation, I urge your favorable consideration of the measure, H.R. 11112.

Support of this bill is a departure for us, since we greatly prefer mandatory legislation to study bills; however, there are three major areas where we believe more comprehensive information should be made available to the Congress than any existing organization can at present supply: (1) animal experimentation, including scientific means of substituting animals used for test purposes; (2) intensive livestock rearing; and (3) overpopulation of dogs and cats. We would suggest that the scope of the Commission be limited to these three fields so it can do a first-rate job in each and not become fragmented in addressing a variety of different subjects.

In a Commission of 11 members, we would suggest five professional persons, five concerned primarily with animal welfare who may or may not have technical qualifications, and a Chairman selected for judicial and administrative ability. With these suggested changes, we support the bill fully.

NEED FOR A COMMISSION

For nearly a quarter of a century, I have devoted full-time volunteer efforts to animal protection through legislation and education, working with the Society for Animal Protective Legislation and the Animal Welfare Institute. The sufferings of laboratory animals have absorbed a great part of the attention of both organizations, and we recognize certain changes for the better, changes for which we owe a great debt to this Subcommittee. But there are vast areas which existing federal law does not affect even indirectly. To give you some idea of the problems relating to laboratory animals (some 50 million warm blooded animals are used in U.S. laboratories each year), I would quote excerpts from the recently published "Painful Experiments on Animals," by Dallas Pratt, M.D. (Argus Archives, New York, 1976) copies of which we have made available to the Subcommittee.

In the chapter "Toxicological Experiments," page 30, Dr. Pratt states: "For cosmetics, which are not particularly toxic, the LD/50 test means that huge quantities of hair dye or face powder have to be forced into a dog or rat by stomach-tube. Eventually, internal organs may be blocked or ruptured all the animals sicken, and the test is not ended until half of them are dead." In the same chapter, pages 43 and 44, he writes:

In 1972 Revlon stated that 150 experiments were performed on rabbits—"eye and skin irritancy tests on cosmetics"—and 140 on rats—"acute and subacute oral toxicity tests," and these involved "pain or distress without anesthetics, etc." (Revlon, 1972). The number of animals *per experiment* was not given but could be quite large. In 1973 they again list numerous rabbits, guinea pigs and rats, and state that no anesthetic, etc., was used in performing the following tests: "Draize Eye Irritation, Acute Oral Toxicity, Primary Skin Irritation, Sub-acute Dermal Toxicity and Inhalation Toxicity," but now claim that *none* of these tests caused pain or distress. Yet some of them are the same ones which they reported as painful in the previous year. (Revlon, 1973).

9. "Professionally Acceptable."

By their own admission, these companies do not give pain-relieving drugs to the suffering animals. Why not? Because "it would interfere with the interpretation of the results." But the analgesic is to dull the sensation of pain; surely the results would still be plain to see on the blistering skin and in the hemorrhaging eye? No,

the pain is declared "necessary," and the attending veterinarian, the laboratory director and the Animal Care Committee all certify that "*professionally acceptable standards*" have been maintained.

What these companies should be required to do is to produce scientific evidence that the use of analgesics *would* interfere with the results. If they cannot, then "unnecessary pain or distress" has been inflicted—and this is prohibited by Sec. 2.28(d) of USDA Regulations. (USDA, 1972b).

Under the subheading "Testing Analgesics," page 46, we find:

As mentioned in the Warner-Lambert report (p. 26), the standard tests to determine the value of potential pain-relieving drugs are skin-twitch and tail-flick (rats and mice) using radiant heat, the hot-plate, and the "writhing test." In the last-named, "mice are given phenylquinone, intra-peritoneally, and after a few minutes begin to writhe and stretch their abdomen from injection of this irritant." (Warner-Lambert, 1973). J. Cochin, reviewing methods for assessing analgesia, says: "The 'writhing test,' which is also euphemistically called the 'mouse peritoneal test,' has caused a great deal of furor, since writhing seems to offend the sensibilities of many investigators." (NIH Nat. Heart, 1972, p. 701).

The "furor" has not succeeded in ending the use of this cruel test.

"Pain as a Cause of Aggression—the Ulrich Experiments," pages 61–62, provide the following information:

For a survey of 'pain as a cause of aggression' in research, Roger Ulrich's article with that title should be read. Ulrich's work since 1962, in recent years at Western Michigan University in Kalamazoo, has consisted largely in causing pain to rats and observing the resulting aggressive behavior. This investigator would give painful foot-shocks to the rats through an electrified grid floor, with a frequency of up to 38 shocks per minute, or sometimes even higher so that the shocks were virtually continuous. The intensity of the shocks (and each intensity lasted for periods of at least 10 minutes) ranged up to the very strong and painful 5 milliamperes. 'Prolonged exposure to shocks of 5 ma. often resulted in paralysis of one or both of these subjects.' A more sensitive strain of rat (Wistar) could not stand even half this intensity, and four died after exposure to 2 ma. As for duration of the shock sessions, 200 shocks of various duration 'were given to six pairs of rats each day for 12 days.' Another pair of rats were given no less than 15,000 shocks in a period of 7.5 hours. Another five rats were shocked every day for 80 days, causing them to fight 'more viciously, often cutting and bruising each other severely.'

Ulrich then introduced other distressing stimuli. The metal floor of the cage was heated, causing the rats to jump about, licking their feet as it grew hotter. Then the floor was cooled with dry ice—this was not effective in producing fighting: the rats lay on their backs to escape the cold. Bursts of intense noise (135 db., sustained for more than 1 min.) were introduced. The effects of castration were tried; the animals were shocked wearing hoods, and, finally, one pair had their whiskers cut off and were blinded by removal of their eyes.

Ulrich looks forward to studies on humans. 'Naturally the moral and practical difficulties are tremendous. Yet, as our knowledge of aggression in lower animals progresses and as more and more feasible methods of studying aggression in humans are developed, a clear picture . . . should emerge.' (Ulrich, R. 1966).

Are there any volunteers?

In the same chapter we find (page 61):

Five monkeys, shocked in another area, screened, opened their eyes with a 'fearful facial expression,' and tried to escape as soon as they saw the experimenter reach for the 'stimulator switch.' A group of free-moving animals ran about during ten minutes of continuous brain-shock, cried out, bit the cage-swing, and threatened and attacked other monkeys.

In the chapter on "Battering Experiments," the subheading "Drum Trauma," pages 77–79, gives the following information:

A method of inducing experimental shock, not by traumatizing merely a part but by battering the entire, unanesthetized animal was introduced by R. L. Noble and J. B. Collip in 1942. They invented a metal revolving drum, 15 inches in diameter. Two triangular projections, 2 inches high, are attached within. One of these carries a rat or guinea pig up the side during a turn, allowing it to fall when

It reaches the top to be picked up by the following projection. To prevent an attempt by the animal to break its fall, the paws are taped together. The drum is revolved by a motor 40 times a minute. An animal is subjected to two falls for each revolution of the drum, a standard initial 'drumming' consisting of 360 revolutions, or 720 falls in 9 mins. The following are typical injuries from the battering in the drum: teeth broken or knocked out; bruising of head, paws and scrotum; hemorrhages into muscles; bruising of liver; engorgement of bowels, kidneys, lungs and intestines, with later appearance of ulcer in stomach and intestines (Bayly, M., 1952).

Since 1942, this method of traumatizing conscious animals, usually rats, has been steadily used in the U.S. One investigator, B. W. Zweifach, began experiments with the drum at New York University in 1943, and has carried them on ever since. He has had the help of several hundred thousand dollars of National Institutes of Health grants—out of the taxpayer's pocket, of course. Other investigators have reported these rat-battering experiments from Marquette University School of Medicine (Banaszak, E., 1959) and Abbott Laboratories, Chicago (Sievvert, H., 1964).

Aside from humane groups which have continually protested against experiments which result in such extreme and prolonged suffering in unanesthetized subjects, there have also been objections from scientists themselves. As long ago as 1949, six distinguished British scientists wrote to the conservative medical journal, *The Lancet*, asking "What amount of suffering is legitimate to inflict in the course of experiments on animals?", and ended with an appeal to other scientists to condemn such devices as the Noble-Collip drum as "shocking to a normal human conscience." In a definitive survey of experimental shock which was extensively published in *Federation Proceedings* and which included a paper by Dr. Zweifach himself, H. B. Stoner contributed a major review: "Traumatic Shock Models." He flatly stated that the Noble-Collip drum had outlived its usefulness. "It is impossible to describe the extent of the injury and study the injured tissue quantitatively * * * The method seems altogether too crude for modern purposes." (Stoner, 1961).

What was too crude by 1961 was nevertheless quite acceptable to New York University School of Medicine in 1970, where Z. Hruza and B. W. Zweifach, supported by the everhelpful U.S. Public Health Service (National Heart and Lung Institute), reported further work with the Noble-Collip drum. One table shows that 75 rats were battered until they died, some having received adrenalin-type drugs and some none, but all, unanesthetized, having been subjected to anywhere from 3,000 to nearly 5,000 falls. Since it has been found that some animals, though not, of course, escaping injury, can adapt better than others to the trauma and survive for varying periods, they can be used to test the effect of various drugs calculated either to increase or decrease their resistance to shock. Thus they are repeatedly returned to the drum for more "tumbling," and are then sometimes operated upon (now at last anesthetized) for examination of their organs. (Hruza, A., 1970).

Because of his medical qualifications, Dr. Pratt's statements on alternative methods are especially interesting. In the chapter "Statistics and Types of Experiments," he quotes statistics from the United States, Canada, and the United Kingdom. Under the latter (page 14) he notes:

In 1973, approximately 200,000 mice were used in insulin assay, each mouse five or more times, the end point marked by convulsions. If the test-animal here were replaced by radioimmunoassay, which some now believe to be the method of choice, the standardization experiments would be reduced by a million, since a mouse used five times is counted in British statistics as five experiments. (U.K. Home Off., 1974c).

