



National Association for
Biomedical Research



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CALENDAR

FEDERAL

Animal Welfare Act Enforcement Refresher

Given the questions raised during the last NABR Webinar May 3, “Meet the New Head of APHIS Animal Care,” NABR members may wish to review the [Animal Welfare Act \(AWA\) enforcement process outlined at the USDA APHIS Animal Care website](#). This summary describes the process step-by-step beginning with compliance inspections, identification of any deficiencies with a due date for correction, the investigation of alleged violations if a facility has not taken corrective measures to come into compliance with the AWA and the possible actions which may result. Those enforcement actions are described along with the roles of the research facility, APHIS’ Animal Care (AC) and Investigative and Enforcement Services (IES), and USDA’s Office of the General Counsel.

After reviewing this brief outline, should you have additional questions, please forward to info@nabr.org. There are still some technical issues concerning posting the May 3 webinar to the members only section of NABR’s website. Webinar registrants will be advised by email as soon as it becomes available.

New Iberia Chimpanzees to Retire

Project Chimps, in partnership with the University of Louisiana at Lafayette (ULL), [has announced an agreement to relocate 220 retired research chimpanzees to its new sanctuary in northern Georgia](#).

Project Chimps, a nonprofit organization, and the University’s New Iberia Research Center (NIRC) began negotiating the agreement more than two years ago to resettle the largest population of chimpanzees from a U.S. research center. The NIRC retired its chimpanzees in 2015, prior to reclassification under the Endangered Species Act.

Beginning in June, 10 NIRC-owned chimps will be transported to the Project Chimps 236-acre sanctuary in Blue Ridge, Georgia. All NIRC chimpanzees will be moved in social groups to the sanctuary over the next several years, according to Sarah Baeckler Davis, a Project Chimps founder and its president and chief executive officer. ULL has posted a “[Retired Chimps FAQ](#)” on its website, which addresses many of the misconceptions about how the animals are currently cared for and housed.

The announcement attracted [some media coverage](#) and reactions from national animal rights groups. The [Nonhuman Rights Project, the group seeking legal “personhood” for chimpanzees, appears](#)

[to be satisfied](#) two research chimps formerly located at Stony Brook University, and about which it filed lawsuits in New York, will be among those transferred. [Wayne Pacelle, Humane Society of the United States \(HSUS\) CEO, takes a lot of credit](#) saying, “We’re glad to have played a role at every stage of this process and thankful to all of the advocates who joined us in taking action when we asked.” [People for the Ethical Treatment of Animals \(PETA\) also takes credit](#), and uses the occasion to call for the National Institutes of Health (NIH) to retire federally-owned chimps immediately.

ANIMAL ACTIVISM

Buddenberg Sentenced to Two Years for AETA Violation

Joseph Buddenberg has been sentenced to two years in federal prison for a cross-country fur-industry vandalism and mink-liberation campaign. Buddenberg was previously known as one of the “AETA 4,” after he faced charges in California for alleged illegal activity against researchers in 2008. That [charge, the first under the Animal Enterprise Terrorism Act \(AETA\), was dismissed in 2010](#) for lack of indictment documentation. At his sentencing last week, Buddenberg also was ordered by the federal court to pay restitution of \$398,272. He pleaded guilty in February to a charge of conspiracy to violate the Animal Enterprise Terrorism Act (AETA). A codefendant, Nicole Kissane, pleaded guilty to the same charge and is due to be sentenced in June. She will share in payment of the restitution ordered.

The two were arrested in July 2014, charged with participating in a concerted campaign against the fur industry in the summer and fall of 2013 that totaled some 40,000 miles in covert travel before it was over. The pair’s months-long crime spree in at least 5 states is outlined in this [Los Angeles Times article](#). A Newsweek article, [Animal Activists Are Shouting out Their Crimes Online](#), gives more background on Buddenberg and Kissane, as well as other extremists boasting about their actions anonymously.

PETA Still Recruiting 'Whistleblowers' and Publishing 'Lab Animal Watch'

[People for the Ethical Treatment of Animals \(PETA\) recently published allegations](#) about Harvard Medical School (HMS) animal research based on photos and claims of a so-called “whistleblower” and records obtained under the Freedom of Information Act (FOIA). The group’s website announcement asks

supporters to write to Congress seeking Animal Welfare Act coverage for rats and mice. Another related [blog posting suggests what students can do to oppose](#) animal research on their campus. PETA has relied on “whistleblowers” repeatedly over the years and recruits them online at their “[Be a Hero to Animals in Labs](#)” page.

