

(July 1, 1944, ch. 373, title IV, § 461, as added Pub. L. 99-158, § 2, Nov. 20, 1985, 99 Stat. 857; amended Pub. L. 112-74, div. F, title II, § 221(b)(5), Dec. 23, 2011, 125 Stat. 1088.)

Editorial Notes

CODIFICATION

Section 282(g) of this title, which was transferred and redesignated as subsec. (b) of this section by Pub. L. 112-74, div. F, title II, § 221(b)(5)(B), Dec. 23, 2011, 125 Stat. 1088, was based on act July 1, 1944, ch. 373, title IV, § 402(g), as added Pub. L. 103-43, title II, § 202, June 10, 1993, 107 Stat. 144.

AMENDMENTS

2011—Pub. L. 112-74, § 221(b)(5)(A), substituted “National Institute of General Medical Sciences” for “Purpose of Institute” in section catchline, designated existing provisions as subsec. (a), and inserted subsec. heading.

Subsec. (b). Pub. L. 112-74, § 221(b)(5)(C)(i), (ii), inserted heading and realigned margins.

Pub. L. 112-74, § 221(b)(5)(B), transferred subsec. (g) of section 282 of this title and redesignated it as subsec. (b) of this section. See Codification note above.

Subsec. (b)(1)(A). Pub. L. 112-74, § 221(b)(5)(C)(iii), substituted “acting through the Director of the National Institute of General Medical Sciences” for “acting through the Director of the National Center for Research Resources”.

SUBPART 12—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

§ 2851. Purpose of Institute

The general purpose of the National Institute of Environmental Health Sciences (in this subpart referred to as the “Institute”) is the conduct and support of research, training, health information dissemination, and other programs with respect to factors in the environment that affect human health, directly or indirectly.

(July 1, 1944, ch. 373, title IV, § 463, as added Pub. L. 99-158, § 2, Nov. 20, 1985, 99 Stat. 857; amended Pub. L. 103-43, title XIII, § 1301(b), June 10, 1993, 107 Stat. 170.)

Editorial Notes

AMENDMENTS

1993—Pub. L. 103-43 inserted “(in this subpart referred to as the ‘Institute’)” after “Sciences”.

§ 2851-1. Applied Toxicological Research and Testing Program

(a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

(1) to expand knowledge of the health effects of environmental agents;

(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

(6) to integrate related activities of the Department of Health and Human Services.

(July 1, 1944, ch. 373, title IV, § 463A, as added Pub. L. 103-43, title XIII, § 1301(a), June 10, 1993, 107 Stat. 169.)

§ 2851-2. Definitions

In sections 2851-2 to 2851-5 of this title:

(1) Alternative test method

The term “alternative test method” means a test method that—

(A) includes any new or revised test method; and

(B)(i) reduces the number of animals required;

(ii) refines procedures to lessen or eliminate pain or distress to animals, or enhances animal well-being; or

(iii) replaces animals with non-animal systems or one animal species with a phylogenetically lower animal species, such as replacing a mammal with an invertebrate.

(2) ICCVAM test recommendation

The term “ICCVAM test recommendation” means a summary report prepared by the ICCVAM characterizing the results of a scientific expert peer review of a test method.

(Pub. L. 106-545, § 2, Dec. 19, 2000, 114 Stat. 2721.)

Editorial Notes

CODIFICATION

Section was enacted as part of the ICCVAM Authorization Act of 2000, and not as part of the Public Health Service Act which comprises this chapter.

§ 2851-3. Interagency Coordinating Committee on the Validation of Alternative Methods

(a) In general

With respect to the interagency coordinating committee that is known as the Interagency Coordinating Committee on the Validation of Alternative Methods (referred to in sections 2851-2 to 2851-5 of this title as “ICCVAM”) and that was established by the Director of the National Institute of Environmental Health Sciences for purposes of section 2851-1(b) of this title, the Director of the Institute shall designate such committee as a permanent interagency coordinating committee of the Institute under the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods. Sections 2851-2 to 2851-5 of this title may not be construed as affecting the authorities of such Director regarding ICCVAM that were in effect on the day before December 19, 2000, except to the extent inconsistent with sections 2851-2 to 2851-5 of this title.