Under the subheading "Toxicology (Thalidomide)," page 171, he writes:

The effect of chemicals on cells in culture, as mentioned above, can be studied by microscopy. Although tests of thalidomide in many species of pregnant animals failed to produce deformities in the offspring, Lash and Saxen have now described tests on cultured human embryonic tissue which clearly indicate the danger of the drug. In the presence of thalidomide (especially during the second month of pregnancy), there is a significant decrease in cartilage development, predicting the limb deformities which actually occurred in the children of women in Europe

who had received the drug in the early 1960's (Lash, J., 1971). If similar tests on human embryonic tissue had been performed at the time the drug was first developed, instead of misleading animal experiments, the tragedies which resulted from its use might have been avoided.

Too often, arguments against the use of alternatives to laboratory animals seek to convince the reader or listener that the only safe way is to "try it on the dog." But, as in the thalidomide example cited by Dr. Pratt, human cell cultures may be far more reliable indicators than the whole animal of another species. Vested interests in laboratory animal supply look with disfavor on alternatives to their "product." Those scientists who tend to cling to the type of experiment they have conducted in the past also form a block against change to alternatives. Nevertheless, there is a growing literature which has been abstracted and collected by organizations in England and Germany that devote all or a major share of their efforts to encouraging greater use of alternative methods. I would submit for use by the subcommittee some copies of "ATLA Abstracts (Alternatives to Laboratory Animals)," published by the Fund for Replacement of Animals in Medical Experiments (FRAME) of London, and a book published this year by the Salem Research Institute of Munich, which limits itself to a single replacement method: tissue culture. Thousands of abstracts are included.

These publications, designed to assist the scientific community, represent an enormous amount of reading time by qualified humane biologists, but it is beyond the economic capability of these or other animal welfare organizations to undertake research and development specifically aimed at finding and insuring use of nonanimal methods for commonly used testing and production procedures.

A commission, as proposed in the bill under consideration, would be capable of making recommendations for direction and funding that would have sufficient status to obtain action. If members of the subcommittee have any doubt that extreme suffering is being routinely caused to unanesthetized laboratory animals, I would ask them to turn to page 37 of "Painful Experiments on Animals" where a U.S. Food and Drug Administration chart is reproduced showing 12 close-ups of the eyes of rabbits in various stages in inflammation, ulceration, or destruction as the result of test solutions. The U.S. Code of Federal Regulations tells how to do it.

Recent passage of the Toxic Substances Act means an increase in testing. The combination of the growing fear on the part of the public of commercial products which, a few years ago, it would not have questioned, together with the constantly increasing numbers of new products being devised and sold, means that a massive increase of tests are on the way. The cost in animal suffering if we do not direct serious efforts toward finding practical alternatives will be so enormous as to be almost unimaginable. The cost in dollars, while less serious, will also be great.

Many people still think of animal experimentation as occurring mainly in medical schools where cures for naturally occurring diseases are being sought—that was how it began. But by 1967, commercial organizations had become the greatest single group of users. A vicious circle has developed from which it is the duty of the United States, as the greatest user of laboratory animals in the world, to seek vigorously to break away.

It has been argued that science and industry will just naturally move to use of alternatives to laboratory animals as they happen to become available, so there is no need to worry. It is true that in certain substantial areas, for example, vaccine production, a beneficial shift has been made from use of animals to use of tissue cultures or egg embryos and that this happened because it was more practical, effective, and financially rewarding to make the change. But there is virtually no goal-directed research purposefully seeking substitutes. Nor is there any governmental effort to coordinate and encourage use of existing substitutes.

At present, the usual explanation given in annual reports required under the Animal Welfare Act by pharmaceutical companies for painful experiments without the use of anesthetic, analgesic or tranquilizing drugs is that the tests are required by the Food and Drug Administration. The inquiries I have made show that FDA does not specifically require particular tests such as the painful writhing test mentioned earlier but that this test is one which is accepted by the agency as proof of analgesic activity in a drug. A thorough examination of requirements should be made so the public can be clearly and reliably informed of current practices, existing alternatives, and the nature of efforts, if any, to develop further alternatives and insure their use.

It is also argued that self-regulation by the scientific community using peer pressure is fully effective and there is no need for examination of the current situation with regard to use of laboratory animals. To help in judging the validity of this claim, the subcommittee should know of the suppression of a report in 1966 prepared by the Department of Health, Education, and Welfare concerning laboratory animals, published for distribution, but locked in a storage room instead. We are in possession of one of the few extant copies, secretly provided to us by an individual who thought it wrong to suppress this well-documented work of 210 pages. Some of the abuses reported have been abated through enforcement of the Laboratory Animal Welfare Act of 1966 and the 1970 amendments, but many of the questions raised remain unresolved. An update on this report is needed. It could appropriately be conducted by the proposed commission.

Mr. Chairman, if all is well in laboratories in 1976, if the claims of all registered research facilities in 22 States that no pain of experimental animals went unrelieved by anesthetic, analgesic, and tranquilizing drugs in 1975 are true (see Report on Animal Welfare Enforcement, 1975), then why should there be opposition by the National Society for Medical Research to the establishment of a commission of inquiry? We do not believe that all pain in laboratories is being relieved in any State, much less in 22 States. We do not believe the Congress is receiving accurate information from the registered research facilities, as required by Federal law. We hope you will demand it.

Advertisements such as Plas-Labs (a copy of which is submitted for use by the subcommittee) show the rigid restraint used on un-anesthetized, active young animals. The joking tone of these ads does little to reassure the reader that the manufacturers take the matter of depriving so intelligent and sensitive a creature as a squirrel monkey—an animal recently accustomed to swinging through high

jungle trees at will—of every vestige of freedom. They claim their chairs are “comfortable” and recommend them for “chronic or acute studies.” Anyone can buy them. No one knows how many of these devices are in use, what they are being used for, or how long the different primates are being confined to them. The public has a right to this information. Men are no longer put in the stocks as a punishment because we recognize that such punishment is cruel. For children it would have been even more cruel, owing to their greater natural activity. Most primates used in laboratories are juveniles.

INTENSIVE LIVESTOCK REARING

No livestock are held in restraint as extreme as the monkey chair, but many pass their brief lives in a confinement so close that they become deformed, gnaw at their enclosures or their fellow inmates, and display abnormal behavior which makes the meat eater shudder when he hears of it.

For example, an expert observer, Dr. G. Van Putten, of the Research Institute for Animal Husbandry, The Netherlands, speaking at the last Congress of the World Federation for the Protection of Animals, emphasized the suffering caused animals by lack of occupation resulting in boredom. Busy for about 20 minutes a day (two 10-minute eating periods), during the other 23 hours and 40 minutes, the animal can't do anything. In a pen or cage made from concrete or steel, with no straw in it and no possibility to move, “I think they suffer very much from inability to do anything,” said Dr. Van Putten. He described his observations of veal calves during the night as well as the daytime. “We see in these veal calves faint ruminating. You can see them grinding their teeth or wagging their tails for 15 minutes. The faint ruminating can go on for hours, and they don't have anything to ruminate.”

Commenting on pigs kept on concrete without straw, he said, “Swine are very active animals . . . the only thing they can do is gnaw on each other, bite each other's hair, hooves, or tails, and, at last, change over to cannibalism.”

An oversimplified environment without distraction leads to the inability to stand stress, Dr. Van Putten explained. Animals in such an environment have no means of getting used to stress.

Veal calves in the United States, if they are destined for the exotic “white veal” market, which draws the greatest financial gain, are treated similarly to those in The Netherlands.

The close caging of chickens, both for the broiler trade and for eggs, leads to massive suffering. Yet these remarkable birds that give us both meat and eggs are able to recover from the hideous ordeal to which they are subjected if given a chance. The distinguished author, Sylvia Townsend Warner, recently wrote:

A friend of mine, married to a dairy farmer . . . bought a dozen battery hens, which were being sold for boiling. The hens were featherless, could not use their legs or wings, were terrified of daylight.

However, my friend put them in a shed, lifted them onto the perch at night, fed them. All the hens recovered, grew feathers, are leading an outdoor life and certainly lay eggs.

It seems to me that nature is very merciful to man, forgiving him his trespasses against her and has a remarkable power to put things right.

And following up, we received a statement from the hens' new owner:

Battery hens are sold off cheap, usually for slaughter, after one year's intensive laying. I collected mine, for laying, straight out of their cramped cages. They had lost about half their feathers. The poultryman put in one, almost featherless, free of charge, and glad to see the last of her, probably. They went on laying for a few days after they were put in a large deep-litter shed. At first they crouched timidly together on the ground, because their legs were wobbly and their wings useless.

Gradually they got back the use of their legs, but they would not go out of an open door into a field until they were driven, about 4 weeks after their arrival. It was 2 months before they could roost on a perch 2 feet above the ground.

After 6 months they look like ordinary hens and behave naturally, laying in their own nests about the farm, eating grass and drinking in puddles. A few have gone broody for a day or two. One ventures into the milking parlour every day to pick up cattle cake, although she is shoo'd away at milking times because she makes the cows nervous.

It seems that their confinement did no lasting harm, but it is a pity they are slaughtered so early in life, with at least another year of useful life in front of them, on free range.

(Robin Wordsworth, Baglake Farm, Litton Cheney, Dorchester, Dorset, August 13, 1976.)

The Universities Federation for Animal Welfare in England has conducted research to develop a larger but economically feasible cage which provides for at least part of the natural behavior patterns of hens—including roosting perches which prevent their feet from becoming deformed on the wire cage bottoms and their breasts from becoming blistered from the wire.

In our country, alternative methods should also be the subject of university study. The present situation should be carefully examined, and where we are fortunate enough to have avoided the worst excesses of factory farming, work by the Commission proposed in H.R. 1112 might succeed in heading them off. Denmark passed a law against caging hens at the very beginning of the worldwide rage for cages. Danish farms are admired worldwide, and there has never been a question, once the law was passed, of adopting so unnatural a means of forcing hens to provide eggs for the market. Our pigs may yet be spared the horrors that most European pigs undergo if a well-motivated Commission finds current American pig farms superior to those cramped factories.