Also, as previously reported in the NABR Update, PETA maintains a “[Lab Animal Watch](#)” Twitter Feed, which reports recent USDA Animal Care inspection report findings. Although the hashtag does not have many followers (currently only 54), the information listed is shared by others, as it was at this [Syracuse Animal Rights Organization Facebook](#) page.

Jake Conroy on the Road in Europe this Summer

Jake Conroy, who served nearly 4 years in federal prison for his involvement in the Stop Huntingdon Animal Cruelty (SHAC USA) campaign, [is planning another speaking tour](#). He was convicted by a federal jury in 2006 under the federal Animal Enterprise Protection Act (AEPA). His webpage lists the colleges and universities where he has told “his stories of grassroots organizing, government repression, years of federal incarceration, and two decades of experiences to communities in hopes of building new and creative ways of making systemic change.” This summer he will be focusing on Europe, as he did last summer. Conroy is among several speakers from the U.S. due to talk at the [2016 International Animal Rights Conference](#), September 8 – 11, in Luxembourg.

LEGAL

Another Appeal Claims AETA Is Unconstitutional; Two Previous Challenges Failed

In [a 115-page brief](#) filed Monday, Center for [Constitutional Rights \(CCR\) attorney Rachel Meeropol seeks](#) to convince the Seventh Circuit Court of Appeals in Chicago that the Animal Enterprise Terrorism Act (AETA) is unconstitutional. A previous CCR case challenging the AETA as a violation of free speech on behalf of five activists (*Blum v. Holder*) was dismissed by the First Circuit Court of Appeals in 2014. A [request for the U.S. Supreme Court to review that decision was denied](#). CCR also argued the AETA was unconstitutional in defense of Kevin Olliff (aka Johnson) and Tyler Lang. The [federal court in Chicago](#)

[rejected that argument](#), and Olliff and Lang were tried and convicted of AETA conspiracy. They entered non-cooperating guilty plea agreements, which did not waive their right of appeal.

[Court House News Service reports](#) Meeropol said it is irrational to punish nonviolent property damage as terrorism, and her clients have a liberty interest in avoiding being labeled terrorists when they have committed no violent crime. "Designating people who release animals — in order to save them from being killed and made into coats — as terrorists is not only preposterous, it is unconstitutional." "This criminalizes all interstate animal rights advocacy," Meeropol wrote, and "reach[es] a vast amount of protected speech and expressive conduct."

STATE

Illinois Research Facilities Would Be Required to Report Dog and Cat Studies under New Proposal

Illinois State Senator Linda Holmes (D-42) [introduced language](#), as an amendment to [Senate Bill 2356](#), that would add unnecessary and burdensome reporting requirements for research facilities conducting studies involving dogs and cats. Under Senator Holmes' new proposal, all universities in Illinois would have to submit an annual report to the Governor and legislature regarding: the number of dogs and cats used in research; the rationale and appropriateness of the species to the research; a complete description of the use of the animals, including procedures and drugs administered; a description of any euthanasia method used; and finally, financial information for the research, including identities of sources and funders and the dollar amount. If an institution fails to submit this information, it would face a penalty of \$100 per day until the annual report is filed. Senator Holmes also sponsored Senate Bill 2356 (link above), which sought to require public and private research institutions in the state to offer dogs and cats no longer needed in studies for adoption to outside animal rescue organizations. As reported in the last *NABR Update*, SB2356 was defeated in committee by a vote of 5-2 (with 1 voting present). It remains unclear whether Senator Holmes' new language will be considered before the session ends. The legislature is set to adjourn on May 31.

INTERNATIONAL

EC Announces Infringement Procedure against Italy's Restrictive Animal Research Law

The European Commission (EC) opened an infringement procedure against Italy April 28 over the

country's restrictions on animal research. The action was prompted after research institutes there complained new Italian animal research regulations put them at a disadvantage compared to researchers in other Member States where there are fewer restrictions. The Italian government has two months to respond to the EC complaint. In order to resolve the infringement procedure, Italy must ensure that its laws abide by the requirements set out in the [European Directive](#) (2010/63).

Readers may recall, Italy passed a law in 2014 banning the breeding of cats, dogs and non-human primates for research purposes, or conducting even minimally invasive experiments that do not require sedation or pain-killers. The law also bans work in xenotransplantation and studies of drugs of abuse (or addiction?) These [restrictions pose serious problems](#) for biomedical research in Italy, and make it impossible for Italian science to compete with the other European member states.

The [European Animal Research Association \(EARA\) reports](#) the Commission has sent a letter of formal notice to the Italian government, as the first step in the infringement procedure. Earlier this year, EARA's partner organization [Research4Life asked the European Commission](#) on behalf of 37 public and private Italian research institutions for the law to be reassessed. The Commission has informed Italy that its animal research law, legislative decree 26/2014, places "excessive restrictions" on the use of animals for scientific purposes and makes it impossible for Italian science to compete with other European member states.