(b) Purposes

The purposes of the ICCVAM shall be to—

- (1) increase the efficiency and effectiveness of Federal agency test method review;
- (2) eliminate unnecessary duplicative efforts and share experiences between Federal regulatory agencies;
- (3) optimize utilization of scientific expertise outside the Federal Government;
- (4) ensure that new and revised test methods are validated to meet the needs of Federal agencies; and
- (5) reduce, refine, or replace the use of animals in testing, where feasible.

(c) Composition

The ICCVAM shall be composed of the heads of the following Federal agencies (or their designees):

- (1) Agency for Toxic Substances and Disease Registry.
- (2) Consumer Product Safety Commission.
- (3) Department of Agriculture.
- (4) Department of Defense.
- (5) Department of Energy.
- (6) Department of the Interior.
- (7) Department of Transportation.
- (8) Environmental Protection Agency.
- (9) Food and Drug Administration.
- (10) National Institute for Occupational Safety and Health.
- (11) National Institutes of Health.
- (12) National Cancer Institute.
- (13) National Institute of Environmental Health Sciences.
- (14) National Library of Medicine.
- (15) Occupational Safety and Health Administration.
- (16) Any other agency that develops, or employs tests or test data using animals, or regulates on the basis of the use of animals in toxicity testing.

(d) Scientific Advisory Committee**(1) Establishment**

The Director of the National Institute of Environmental Health Sciences shall establish a Scientific Advisory Committee (referred to in sections 2851-2 to 2851-5 of this title as the "SAC") to advise ICCVAM and the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods regarding ICCVAM activities. The activities of the SAC shall be subject to provisions of chapter 10 of title 5.

(2) Membership**(A) In general**

The SAC shall be composed of the following voting members:

- (i) At least one knowledgeable representative having a history of expertise, development, or evaluation of new or revised or alternative test methods from each of—
 - (I) the personal care, pharmaceutical, industrial chemicals, or agriculture industry;
 - (II) any other industry that is regulated by the Federal agencies specified in subsection (c); and
 - (III) a national animal protection organization established under section 501(c)(3) of title 26.

- (ii) Representatives (selected by the Director of the National Institute of Environmental Health Sciences) from an academic institution, a State government agency, an international regulatory body, or any corporation developing or marketing new or revised or alternative test methodologies, including contract laboratories.

(B) Nonvoting ex officio members

The membership of the SAC shall, in addition to voting members under subparagraph (A), include as nonvoting ex officio members the agency heads specified in subsection (c) (or their designees).

(e) Duties

The ICCVAM shall, consistent with the purposes described in subsection (b), carry out the following functions:

- (1) Review and evaluate new or revised or alternative test methods, including batteries of tests and test screens, that may be acceptable for specific regulatory uses, including the coordination of technical reviews of proposed new or revised or alternative test methods of interagency interest.

- (2) Facilitate appropriate interagency and international harmonization of acute or chronic toxicological test protocols that encourage the reduction, refinement, or replacement of animal test methods.

- (3) Facilitate and provide guidance on the development of validation criteria, validation studies and processes for new or revised or alternative test methods and help facilitate the acceptance of such scientifically valid test methods and awareness of accepted test methods by Federal agencies and other stakeholders.

- (4) Submit ICCVAM test recommendations for the test method reviewed by the ICCVAM, through expeditious transmittal by the Secretary of Health and Human Services (or the designee of the Secretary), to each appropriate Federal agency, along with the identification of specific agency guidelines, recommendations, or regulations for a test method, including batteries of tests and test screens, for chemicals or class of chemicals within a regulatory framework that may be appropriate for scientific improvement, while seeking to reduce, refine, or replace animal test methods.

- (5) Consider for review and evaluation, petitions received from the public that—

- (A) identify a specific regulation, recommendation, or guideline regarding a regulatory mandate; and

- (B) recommend new or revised or alternative test methods and provide valid scientific evidence of the potential of the test method.

- (6) Make available to the public final ICCVAM test recommendations to appropriate Federal agencies and the responses from the agencies regarding such recommendations.

- (7) Prepare reports to be made available to the public on its progress under sections 2851-2 to 2851-5 of this title. The first report shall be completed not later than 12 months after De-

ember 19, 2000, and subsequent reports shall be completed biennially thereafter.