I would submit for use by the subcommittee copies of the report of the Brambell Committee which was established by the British Government in order to examine the plight of animals in increasingly intensive systems. This is an example of what can be accomplished by a Commission—as is the Littlewood Report, published after reevaluation of the British Act on animal experimentation.

OVERPOPULATION OF PETS

A third area which animal protective organizations have been powerless to deal with is pet overpopulation. Although most of the humane movement in this country has been devoting its funds and energies to running shelters for lost, stray, and homeless dogs and cats, the problem has become steadily worse. Even though more and more shelters require neutering of the animals they place for adoption, though spaying clinics have been established and have been successful

in reducing the stray population in certain localities, nevertheless the total picture remains grim.

What factors have entered the picture in the past 15 years—the period in which pet overpopulation has moved from a manageable problem to a crisis? (1) Chain pet stores with high-powered advertising have succeeded in making pet owners—at least temporarily—of people who would never otherwise have purchased a dog or cat. (2) Farm women in middle-western states have changed from making money from selling eggs to selling puppies for the commercial pet industry. (3) People are afraid of criminals and are buying dogs for protection rather than for companionship. (4) More food is being thrown away, and much of it is thrown out in plastic bags, making it more accessible to scavenging animals. Statistics indicate that pet shop prices are often in the \$200–\$300 range. The hard-sell promotion has been successful in making money for the promoters, but they have not the slightest interest in what becomes of the animal after they sell it. Persons who buy a pup just to boast that they own a purebred and to parade it like a new garment, discard it equally easily. When they buy large guard-dog type animals—the percentage increase on sales of A.K.C.-registered Doberman Pinschers was 837 percent between the years 1964 and 1974—and decide they no longer want to keep them, they contribute to the formation of packs of large feral dogs which has brought so much obloquy on dogs generally.

To establish more clearly what is happening and how the situation can be brought back at least to what it was 15 or 20 years ago would be a valuable contribution. Ideally we should reach the point at which animal shelters will be needed only to assist in getting lost dogs back to their owners and to euthanizing the incurably ill and aged.

The subpoena power provided in the bill would be valuable in establishing the source of all dogs and cats in commerce, including examination of theft for sale of the animals, a most difficult problem which the Animal Welfare Act has not succeeded in solving.

Improved methods of canine and feline birth control are needed, and the Commission could pursue this important aspect of the problem in a more effective manner than has yet been achieved. Several workshops and symposia have been held on this subject, but a senior regulatory veterinarian at the last national conference complained that more words and more printed pages were all the results of these meetings. Something more effective is needed.

Mr. Chairman, we do not want an ineffective Commission. We want clear answers and sound recommendations to help solve the terrible problems for animals which I have briefly outlined. We appeal to you and your colleagues for help.

Mr. KOCH. Mr. Chairman, we have two concluding witnesses. Each will limit himself to 5 minutes; and that will be the end of our presentation.

Mr. POAGE. I believe that your people lack only about 3 minutes before reaching an hour. Please try to move as quickly as possible.

Mr. KOCH. We will limit ourselves to 3 minutes, and then conclude. Our next witness is Dr. Michael Fox.

STATEMENT OF MICHAEL FOX, DIRECTOR, INSTITUTE FOR THE
STUDY OF ANIMAL PROBLEMS, THE HUMANE SOCIETY OF THE
UNITED STATES

Mr. Fox. Mr. Chairman, thank you for the opportunity to testify on H.R. 11112 which would establish a Commission on the Humane Treatment of Animals. I am Dr. Michael Fox, director of the Institute for the Study of Animal Problems, a division of the Humane Society of the United States (see appendix A). The HSUS is a national non-profit organization and is probably the largest of its kind dedicated to the relief of fear, pain and suffering among all animals. The Institute provides special in-depth analyses of current animal welfare problems and works toward solutions through the offices of HSUS.

I am very pleased to appear before this subcommittee which has traditionally concerned itself with humane treatment of animals, and before its chairman who was so instrumental in the passage of the Laboratory Animal Welfare Act and the Humane Slaughter Act.

This hearing could be the beginning of implementing many more needed reforms. Certain subjects regarding treatment of animals have begged an answer and attention for too long a time. Cruelty has been ignored or condoned in the name of science. Millions of healthy animals are destroyed each year only because they do not have a home. But the very fact that we are having these hearings today, to consider a Federal policy in the humane arena indicates some change in our ethical values as a Nation. I hope my statement will help bring to light some badly needed changes.

Although the bill encompasses a wide range of subjects and problems, I will not be able to fully address them all. My focus will be on laboratory and farm animals and the overpopulation and related problems of dogs and cats. I will also submit pertinent articles and papers for the record to add further depth and clarity to these subjects presented orally.

In regard to the bill itself, I would make the following recommendations:

In section 2a, line 10, I believe the word "including" should be stricken and the words "such as" substituted so that the 10 categories that follow would not be mandatory as subjects for study, but would simply be illustrative.

Second, I believe that the membership of the proposed Commission should be from two categories: A. professional; and B. nonprofessional. Category A would include six members from the list as outlined in the present bill. Category B would include five members from animal welfare and humane societies. One member from each category would be appointed by the Speaker of the House, one from each category by the President pro tempore of the Senate. Four from category A and three from B would be appointed by the President.

The make up of the Commission is vital to its success. If it is indeed meant to study the problems in the humane field today, then adequate representation of the humane community is crucial.

Regarding the use of animals in biomedical research (including food, drug, and cosmetic testing and animal subjects for testing military weapons), we must consider not only the needless infliction of pain or unnecessary suffering of animals but also the needless use of animals

per se. It is estimated that some 63 million or more vertebrates are used each year in various experiments (see appendix B). I have worked for 5 years as a laboratory animal veterinarian and have served on national committees concerned with the behavioral requirements of research animals (ILAR chairman, Committee on Laboratory Animal Ethology and member, Committee on Dog Standards). I have also done some research and published on environmental variables as they influence experimentation on laboratory animals (publication submitted for the record) and feel well qualified to offer objective and constructive input on this major issue.

A survey of high school science projects, college undergraduate and graduate teaching programs involving animal subjects reveals a consistent pattern of needless repetition. Similarly in a number of research areas in physiology, psychology, and experimental pathology, for example, there is also a surfeit of repetitive replicating studies or variations on a theme which add little or nothing to advance scientific knowledge but also result in a needless waste of tax dollars and an unnecessary and unjustifiable expenditure of animal life—with or without pain or suffering.

A Commission on the Humane Treatment of Animals may be instrumental in revolutionizing current traditions and methods of research involving animal subjects. The issue of needless repetition is only one of a number of problems however.

The Commission could be helpful in fostering alternative methods of biomedical research, including the development of computer simulation mathmodels, tissue culture, and microorganism (e.g. bacterial culture) techniques: Substitution and reduction of the numbers of animals used today in biomedical and military research, teaching and testing by the drug, food, and cosmetics industries, are essential both ethically and humanely and also for economy.

A critical review of federally regulated testing procedures in the latter category (cosmetics, food additives, drugs, etc.) is urgently needed. Testing a single product on any given species does not take into account wide variations between species (e.g. thalidomide) in the toxicity of certain agents nor can current testing procedures hope to guarantee 100% safety on any single product without first having some knowledge of its potentially synergistic effect with other substances. Two relatively safe substances may, in combination (synergism) have disastrous consequences, mutagenically, teratogenically and/or carcinogenically.

The following example of a drug testing dilemma leads us to one of the most serious challenges of research with animals, namely the effect of the environment upon the animal which may in turn influence the experiment and if not accounted for may totally invalidate any conclusions from being drawn from the data.

It was shown in a toxicological study that rats were more susceptible to a variety of agents if tested alone in separate cages (a standard procedure in most laboratories). The LD 50 of several substances was lowered because, it was concluded, the rats were stressed additionally by being isolated from their companions.

Much research, involving billions of dollars, is badly designed and the results of such costly experiments are questionable when environmental and social variables are not considered. The Animal Welfare

Act concerns itself with proper care, housing and feeding of various species but not with those variables which may seriously prejudice the experiment from an objective scientific standpoint and from a humane and ethical standpoint as well.

Long term isolation of a beagle or rhesus monkey can cause serious behavioral changes and emotional and physiological stress. Adequate cage size, good nutrition, and physically sound animals do not guarantee good research. The social and emotional needs of the animals must also be considered both on humane grounds and to insure sound research design.

I have seen cancer research and pollution studies in large laboratories where beagles and rhesus monkeys are socially deprived and emotionally stressed. These variables are not considered by the investigators; yet they may and will influence the results. Crowding, social isolation or gentle handling in rodents may respectively increase or decrease susceptibility to spontaneous or induced diseases and cancer tumors, et cetera.

Considering the complexity of environmental and social-emotional variables, research with animals is no simple undertaking and to date much biomedical research has been oversimplified and wasteful of public funds and of animal lives alike. Even routine laboratory animal room procedures (such as a technician petting an animal or animals receiving no direct human contact until experimented upon) can affect such measures as blood philes, stress resistance, disease susceptibility, et cetera.

In conclusion, the well-being of animals in research is not only of humane concern, it also concerns the actual basis of experimental design and the scientific validity of research findings derived from animal subjects.

Another revolution in animal research which a Commission on the Humane Treatment of Animals may help further is in the area of so-called basic (that is nonapplied) research. While today, in times of financial hardship with regard to the availability of funds for research, some economists may feel that only applied (that is, directly relevant) research with animals should be funded. Basic research seems to some critics to be a luxury of creative academic enquiry (knowledge for knowledge sake). Some researchers argue that creativity should not be stifled for financial or ethical reasons, since the chance of a major breakthrough may be lost. This chance "hit and miss" aspect of basic research is criticized by many humanitarians and economists alike since many animal lives are squandered (sacrificed) in the game of knowledge for knowledge sake. The committee, in this very sensitive area, could have an integrative influence and help synthesize this diverging pattern of scientific enquiry into a more cogent convergence of values and ultimate goals and contemporary priorities. An alternative mode of basic research may then be created, obviating the needless waste of animals and all too frequent needless repetition of experiments.