Belgian Research Organizations Unite in Support of Animal Research

Twenty-one Belgian biomedical research organizations came together in support of important and ethically responsible research in an unprecedented collaboration coinciding with World Day for Laboratory Animals (April 24). Leading biomedical research companies and universities from the three regions in Belgium collectively [published a joint statement to explain the importance of animal research in Belgium](#) and to promote an evolving, open approach with the public. The [European Animal Research Association \(EARA\) initiated](#) and coordinated this collaboration as part of its ongoing efforts to improve animal research communications at the European and national levels. EARA Executive Director Kirk Leech published a [guest column describing the coalition at the Speaking of Research website](#). Additional details are provided in the [UK's Understanding Animal Research press release](#).

ANNOUNCEMENTS

Don't Miss FBR's New and Improved Website

The new Foundation for Biomedical Research (FBR) website is now live. Please go to <http://fbresearch.org/> and check-out the public messages and user-friendly format. If you are not already receiving these updates, [become a subscriber to the FBR Blog](#), a series of easy-to-read and share articles about animal research. Your comments and suggestions are most welcome, so contact FBR and provide your feedback [here](#).

UCLA's Daily Bruin Publishes Positive Op-Ed about Animal Research

When Stop Animal Exploitation Now! (SAEN) or a local animal rights group make public allegations about UCLA animal research projects, the Daily Bruin typically covers the “news” and usually includes a response from the university. Following this year’s annual protest during World Week for Animals in Laboratories, the campus newspaper ran an op-ed column by UCLA undergraduate student [Bekhzod Aliev: Animal Testing Best Option in Absence of Viable Alternatives](#). His is a well-researched and thoughtful opinion, which is worth reading.

Animal Research Successfully Debated in Australia

The Speaking of Research team reports Professor James Bourne, a primate and rodent researcher in Australia, delivered a compelling speech May 3 at the [IQ2 debate](#) put on by [the Ethics Centre](#). In a discussion of whether animal rights should trump human interests, Prof Bourne's speech helped swing over 30% of the audience from agreeing with the proposition to supporting animal research. [The full speech text is provided, with permission, at the Speaking of Research website](#).

On the Lighter Side: John Oliver Takes on Science Reading

Comedian John Oliver has done some pretty great [take-downs in his time](#), but his Last Week Tonight monologue on science studies “really got to the core of one of the biggest problems in science communication,” according to [Science Alert](#). While the subject does not relate to animal research directly, the messages are relevant and much of it is hilarious. The classic question is posed: is coffee going to

cure your cancer, or kill you? Depending on which Facebook link you click on, or which morning show segment you watch, you're going to get a conflicting answer. "And that's a problem, because all those mixed messages can leave people uncertain about what and who to trust," says Oliver. "After a certain point, all that ridiculous information can make you wonder, is science bullsh*t?" He admits . . . "there *is* a whole lot of bullsh*t out there masquerading as science. And science, for all its imperfections, deserves a whole lot better than that." Read the [entire Science Alert review here](#), including links to the original segment on YouTube and [Facebook](#).

New Podcast on Writing the Vertebrate Animals Section of NIH Applications

Proposing the use of animal models in your National Institutes of Health (NIH) grant application? The Office of Laboratory Animal Welfare (OLAW) has a new [podcast](#) on writing the Vertebrate Animals Section in your grant application or contract research proposal. Dr. Patricia Brown, OLAW Director, discusses why this application section is required, what reviewers look for, and more. Check out "Writing Your Vertebrate Animals Section" ([mp3](#) | [transcript](#)) and other [All About Grants](#) podcasts.

Guidance in Lab Animal Protocol Review Column: May Issue

The Guidance section on the NIH Office of Laboratory Animal Welfare (OLAW) website lists updated [Commentary on Lab Animal Protocol Review columns](#). In the May 2016 issue, A Word from USDA and OLAW responds to the topic "A hairy surgery." Download the column here: [Lab Animal 2016; 45\(05\)](#). (PDF) For other topics, please browse the OLAW [Topic Index](#). For additional information, visit [OLAW](#).

CALENDAR

May

11-12 [USDA AWIC Workshop: Meeting the Information Requirements of the Animal Welfare Act](#)
Beltsville, MD

June

1-2 [IACUC 101/301](#)
Dallas, TX
27-30 [30th Annual Charles River Short Course in Laboratory Animal Science](#)
Providence, RI

August

3-4 [IACUC 101/201](#) w/Sanford Research & U of So Dakota
Sioux Falls, SD