(Pub. L. 106-545, § 3, Dec. 19, 2000, 114 Stat. 2721; Pub. L. 117-286, § 4(a)(235), Dec. 27, 2022, 136 Stat. 4331.)

Editorial Notes

CODIFICATION

Section was enacted as part of the ICCVAM Authorization Act of 2000, and not as part of the Public Health Service Act which comprises this chapter.

AMENDMENTS

2022—Subsec. (d)(1). Pub. L. 117-286 substituted “chapter 10 of title 5.” for “the Federal Advisory Committee Act.”

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 1013 of Title 5, Government Organization and Employees.

Pub. L. 93-641, § 6, Jan. 4, 1975, 88 Stat. 2275, set out as a note under section 217a of this title, provided that an advisory committee established pursuant to the Public Health Service Act shall terminate at such time as may be specifically prescribed by an Act of Congress enacted after Jan. 4, 1975.

§ 2851-4. Federal agency action

(a) Identification of tests

With respect to each Federal agency carrying out a program that requires or recommends acute or chronic toxicological testing, such agency shall, not later than 180 days after receiving an ICCVAM test recommendation, identify and forward to the ICCVAM any relevant test method specified in a regulation or industry-wide guideline which specifically, or in practice requires, recommends, or encourages the use of an animal acute or chronic toxicological test method for which the ICCVAM test recommendation may be added or substituted.

(b) Alternatives

Each Federal agency carrying out a program described in subsection (a) shall promote and encourage the development and use of alternatives to animal test methods (including batteries of tests and test screens), where appropriate, for the purpose of complying with Federal statutes, regulations, guidelines, or recommendations (in each instance, and for each chemical class) if such test methods are found to be effective for generating data, in an amount and of a scientific value that is at least equivalent to the data generated from existing tests, for hazard identification, dose-response assessment, or risk assessment purposes.

(c) Test method validation

Each Federal agency carrying out a program described in subsection (a) shall ensure that any new or revised acute or chronic toxicity test

method, including animal test methods and alternatives, is determined to be valid for its proposed use prior to requiring, recommending, or encouraging the application of such test method.

(d) Review

Not later than 180 days after receipt of an ICCVAM test recommendation, a Federal agency carrying out a program described in subsection (a) shall review such recommendation and notify the ICCVAM in writing of its findings.

(e) Recommendation adoption

Each Federal agency carrying out a program described in subsection (a), or its specific regulatory unit or units, shall adopt the ICCVAM test recommendation unless such Federal agency determines that—

(1) the ICCVAM test recommendation is not adequate in terms of biological relevance for the regulatory goal authorized by that agency, or mandated by Congress;

(2) the ICCVAM test recommendation does not generate data, in an amount and of a scientific value that is at least equivalent to the data generated prior to such recommendation, for the appropriate hazard identification, dose-response assessment, or risk assessment purposes as the current test method recommended or required by that agency;

(3) the agency does not employ, recommend, or require testing for that class of chemical or for the recommended test endpoint; or

(4) the ICCVAM test recommendation is unacceptable for satisfactorily fulfilling the test needs for that particular agency and its respective congressional mandate.

(Pub. L. 106-545, § 4, Dec. 19, 2000, 114 Stat. 2723.)

Editorial Notes

CODIFICATION

Section was enacted as part of the ICCVAM Authorization Act of 2000, and not as part of the Public Health Service Act which comprises this chapter.

§ 2851-5. Application

(a) Application

Sections 2851-2 to 2851-5 of this title shall not apply to research, including research performed using biotechnology techniques, or research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases or impairments of humans or animals.

(b) Use of test methods

Nothing in sections 2851-2 to 2851-5 of this title shall prevent a Federal agency from retaining final authority for incorporating the test methods recommended by the ICCVAM in the manner determined to be appropriate by such Federal agency or regulatory body.

(c) Limitation

Nothing in sections 2851-2 to 2851-5 of this title shall be construed to require a manufacturer that is currently not required to perform animal testing to perform such tests. Nothing in sections 2851-2 to 2851-5 of this title shall be construed to require a manufacturer to perform redundant endpoint specific testing.