As a veterinarian who has worked with and is therefore familiar with the problems of intensive farming methods, I believe that this proposed Commission could be a major nucleus for resolving some of the serious ethical and economic problems of modern intensive factory farming.

Under intensive management systems, pigs, poultry, cattle and calves are more prone to epidemic diseases and behavior disorders (cannibalism, stereotype neurotic behaviors, etc.) which are indicative of stress. The stress may be a combination of many factors, particularly social isolation, confinement or high density housing. Complementing humane concerns for their well being is the veterinarian's concern over disease control and the livestock owner's concern about food conversion ratios and productivity. This is a relatively new industry, and I would be glad to offer my combined expertise as an animal behaviorist and veterinarian to the Commission in researching and resolving some of these serious problems of modern intensive farm animal husbandry.

As a consequence of my frequent appearance on local and national TV and radio networks, extensive travel and lecturing to veterinary and pet-owning groups and through my syndicated newspaper column "As Your Vet," I am in direct contact with the problems surrounding the pet population (or pollution, as some would have it) crisis of today. I have also studied the ecology of free roaming and feral urban dogs (publication submitted for the record) and am familiar with the social, ecological and public health problems of this contemporary pet crisis. In rural areas it is estimated that dogs cause some \$5-10 million per annum damage to livestock. In urban areas they are a health hazard, feces and urine being a source of zoonosis (diseases transmissible from dog to man); 200,000 dog bite cases in man, and predominantly in children, were reported last year; some 14-16 million unwanted pet cats and dogs are destroyed annually by pounds and humane shelters at great cost (see appendix C for more quantified data).

In recent years the pet population problem has been the subject to two national conferences which were cosponsored by such diverse groups as the American Veterinary Medical Association, the American Kennel Club, and The Humane Society of the United States. Animal control has been the subject of two recent CBS "60 Minutes" segments. However, the issue of animal control truly came of age on December 23, 1974 when "America's Exploding Pet Population" became the topic for Time magazine's cover story.

Perhaps no segment of society is more aware of the dimensions and ramifications of the pet population problem than municipal officials. A 1973 survey identified "dog and other pet control problems" as the most frequent topic of citizen complaints to mayors and city councilmen. Ironically, that same survey showed that animal regulation was not among the 27 major urban problems of primary concern to municipal officials. In a speech before the Texas Municipal League, Prof. William Blackwell of Texas A. & M.'s Center for Urban Programming analyzed the conflict between community service demands and municipal program priorities. Mr. Blackwell maintains that many municipal officials view animal regulation as a problem that will continue to plague communities no matter how much study, funds, or manpower is devoted to the problem. Animal regulation is among the most sensitive of community issues and the city manager or elected official who attempts to mediate between pet owners and the nonpet owning public is almost certain to succeed in alienating both segments of the community.

A Commission on the Humane Treatment of Animals, at the national level, could play a significant role in helping to coordinate and unify community efforts to resolve these problems.

I have only addressed three areas which I consider of major concern; there are indeed many others where man's use or abuse of animals, both wild and domestic, warrant the attention and constructive action of qualified and concerned individuals. In the interests of the proposed Commission, however, I believe that, considering the enormity and complexity of many of these problems, it should restrict itself to only a select number of problems which they judge to be of highest priority and which, within the operative time limits of the Commission, could be best studied.

[The appendixes referred to are held in the subcommittee file.]

Mr. KOCH. Thank you, Dr. Fox.

Our last witness is Ms. Carol Koury.

**STATEMENT OF CAROL E. KOURY, NATIONAL COORDINATOR,
FUND FOR ANIMALS, INC.**

Ms. KOURY. Mr. Chairman, my name is Carol Koury. I am national coordinator of the Fund For Animals, a national humane and conservation organization with 70,000 members nationally. I would like to thank this committee for the invitation to testify before you on H.R. 11521 which would set up a Commission to study and hopefully go a long way toward solving some of the more distressing but unresolved problems regarding cruelty to animals. I would particularly like to commend Congressman Koch for his diligence and foresight in proposing and following through on this proposed legislation.

There are three grossly neglected issues of animal cruelty that deserve investigation and action under this legislation. They are experimentation on animals, livestock husbandry, and pet overpopulation. These areas represent an enormous amount of suffering and waste of life and are virtually unregulated.

Since one can always speak most confidently of things one has seen and experienced, I would like to use my home area of New England for examples from the three problem areas I am going to discuss. It isn't hard to extrapolate.

Boston is the 9th or 10th largest city in the United States. In that city each year several thousand unwanted animals are picked up as strays. Thousands are killed in the pound and many thousands more are killed at the other large shelter in the city. Untold others are hit by cars or die of disease or starvation. Yet as of this moment, there is no animal control program in the city of Boston. The city claims it has no money to pay the Animal Rescue League, the city dog officer. On Beacon Hill, the site of the Massachusetts statehouse, people are concerned—not the people inside the statehouse, the people who have to walk around on the streets outside. Stray cats and dogs are everywhere, some of them starving or in the winter freezing. And it's not just the humane people who are concerned. Because of irresponsible owners, the droppings of these animals are becoming quite a problem and dog packs have been known to gather and pose a threat.

These same problems exist in every city in New England and yet, in the midst of all this, a national pet store chain, The Docktor Pet Shops, is seeking permission from a Boston suburb to set up a breeding farm for dogs and cats to supply their pet store chain around the country. Aside from basic rules of humaneness set forth by the Animal Welfare Act (and unfortunately inadequately enforced for lack of funds and personnel by the Agriculture Department) there are no guidelines or rules for this pet chain to follow. They can, and will, produce as many puppies and kittens as they can sell and because many of the animals they sell will be purebred, they won't even consider passing out information on spaying and neutering. Docktor's isn't the only chain pumping animals into the market and complicating an already outrageously out-of-hand problem. Puppy Palace and other national chains have pet stores in virtually every major shopping center in Massachusetts.

Pet overpopulation and the reasons for it needs serious investigation immediately. No one should be pushing dogs and cats onto the market unregulated.

One wouldn't have to go outside of Massachusetts to find reasons for regulating experimentation on animals. The Federal funds coming to our State for research must be staggering. There are over 40 major colleges and universities in the eastern half of Massachusetts and 3 medical schools in the city of Boston alone. Research is one of the major industries of the area with Harvard University, Massachusetts Institute of Technology, Tufts University, Boston University, Boston College, and Northeastern University to name only the large ones, all within an 8-mile diameter of each other. The waste of life and inefficient use of existing information is appalling.

I once worked in the biochemistry department of one of the large universities in Boston and saw the waste. One friend of mine who was working on her Ph. D. had a grant from the Army to research a new strain of malaria that came up in Vietnam. She infected 2,000 mice per month for several years while doing this research. She found no cure or cause for the new strain of malaria and, in fact, dropped the subject entirely after graduation. After she received her Ph. D. there was a lapse of time between the end of her old grant and the beginning of her new postdoctoral grant and as is the custom she just kept on doing what she had always done. She received and infected 2,000 mice per month for several months even though her study was finished and the validity of the experiments, if indeed there was validity, was over.

Peter Singer, in his book, "Animal Liberation," describes a psychology experiment that took place at Harvard:

* * * R. Solomon, L. Kamin, and L. Wynne tested the effects of electric shock on the behavior of dogs. They placed forty dogs in a device called a "shuttle-box" which consists of a box divided into two compartments, separated by a barrier. Initially the barrier was set at the height of the dog's back. Hundreds of intense electric shocks were delivered to the dogs' feet through a grid floor. At first the dogs could escape the shock if they learned to jump the barrier into the other compartment. In an attempt to "discourage" one dog from jumping, the experimenters forced the dog to jump *into* shock 100 times. They said that as the dog jumped he gave a "sharp anticipatory yip which turned into a yelp when he landed on the electrified grid." They then blocked the passage between the compartments with a piece of plate glass and tested the same dog again. The dog "jumped forward and smashed his head against the glass." Initially dogs showed symptoms such as "defecation, urination, yelping and shrieking, trembling, attacking the

apparatus" and so on, but after ten or twelve days of trials dogs that were prevented from escaping shock ceased to resist. The experimenters reported themselves "impressed" by this, and concluded that a combination of the plate glass barrier and foot shock were "very effective" in eliminating jumping by dogs.

The validity of this experiment is at very least questionable. But the horror of it goes further. People are still doing "shuttlebox" experiments with Federal funds for still other questionable psychological studies. There should be regulations so that people who are torturing animals must be made accountable for doing so. All such experiments should be reported and before ever undertaking such an experiment a researcher should have to give cause for doing so and prove that no such experiment has ever been done before.

A recent ad in a local Boston magazine called for opossums. My office investigated and found that a Dr. Canada of the Massachusetts Medical School wanted to find out what proportions of milk and vinegar should be used as an antidote to swallowing lye. This researcher claimed the answer to this question was a raging controversy in the medical community. He planned to make the opossums swallow various lye products and then feed them different mixtures of milk and vinegar to see how they worked. He would keep the opossums alive for 2 days to 2 weeks to study the results. This man claimed that no such study had ever been done, and, in fact, the initial studies were only being done in order to get more Federal money to further the research. If the Federal money didn't come through the first 25-50 animals would have been tortured for no reason at all. As it turns out, however, the lye controversy is over. According to several sources with whom we checked, the proportion of milk to vinegar is a mute point. The real point is to flush as much liquid as possible to sooth the burns. Five years ago, the New England Journal of Medicine reported having done lye studies on cats and dogs and concluded that it is impossible to effectively treat lye burns and further, and I quote "prevention is the only hope." They recommended liquid lyes be taken off the market. Dr. Canada at this moment still expects to do his experiments.

Factory farming and animal husbandry are problems of such enormous stature that it is almost difficult to figure out how to begin to talk about them. Mrs. Harris will describe many of the specifics.

But sticking to my local area, one vivid example of unnecessary and bad farming practice stands out in my mind. Last year, New England was hit by a stifling heat wave. Temperatures stayed in the 100's for almost 2 weeks. Millions of animals died during that heat wave and I remember the papers reporting that one Maine chicken farmer lost 2 million chickens in 1 day. The chickens suffocated because they were restrained in huge chicken houses unable to get out and get fresh air.

The Fund for Animals is all in favor of the Government studying the above-noted problems, but only in order to effect change. Congressman Koch who wrote and introduced this bill has become aware that there are problems and that they should be investigated and he is very much to be lauded for bringing the problems to the foreground. But let's not start a study that doesn't accomplish anything.

In Massachusetts and in the city of Boston, commissions similar to the one suggested in this legislation have been set up. A statewide commission was given the job of recodifying the dog laws of the Commonwealth. The commission was set up 3 years ago. They held

hearings and went through some motions, and a few weeks ago they issued a draft of their recommendations. The draft was actually written by two staff members of a State senator's office and, frankly, after 3 years and considerable expense most of us who are concerned about the recodification believe we would have been better off without having the commission at all. Few significant changes are recommended and, in the meantime, many good pieces of legislation that have been filed in the 3-year interim have been put off by the legislature in anticipation of the recommendations of the commission. One of my colleagues in Massachusetts commented that she could have written a better draft in 3 hours than the commission came out with after 3 years.

In Boston the story is similar. A commission was set up to do something about animal control and overpopulation. They spent \$250,000 to open a spay clinic and 2 months later the city closed it down for lack of funds. That commission is now in limbo where, it appears, it will stay.

All of the aforementioned problems have been put off far too long and can only get exponentially worse as time goes by. The Fund for Animals fervently hopes this committee will look at the problems and come up with a way to study and solve them. H.R. 11521 embodies some excellent ideas. Let's use them as efficiently, reasonably, and quickly as possible.

Thank you.

Mr. KOCH. Let me conclude by thanking you, Mr. Chairman, for the kind courtesies extended to us.

We only ask that the adversaries of the commission improve the commission if they can. We would ask that they address themselves to what it seeks to do, and not to their underlying fears which may not at all be addressed in that commission.

Our purpose is not to destroy the basic research; it is not to impose vegetarianism on the citizens of this country. It is simply to provide a commission to look into the innumerable problems which everyone agrees are out there, and to come in with reasonable and rational findings so that this Congress can legislate in a reasonable and rational way.

Thank you, Mr. Chairman.

Mr. POAGE. Thank you very much, Mr. Koch. We appreciate the splendid way in which you have presented this case. It is most helpful to have this kind of cooperation.

We thank all of you who have participated.

Our time is going to be very limited. We have, I believe, two groups of witnesses who want to appear in opposition. We have the Fur Institute of America and then we have Dr. Kingman.

We will first hear from the Fur Institute as a panel, and then hear from Dr. Kingman.

Mr. Lippin, you may proceed.

STATEMENT OF ELLIOTT LIPPIN, FUR CONSERVATION INSTITUTE OF AMERICA

Mr. LIPPIN. Mr. Chairman and committee members, my name is Elliott Lippin. I am a fur manufacturer and a director of the American fur industry. I speak for the hundreds of manufacturers in the United States and for their thousands of employees.

We are unalterably opposed to H.R. 11112. Among the many reasons we oppose the bill are the following:

First, the ultimate goal of the proposed legislation is to ban the leghold trap. That is actually what the bill is seeking. This would eliminate all wild furs from our lines.

Wildlife management professionals tell us the leghold trap is the only one which is successful in getting the animals we need. It is necessary to them to insure the regular harvesting of fur-bearing animals. If passed, this bill would eventually put thousands of employees out of work.

Second, the forces opposing us and in favor of this legislation would like to see the fur industry eliminated. They have said so publicly, and we believe the author of the bill has succumbed to the propaganda put forth by organizations such as the Fund for Animals and Friends of Animals. We would submit for your information an article about these organizations which appeared in the May 1976 issue of Field and Stream magazine, written by its assistant managing editor, Margaret G. Nichols. It exposes the motives and monetary chicanery prevalent in this group.

Third, we do not pretend to be scientists, but we heed the advice of the scientific community. One does not have to be a biologist, zoologist, or mammalogist to recognize that the language of the bill is loose. The bill would have the commission investigate whether methods used in trapping cause "unnecessary pain." In addition, this commission, after 2 years' study, shall make a report on the 10 categories enumerated in the bill.

We point out to you that the American fur industry made a large contribution to the Canadian Humane Association's committee for a more humane trap. After 5 years of study at two Canadian universities, the organization was unable to find a more humane trap than the leghold and admitted it in its report.

Four, economically, the export of an annual renewable resource such as wild fur accounts for a favorable balance of trade accruing to the United States of approximately \$125 million each year.

In light of the Tuesday, September 28, New York Times report of a huge deficit of \$750 million for 1 month alone, we would be unnecessarily hampering our recovery from a devastating recession.

We urge you to vote against this bill, not only because of the havoc it would create in the fur industry, but because it is so impractical. Its ultimate result would be to harm the wildlife it hopes to preserve.

Thank you.

Mr. POAGE. Thank you very much.

At this point we will hear from the next member of your group.

STATEMENT OF THEODORE LEAKAS, FUR CONSERVATION INSTITUTE OF AMERICA

Mr. LEAKAS. Mr. Chairman, committee members, ladies, and gentlemen, good morning.

My name is Ted Leakas. I am a fur manufacturer and president of JOI, Jan Originals, Inc. I am, by basic educational training, a scientist with a master's degree in science. But I speak to you today on behalf of the Fur Conservation Institute of America, which enjoys the support

of the entire industry—manufacturers, dealers, brokers, retailers, and most important, the thousands of people who work in this industry.

We, too, are opposed to cruelty to animals and wildlife. This opposition is not the private property of those who proclaim their concern and line their pockets with money obtained in promoting this so-called concern.

We oppose H.R. 11112 because it would do irreparable damage to the fur industry directly and affect the total U.S. economy. It would create extreme regulations, in addition to the fur industry, to other industries such as agriculture and cattle breeding. It would cause great dislocation in the industry and sacrifice the jobs of thousands of people.

Although the stated purpose of the bill is to further humane treatment of animals—a laudable purpose—its effect would be to destroy our industry as well as others.

The American fur industry is committed to the preservation of the species which provides its raw materials. We deal with a renewable resource, and in our own self-interest, we must see to it that all the species, ranched or wild, are carefully nurtured.

In discussions industry representatives have had with the author of the bill, he has admitted that an objective of the bill is the elimination of the leghold trap. The leghold trap is a necessary device to harvest wildlife and also provide this industry with long-haired furs.

The fur industry is an important part of our economy. It has a cumulative impact when you consider the people and businesses allied to it, which number into the hundreds of thousands—and perhaps millions. In that, I include every trapper in the country who, whether on a part-time basis or on a full-time basis, derives an income from it. All these jobs could be lost.

The bill provides for a commission to study the treatment of animals on the farm, in pet shops, zoos, wildlife preserves, and the rest. It would then have this commission prepare a report on its findings and make recommendations for appropriate legislation.

All this, mind you, in a period of 2 years. The very breadth of the bill is so vast that this commission could sit in judgment on all livestock and wildlife management in every part of American life.

The bill is so loosely drawn, we believe it would cause more harm than good; and we urge you to vote against it.

This whole hearing, Mr. Chairman, reminds me a little bit of the picture, "Planet of the Apes." Some of the last conclusive statements that were made concerned the overpopulation of pets in our everyday life.

Let me remind this panel and the people who are attending this meeting that it was to a great degree by the influence of all of the societies and other people who came before me that we have come to this problem of the overpopulation of pets in our urban society.

Now, we are proposing that the Government spend perhaps millions of dollars to study what the same people have created through their own publicity in the years before.

Nothing else will happen except that a lot of money will be spent on studying the better and more humane treatment of animals. I think all intelligent human beings and all responsible people should be spending more time and more money studying the better and the more humane treatment of human beings.

We have so many people who desperately need the money, as well as the efforts and the energies of the people who came before us and who are very talented and could promote the better treatment of human beings here and abroad and all over the world in order to give them more to look forward to in life.

Thank you.

Mr. POAGE. Thank you very much.

I believe we have one more witness, Dr. H. E. Kingman, who is executive director of the National Society for Medical Research.

Dr. Kingman, we would be delighted to hear from you.

Mr. KINGMAN. Thank you, Mr. Chairman.

Mr. POAGE. Dr. Kingman, those bells you are hearing are for the vote on the veto. There is a \$54 billion measure on the floor of the House, and the members of the committee will have to go over there.

How long will your statement be?

Mr. KINGMAN. It will be about 5 minutes, I would think?

Mr. POAGE. In that case, we will give you 5 minutes right now and then adjourn. We will proceed that way.

STATEMENT OF HARRY E. KINGMAN, JR., D.V.M., EXECUTIVE DIRECTOR, NATIONAL SOCIETY FOR MEDICAL RESEARCH

Mr. KINGMAN. Mr. Chairman and members of the subcommittee, I'm Harry Kingman, Jr., executive director of the National Society for Medical Research, an organization composed of scientists concerned with biological research and teaching in medical, agricultural and pharmaceutical fields. NSMR also is concerned with the humane treatment of animals and is justifiably proud of its record of actually pioneering advances in laboratory animal care. Our organization developed the first set of principles of laboratory animal care; we were instrumental in organizing and for many years were the principal support for the animal care panel now known as the American Association for Laboratory Animal Science. We were one of the founding organizations of AAALAC, the professional accrediting agency for laboratory animal facilities. NSMR has also developed acceptable standards for use of animals in secondary schools and science projects. We are consistently in support of continuing efforts to improve the quality of laboratory animal care and to completely eliminate any unnecessary pain or suffering of animals used in biomedical research. This record of performance that extends over more than 30 years is probably the reason we were asked to express our views regarding H.R. 11112 and companion bills. We do appreciate this opportunity.

The National Society for Medical Research sees very little, if any, virtue in a Commission such as the one proposed by the bills under consideration. It is quite obvious that the work of the Commission would duplicate existing programs and regulatory authority shared today by the Departments of Agriculture, Interior, HEW, and others. I am speaking almost exclusively from the viewpoint of animal experimentation but at the same time I have, at one time or other, engaged in activities related to livestock production, meat processing, animal transportation, wildlife conservation, and general veterinary practice.

One of the most serious problems the Commission would face, if it were to be created, would be to give competent attention to all of the subjects enumerated in its charter. I think the chairman is thoroughly

familiar with the diversity of opinion regarding control of predators and protection of our rapidly decreasing sheep population. I am not at all sure the members of the Commission could approach this subject with any assurance of success.

Neither do I feel that such a Commission would be competent to provide any better oversight to the Animal and Plant Health Inspection Service of USDA than is already being carried out by the House Committee on Agriculture. A main purpose of APHIS is to see that at all times the humane treatment of laboratory animals is undertaken in compliance with the provisions of the Animal Welfare Act. The veterinarians check for sanitation, ventilation, adequate size of cages and pens, and other requirements. USDA administers the Horse Protection Act, the Humane Slaughter Act, the so-called 28-hour law, and a number of livestock disease prevention programs. Livestock disease is undoubtedly more inhumane than is intensive farming.

One is inclined to view a proposal such as this Commission as one more attempt to gain a prohibition against use of animals in research.

For the past 15 years there continuously has been legislation in Congress concerning laboratory animal research. Some of it has been signed into law with our endorsement and full cooperation. I cannot see how a Commission which will last only 2 short years and, in our opinion, waste at least \$1.5 million of the taxpayers' money, can make any new recommendations for legislative action than has already been placed before the House and Senate so many times in the past. That money we believe would do the most good for man and animals if it were to be applied to the budget of an organization like the Division of Research Resources at the National Institutes of Health or added to the budget of the Animal and Plant Health Inspection Service.

The push for legislation to control the use of animals in medical research began in 1961 when a bill was submitted to Congress which would have imposed similar but more restrictive regulations of scientific use of animals now required in England. Hearings were held but the bill died in committee. Bills were reintroduced in succeeding years in increasing numbers, until, by 1966, more than 50 separate ones dealing, with various aspects of the procurement, care, and use of animals in scientific study were before the Congress.

The bills which attracted the greatest public support were called petnapping bills, but in reality they set standards for the care and treatment of dogs and cats by dealers as well as within the laboratory prior to research. Out of these bills came a major piece of legislation, which NSMR supported—the Poage-Magnuson laboratory animal procurement bill signed into law August 24, 1966. As you know, the bill required proper care and treatment of animals bound for the laboratory, proper record keeping to verify prior ownership and the purchase of research animals from licensed dealers. It has, without a 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.

An amendment to this law was signed December 24, 1970, which made major changes affecting laboratory animals. First, the title was changed to eliminate the misconception that animals employed in scientific laboratories are more deserving of assurance of humane

treatment than are animals used for other purposes. It includes additional species of warmblooded animals and covers conditions for housing and care throughout an animal's stay in a research facility. The amendment provides a specific prohibition against any interference by the Secretary of Agriculture, or anyone else, with the design or execution of any experiment. The institution is responsible for the conduct of experimental procedures in accord with professionally acceptable standards.

The National Society for Medical Research recognizes that the public has a right to be reassured that laboratory animals are humanely housed and cared for throughout their stay in laboratories. NSMR feels the 1970 amendments to the Animal Welfare Act provides that assurance. Scientists themselves are foremost among proponents of humane treatment of animals and we cannot in all fairness and logic refuse to accept legislation which would give assurance to the public that laboratory practice as to housing and care met acceptable standards.

What is disappointing and even frustrating is the refusal of the opponents of science to accept independent inspection and assurances short of total abolition.

Now we have the 1976 amendments to the Animal Welfare Act which are mainly aimed at protecting animals in air transport. I note that the proposed Commission would request hearings on poor conditions in the interstate shipment of pets. Hearings already have been held on this subject and right now the Animal and Plant Health Inspection Service is in the process of preparing standards for animals transported by commercial carriers and intermediate handlers. Why duplicate hearings that were held in 1974 by this same subcommittee during discussion of the 1976 amendments to the Animal Welfare Act?

The Animal Welfare Act provides penalties for licensees and registrants who violate its provisions and for those persons who should become licensed or registered and fail to do so. The penalties are official warning notices, administrative penalties, and criminal fines. With the 1976 amendments even more stringent penalties will be exercised. APHIS has been doing a commendable job of implementing these regulations. Even with a small Federal budget the agency is able to monitor research facilities and their use of pain-relieving drugs for animals, and has been able to show the number of cases where animals experienced pain during research, testing, or experimentation to be small.

The United States is not the only country where there is constant agitation to limit the use of animals in research. In Great Britain general findings in a 1965 report of the Departmental Committee on Experiments on Animals, commonly referred to as the Littlewood report, showed there to be only a small risk of unnecessary repetition of experiments and the scale of duplication not serious; no evidence that mandatory tests are retained longer than is necessary; and no evidence of serious wastage of animals. The report was instigated to provide recommendations for changes in the Cruelty to Animals Act of 1876. To this date none of the recommendations has been enacted and, in polite terms, the report has been shelved.

While we feel strongly that the legislated Commission is an unrealistic approach we do not wish to leave any impression that continued efforts to gain improvements in all fields should be abandoned.

One has only to review the programs of meetings such as the American Veterinary Medical Association which met recently in Cincinnati, Ohio; the American Association for Laboratory Animal Science which will meet in Houston in November; and the Federation of American Societies for Experimental Biology meeting in Chicago next spring, to gain confidence that progress in human and animal welfare is being given a high priority.

Recently there have been a number of conferences where the scientific community and animal welfare groups have come together to discuss the place of animals and their alternatives to research. Last year the Institute of Laboratory Animal Resources of the National Academy of Sciences held a 2-day conference on "The Future of Animals, Cells, Models and Systems in Research, Development, Education, and Testing." As reported in the January issue of *Bio-Science*, "both sides acknowledged the other's concerns. The animal welfare representatives recognized the contributions that animal experimentation has made to the quality of life of both man and animals and the scientists agreed that there had been some unnecessary abuses of animals which can be stopped. But the consensus was absolute: New methods can complement, not replace intact animals."

Much research is being done today using tissue, cell and embryo cultures, and mathematical and computer technology. However, it has been found that so far the cultures only are "working complements to laboratory animals" and "mathematical and computer modeling are an aid for, but not an alternative to, animal experimentation—animal experimentation remains the source of the information which is to be analyzed by mathematics and computers."

The advances we have enjoyed in medical science during the past half century have had their genesis in research where animals were the experimental subjects. Not all of the projects undertaken resulted in great discoveries. There was a lot of trial and error, a great many hours of hard work, and investment of tremendous sums of money.

What of the future? Further advances require greater knowledge, improved techniques, continued dedication to scientific excellence and continued freedom to use animal experimentation as an instrument in the promotion of social well-being.

Insofar as experimental medicine is concerned, the Commission-proposed in H.R. 11112 does not appear to contribute to the advancement of this cause but instead would be a deterrent to further progress.

I hope I have made clear the views of the National Society for Medical Research, Mr. Chairman, not only concerning the establishment of this Commission for the Humane Treatment of Animals, but our position on the necessary use of laboratory animals in medical advancements. I appreciate the committee giving us an opportunity to state our opposition to the proposed bill. Thank you very much.

Mr. POAGE. Dr. Kingman, the committee thanks you and all of the witnesses who have appeared today.

The hearing is adjourned.

[Whereupon, the subcommittee was adjourned at 11:30 a.m.]
[The extraneous material submitted for the record follows:]

STATEMENT OF HON. STEVEN D. SYMMS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF IDAHO

While I have a great respect for the supporters of HR 11112, I cannot stand by and allow this bill to be considered a be-all and end-all of humanitarian action for animals. At best, its approach to such action is based on misinformation, rather than understanding of the very problems it seeks to overcome.

It would be foolhardy to think that those men and women who are farmers, veterinarians, scientists, and trappers in the United States, millions in number, do not know something or care somewhat about the humanitarian treatment of animals. Who, indeed, would know better? And who, indeed, would benefit more from the humane treatment of animals?

While it is true that the livelihood of these people is dependent upon the renewable resources they raise, it is also true that these people are as compassionate as the proponents of HR 11112.

It is unnecessary to establish another committee to study the humane treatment of animals because legislative and regulatory bodies already exist which have that responsibility.

UNITED ACTION FOR ANIMALS, INC.,
New York, N.Y., September 27, 1976.

Hon. W. R. POAGE,
*Chairman, Livestock and Grains Subcommittee, Longworth House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN POAGE: In response to Rep. Koch's request, I submit the following comment concerning H.R. 11112. The bill would set up a Commission to investigate, among other things, what is being done to laboratory animals. We do not support it for reasons cited below.

First, a "study" is not needed. It would merely postpone remedial action for years, or prevent it altogether—which is in fact the intent of so many studies. Throughout much of this century cruel animal experiments have been openly and routinely reported in various public media. United Action for Animals, Inc., has monitored the literature and reported on thousands of cruel experiments on animals, right up to the present, and we have accounts of perhaps a hundred thousand more in our extensive "vivisection library," adding to it daily. So the information a "study" would develop is already available; all that's needed is the interest.

H.R. 11112 would set up a Commission made up of such members as zoologists, wildlife biologists, veterinarians, practitioners of animal husbandry and people from medical schools—all laboratory animal users and abusers and thus so biased that their data would be unreliable. The bill also calls for humane society representatives to serve on the Commission. We vigorously oppose this provision. Some major societies have lied to their own members concerning zoo animals and the Animal Welfare Act, and we feel that someone who has lied once will lie again and is not worthy of the public trust. Also, some societies are far too closely associated with veterinarians whose "labor union," the American Veterinary Medical Association, is a registered lobby with a self-interest in promoting animal experimentation. Such societies would be in sharp conflict of interest with bona fide efforts to alleviate the plight of laboratory animals.

Congress itself mandates the extremes of cruelty to animals, including the revolting LD50's from which half the animals must die an agonized death. So it's hard to see why Congress needs an investigation of what it already knows about. However, if Congress wants to know the shocking details, we will gladly give an appropriate Congressional body access to our extensive library of documents from the published professional technical literature.

We do not believe, however, that the House Agriculture Committee is the appropriate body to consider animal experimentation, for one thing, because the Department of Agriculture is a major user of laboratory animals, responsible for a staggering amount of animal suffering. For another, the House Agriculture Committee seems to be "stacked" against laboratory animals. For example, in its February 1975 Bulletin, the National Society for Medical Research, which exists primarily to promote the procurement and use of laboratory animals, reported that Rep. Thomas S. Foley, Chairman of the House Committee on Agriculture, spoke at the annual meeting of the NSMR's National Council on Feb. 1, 1975. The NSMR reported that Rep. Foley made the point that "Biomedical scientists can expect a fair and understanding hearing for the problems they

encounter when research needs are weighed against humane considerations in animal welfare legislation during the 94th Congress."

According to the NSMR, "Rep. Foley listed the membership of the Subcommittee on Livestock and Grains within the House Committee on Agriculture for participants to the National Council meeting, since that is the subcommittee which handles the animal welfare legislation affecting biomedical research." The NSMR dutifully listed in its Bulletin the names of the members of the House Subcommittee on Livestock and Grains, so that its members would know who to lobby. Since the NSMR, by its own admission, lobbies intensively, it doesn't really need any prodding by Congressional Committee chairmen.

I am reminded too of the House Agriculture Committee's report No. 91-1651 following passage of the Animal Welfare Act of 1970. While concerned citizens were led to believe that the Act would protect animals through their stay in laboratories, the report said:

"The bill in no manner authorizes the disruption or interference with scientific research or experimentation. Under this bill the research scientist still holds the key to the laboratory door . . . It is the intention of this committee that the Secretary of Agriculture neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research or experimentation . . . The important determinant of when an animal is in actual research is left to the research facility itself."

In view of these developments, we would be naive indeed to hope that meaningful help for laboratory animals could come from a government body so demonstrably biased against the animals. I am puzzled too as to why in recent years bills dealing with biomedical research and laboratory animals are referred to the Agriculture committee as matters involving livestock and grains. In my view, this is just one more sign that biomedical research is far behind the times and needs to be modernized. Instead of a procrastinating "study", the need is for Congress to redirect the annual multi-billion-dollar research subsidy into modern, sophisticated research methods. After all, animal experimentation has been going on for thousands of years, since long before the birth of Christ. It's no wonder that testimony before the Appropriations committee in fiscal 1976 indicated that only 5% of the research being done is of any value to physicians. The rest, of course, creates jobs, but there ought to be other ways of providing work—ways that do not entail the suffering and consumption of experimental animals.

I appreciate this opportunity of making our views known, and I request that this testimony be inserted into the hearing record and transcript.

Sincerely,

ELEANOR SEILING, *President.*

MEYERS, MARSHALL & MEYERS,
Washington, D.C., September 29, 1976.

Re Commission on the Humane Treatment of Animals, H.R. 11112.

Hon. W. R. POAGE,

Chairman, Subcommittee on Live Stock and Grains, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Pet Industry Joint Advisory Council has requested that we, as General Counsel, submit a written statement with respect to the proposal that there be established a Commission pursuant to H.R. 11112 to be known as the Commission on the Humane Treatment of Animals.

The Pet Industry Joint Advisory Council consists of eighteen pet industry trade associations as well as individual members. The genesis of the Council can be traced to an awareness of responsible members in the pet industry of a need for a forum within the pet industry to review its practices and to present its views and policies not only to its own industry, but also to those legislative and regulatory bodies which directly or indirectly affect the pet industry.

The pet industry members breed, acquire and/or market virtually every species of live animal for pets, for zoological specimens, and for bio-medical research throughout the world. The live animals and/or related supplies are marketed in more than 500,000 retail outlets—small independent pet shops, department stores, variety stores, major chain stores throughout the United States. The Pet Industry Joint Advisory Council represents a multi-billion dollar industry with sales of live animals and related supplies in excess of five billion dollars annually.

The pet industry is extensive, employing tens of thousands of people in all fifty states as well as in many foreign countries.

The vast majority of the firms are small independent businesses. Whether breeder, manufacturer, wholesaler or retailer, each segment of the pet industry is concerned with the humane treatment of animals.

The Pet Industry Joint Advisory Council's role is not limited solely to the advocacy of interests of its member organizations. The Council advocates appropriate, well-reasoned laws, rules and regulations for the protection of the public, the environment and last, but not least, the animals themselves. Such laws and regulations must be found upon evidence, not emotion.

Responsible members of the pet industry recognize that problems do exist with respect to the handling of animals. The Council conceptually endorses the establishment of a review body or a commission to determine the need for and/or the efficacy of existing laws and regulations pertaining to the treatment of animals. The Council is concerned with the multitude of agencies, often with overlapping jurisdiction, involved in the "treatment" of animals. The creation of the Commission as proposed in H.R. 11112, however, is premature.

The duties of the Commission set forth in Section 2(a) of H.R. 11112 would encompass the study of the treatment by selected segments of society of virtually every species of animal. The scope is further enlarged to study the "effectiveness of existing laws with respect to the treatment of animals". During the past few years, extensive statutory and regulatory protection has been effected to assure proper treatment of animals; regulations and enforcement is presently provided by myriad agencies, e.g., Department of Agriculture, Interior, Treasury, the Civil Aeronautics Board, CDC, etc. As you are well aware, your Subcommittee has been a leader in the promulgation of constructive legislation to provide greater protection to animals. The Animal Welfare Act amendments spearheaded by your efforts have only recently become effective. Many of the regulations which must be promulgated pursuant to the provisions of the recent amendments to the Act are to become effective by January, 1977. The existing regulatory scheme was developed after extensive study spanning a number of years. The effective period of the regulatory schemes is relatively short and the test of the effectiveness of such laws and regulations would be inconclusive.

If the Committee determines, however, to create such a Commission, the Council respectfully urges that further hearings be called for the purpose of defining more precisely the scope of the Commission's duties. The proposed ten areas of study are extremely broad and imprecise. Investigation of "the treatment of animals in the domestic pet industry" assumes, for example, that one can readily define what constitutes the "domestic pet industry". Is a "backyard breeder" who occasionally sells a dog through local newspaper advertising or to a neighbor part of the "domestic industry"? If so, is the Commission empowered to study such individuals activities? The scope of the Commission's mandate should be specifically drawn to limit the scope of investigation if any meaningful report may be forthcoming.

The membership of the Commission as set forth in Section 3(b) of H.R. 11112 is extremely discriminatory; the Commission's membership would be void of *any* representation by a major segment which it would "study"—the pet industry. The Council strongly urges, therefore, that persons engaged in the pet industry also be "adequately represented by the members so appointed". Humane treatment of the pet industry calls for adequate industry representation on the Commission.

To assist the Commission in its "study", H.R. 11112 would bestow certain subpoena powers to require attendance and testimony. The Bill is silent, however, as to procedural safeguards normally found in fact finding proceedings to assure accuracy or to provide opposing parties an effective right of intervention to present their evidence and/or to challenge the adequacy or accuracy of the evidence. Inasmuch as the subject matter of the Commission's study is fraught with emotionalism and often unsupported statements, the Council urges that the Committee adopt adjudicatory procedures to provide interested parties an opportunity to put purported evidence to the test of cross examination. Such procedures would assist the Commission in its evaluation of the record.

The Pet Industry Joint Advisory Council respectfully urges the Committee to defer action on the creation of such a study Commission

Respectfully submitted,

PET INDUSTRY JOINT ADVISORY COUNCIL.
By MARSHALL MEYERS.

NEW YORK, N.Y., September 29, 1976.

Hon. W. R. POAGE,
 Chairman, *Livestock and Grains Subcommittee, Longworth House Office Building,*
Washington, D.C.

DEAR CONGRESSMAN POAGE: Comments concerning HR 11112, for the hearings and for inclusion in the Committee's printed record. I am writing as an unaffiliated activist opposed to pain and suffering.

I believe that the problem of laboratory animals should be completely separated from the exploitation, abuse and suffering of all other animals.

My reason is that while Congress may well be responsible for the inhumane treatment of all animals through inaction and indifference, Congress is the actual source of laboratory animal suffering—it's not a matter of omission, but of commission. Let me elaborate.

At a National Academy of Sciences symposium in October 1975, Dr. Irving Ladimer told an audience composed primarily of live animal experimenters, that: "The NIH, which is not a regulatory agency, has effectively instituted prior animal studies through its system of review and approval of applications for biomedical support." In other words, if you want federal grant money, the way to get it is through the blood, pain and torture of innocent captive animals. The NIH gets its funding through Congress, which issues the guidelines. The National Institutes of Health (NIH) spent \$2.3 billion in fiscal 1976 for research, mostly with live animals.

And one does not need a two year study by a commission to verify that lab animals never have a good day.

An estimated 60 to 120 million animals a year from monkeys to mice, are imprisoned for life, cut up alive, poisoned, battered, radiated, driven insane, baked alive.

The reason that researchers are inflicting pain upon animals is the same as Willie Sutton's for robbing banks: that's where the money's at.

Thus, at the American Museum of Natural History for instance, experimenters have been getting our money for 20 years, in order to blind kittens and cats, deafen them, destroy their sense of smell and cut nerves in their penis in order to then observe the sexual performance of crippled cats.

Congress has been appropriating the funds and every government agency has approved it. And the Hon. Ed Koch bemoans that "as things now stand, there is no authority to turn to."

But this does not prove the need for a long drawn out study group to decide whether the undeserved blinding and maiming of a feeling being is inhumane, rather, it shows the need for cutting off funding for live animal research and re-directing these biomedical research billions to available alternatives and to the development of additional non-animal using research technology.

To do this, Congress should set up an Office of Biomedical Research Administration. This Office, composed of eminent scientists, interdisciplinary researchers from universities, NIH, research labs, must be beyond the reach of retaliation, unconnected with present live animal research, untainted with conflicts of interests.

Their mandate would require them to pursue available alternatives; to get the redirected funds flowing into the universities, to develop modern skills. To turn biomedical research around from outworn cruelties to humane innovation; from medieval barbarism to modern technology for the landing of Medical Vikings on target.

The acting director of the NIH testified during the 1976 Appropriations Hearings that only about 5% of medical research is important to the medical doctors. This is a double ripoff, Congress wasting our dollars on absurd make work projects. And, creating, against our moral convictions, a living hell for animals.

Parentetically, a livestock and grains subcommittee is hardly the place to discuss effective, sophisticated humane research.

The H.R. 11112 calls for a commission with vested interest in maintaining the status quo. This includes veterinarians whose lobby promotes the use of live animals for research; zoologists and wildlife biologists who are heavily into animal experimentation.

The animal welfare and humane establishment, with the prominent and almost singular exception of United Action for Animals, focus on fund raising not on animal suffering; in the process, they create the illusion that the interests of lab animals is being represented. In order to justify their own past and present inactivity, they would have to participate in every whitewash.

The animal welfare and humane establishment supported the Animal Welfare Act, an Orwellian travesty on the English language. It protects not laboratory animals but live animal researchers by lulling and reassuring the citizenry that there is a law, numbing concerned people with the calming thought that our government is looking after the voiceless and helpless. In fact, animal researchers have the power of absolute tyrants within the laboratory. And not one single case has ever been brought by the U.S. Department of Agriculture, administering the AWA, against any research facility. Even pain relievers can be withheld at the experimenter's discretion. Since animal welfare organizations and humane societies lied to their members concerning the Animal Welfare Act, their track record is not one of credibility.

But while I maintain that H.R. 11112 should exclude laboratory animals, a commission should be established to investigate and publicize the terrible, massive suffering of farm animals for flesh. The total confinement of three billion chickens a year who never scratch the earth, never see sunlight nor stretch their wings—feeling beings transformed into machines as if they were inanimate instruments for transforming feed into flesh and profits.

And the pale, pink veal which results from calves imprisoned in darkened stalls too narrow to move or turn around in, tied at the neck to further restrict movement so that the flesh remains tender, kept anemic by iron deprivation. A baby calf torn from the mother at birth, a nonhuman animal suffering from birth unto the slaughterhouse.

There's the suffering of animals for fashion—the millions of wild animals trapped, dying a slow, painful death after having a leg or paw caught in a steel jaw trap, some with protruding nails that pierce through flesh and muscles.

For the strong to exploit, abuse and inflict pain on the weak is cowardly and immoral and wrong. As Herman, a character in Isaac Bashevis Singer's *Enemies, a Love Story* notes: "The smugness with which man could do with other species as he pleased exemplified the most extreme racist theories, the principle that might is right."

Thank you for the opportunity to have my views considered and made part of the subcommittee's record.

Sincerely,

HY SPIRA.

COMMITTEE FOR HUMANE LEGISLATION, INC.,
Washington, D.C., October 14, 1976.

Hon. W. R. POAGE,

Chairman, Livestock and Grains Subcommittee, Committee on Agriculture, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We are shocked that the Members of Congress took time out from a heavy end of Congress schedule to consider H.R. 11112 (and at the exact same day that another Committee of the House is hearing Marine Mammal Legislation). We hold the belief, however, that somehow a public airing of ideas behind this bill will reveal the utter absurdity of such a measure.

The creation of another bureaucratic boondogle to "study" that which Congress has already demanded by Federal law or that which Congress itself should act upon, is an absolute waste of the one and one-half million dollars of the taxpayer's money.

Enclosed with my letter, Mr. Chairman, is a list of federal laws for animal protection prepared by the Library of Congress. This list was prepared in 1974. Since that time, a number of other bills have been enacted. A far greater number of bills have been introduced in the 94th Congress making bold strides toward the abolishment of animal abuse.

Without exception, Mr. Chairman, the Federal Laws already on the books need teeth added to them, need funds for enforcement, and, above all, need Congressional direction to assure action by the Federal agencies.

A close investigation into the work assigned to the individual agencies and departments would no doubt reveal the fact that every subject named in H.R. 11112 has already been studied and re-studied and buried under piles of bureaucratic paperwork while the abuses intended to be stopped, continue to exist. The time has come to stop studying and to act! Another cover-up at this time would postpone for two more years Congressional attention to seriously needed legislation. Unknown numbers of animals will suffer or die within that two years.

Mr. Koch, himself, has already introduced legislation to relieve the pet-population problems by the establishment of low-cost spay and neuter clinics.

Congressman Long and Congressman Broomfield introduced legislation to ban the steel jaw trap.

A thorough Congressional investigation should be made into the blind grants made to individuals for biomedical research and animal behavioral experimentation. Not only should the taxpayer be saved these millions of dollars spent on unnecessary research grants, but the animals should be relieved of the burden of sacrificing their lives in service to man. Viable alternatives for testing and research exist and should be required by Federal law.

A Federal Court has upheld the provisions of the Marine Mammal Act, relating to the killing of porpoises with purse seine nets. Other cases calling for the enforcement of the Marine Mammal Act provisions are pending before the courts which should force the Departments of the Interior and Commerce to uphold the law. Mr. Koch's recommendation for a study of marine mammals comes a little late.

These are only a few examples of positive and active efforts now in action in behalf of the animals.

Mr. Chairman, to create a commission to "study humane treatment" can be placed in its proper perspective by looking back a few years ago in the United States when black slavery was the common practice. It took no commission to "study" the "inhumaneness" of subjecting a man to chains. It was a fact that could be hidden no longer and the brave men of the times abolished it outright.

The same is true in the case of animals. "Inhumane" treatment of animals is still a common practice in the United States and growing as population demands grow. But, like slavery, man's inhumanity to his fellow creature, must also be abolished.

The Committee for Humane Legislation objects strongly to the further consideration of this vague and deceitful bill. We recommend instead specific legislation spelling out forcefully the intent of Congress.

We respectfully request that our letter be made a part of the hearing record and printed as such, along with its enclosures.

Sincerely,

JOWANDA SHELTON,
Washington Director.

Enclosures.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., March 28, 1974.

FEDERAL LAWS RELATING TO ANIMAL PROTECTION

In response to your recent request of March 25th, concerning federal laws for animal protection, I am providing a brief summary of the major laws:

Cruelty to Animals Act of June 29, 1906. Pertains to common carrier regulations for transport of animals. U.S. Code of Federal Regulations, Title 45, Chapter 4, paragraphs 71-74.

Act of May 28, 1928 (amending the Act of March 3, 1891). Contains rules and regulations pertaining to the accommodations for animals on ships. (U.S. Code of Federal Regulations, Title 46, Chapter 15, paragraphs 466a and 466b). (Relative enclosures).

P.L. 85-765. Concerns humane methods of livestock slaughtering. U.S. Code of Federal Regulations, Title 7, Chapter 48, paragraphs 1901-1906. (Enclosures.)

P.L. 84-234. Use of aircraft, or motor vehicles to hunt certain wild animals; prevention of pollution of watering holes. U.S. Code of Federal Regulations, Title 18, Chapter 3, paragraph 47.

Title 40, U.S. Code of Federal Regulations, Chapter 4, paragraph 311b. Concerns the disposition of unfit horses and mules.

P.L. 89-544. Regulates the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation. (Enclosure.)

P.L. 91-540. Concerns the act of "soring" horses, and makes it a crime to move such animals in interstate or foreign commerce. U.S. Code of Federal Regulations, Title 15, Chapter 44, paragraphs 1821-1831. (Relative enclosure and additional summary of the law.)

P.L. 91-579. The Animal Welfare Act of 1970. Amends the Act of August 24, 1966 (P.L. 89-544) pertaining to the transportation, sale and handling of dogs, cats, and other animals. U.S. Code of Federal Regulations, Title 7, paragraphs 2131-2154. (Relative enclosure and additional summary of the law.)

92d Congress—The Marine Mammal Act of 1972.

93d Congress—The Endangered Species Act.

[Western Union Mailgram]

STATE OF OHIO,
Columbus, Ohio, September 28, 197

Congressman THOMAS S. FOLEY,
Chairman, Committee on Agriculture, U.S. House of Representatives,
Washington, D.C.

Ohio Department of Natural Resources, Division of Wildlife, is opposed to H.R. 11112. If additional hearings are held would like to appear before committee and testify. Please make this mailgram part of the Committee record.

DALE L. HANEY,
Chief, Ohio Division of Wildlife.

STATEMENT BY MR. FLORIO BEFORE THE LIVESTOCK AND GRAINS SUBCOMMITTEE

Mr. Chairman, I want to thank you for permitting me to come before your Subcommittee today to offer my strong support for H.R. 11112 to establish a Commission on the Humane Treatment of Animals.

For too long, we in this country have had little regard for the health and safety of our Nation's domestic animals. Through experimentation, we have inflicted diseases on these animals, we have maimed and tortured them. We have placed little regard on their comfort. In shipping horses overseas, it has been brought to my attention that these horses arrive emaciated, half-starved and in generally poor conditions. Until recently, private pets were transported in the cargo compartments of jets which were not pressurized and consequently, these poor animals arrived dead from suffocation.

Therefore, it is time to review our standards. It is time to recognize the strong need for protection for these helpless animals as it is a reflection on our Nation and this Nation's compassion.

I urge you to take prompt action on H.R. 11112 to bring to the attention of Congress the need for additional legislation to regulate the treatment of animals in our country and to insure their health and welfare.

Thank you for providing me with the opportunity to express my views on this issue today.

