



TODAY'S HEADLINES

September 28, 2016 - Vol. 36, No. 19

FEDERAL

[NIH Workshop Elicits Support for NHP Research](#)

[Senate Approves Stopgap Spending Bill](#)

[APHIS Defines New Terms for Inspection Report Findings](#)

[Bennett and Bailey Address USDA Regulatory FAQs](#)

[NABR's Next Webinar October 11; Participating in the Public Policy Process](#)

ANIMAL ACTIVISM

[PETA Staffer Moves to White Coat Waste Project](#)

[PETA Requests Ob-Gyn Records](#)

LEGAL

[AETA Appeal Reportedly 'Flounders' in 7th Circuit](#)

INTERNATIONAL

[Spain Joins European Movement for Animal Research 'Openness'](#)

ANNOUNCEMENTS

[The Sad Fate of a Former Research Chimp](#)

[Guidance in Lab Animal Protocol Review Column: September Issue](#)

CALENDAR

FEDERAL

NIH Workshop Elicits Support for NHP Research

Prompted by the September 7 National Institutes of Health ([NIH Workshop on Ensuring the Continued Responsible Oversight of Nonhuman Primate \(NHP\) Research](#)), there has been an outpouring of support for such research from scientists around the world. The number of scientists signing the [open letter voicing the importance of primate research](#) published September 14 by The Guardian in the UK, has increased from 400 to 600, including many from the U.S. [Speaking of Research provides](#) more background about how the scientific community has united in defense of research that requires NHP models. In addition, the Foundation for Biomedical Research (FBR) has published [MonkeyResearch.org](#), featuring an authoritative white paper on NHP research endorsed by 9 premier scientific groups and a large format glossy brochure illustrating how far medicine has progressed with the help of primates.

Late last week, the Chicago Tribune published an op-ed on the extensive [benefits of primates in research](#), authored by FBR President Frankie Trull. The piece highlights key milestones in medicine and the significant roles nonhuman primates have, and continue to have, in advancing cures and treatments. Trull states, "Research in nonhuman primates has been essential to the development of cures for everything from polio to forms of cancer. And it's our best hope for cures for modern scourges like Zika, Alzheimer's and Parkinson's... Work with primates comprises less than 1 percent of all animal research. But it's had an outsized impact on medical progress."

Senate Approves Stopgap Spending Bill

The Senate approved passage of a stopgap spending bill this afternoon. The Republican leaders [released text](#) of a spending package (H.R. 5325) to continue funding for most federal agencies through December 9, fund the Department of Veterans Affairs (VA) through the end of FY 2017, and provide emergency supplemental funding for Zika and disaster relief efforts. To ensure the bill adheres to the \$1.067 trillion discretionary spending cap, the text applies a 0.496 percent cut to the 11 appropriations bills in the continuing resolution (CR). The [Zika portion](#) of the package provides \$1.1 billion in emergency supplemental funding to be available through the end of FY 2017. A section-by-section analysis of the CR is [available here](#).

Democrats had objected to the bill until [today's inclusion of funding support for the water crisis in Flint, Michigan](#), which had been a stumbling block. A stopgap must be enacted by Sept. 30 to avoid a government shutdown when the new fiscal year begins October 1. A vote in the House is expected very soon.

APHIS Defines New Terms for Inspection Report Findings

With the advent of the new USDA Animal Care Search Tool, located [here](#), members of the public will now see two terms to better categorize the information on USDA inspection reports – focused inspections and critical noncompliant items, according to an [Animal and Plant Health Inspection Service \(APHIS\) Animal Care stakeholders announcement September 22](#).

USDA Animal Care conducts three types of unannounced inspections of licensees and registrants regulated under the Animal Welfare Act (AWA), pre-license inspections, routine inspections and focused inspections. A focused inspection is an unannounced inspection that, for a variety of reasons, does not cover the entire facility. When USDA inspectors document

noncompliant items (NCIs) on an inspection report, the facility is responsible for correcting them. A direct NCI is a noncompliance that is currently (at the time of the inspection) having a serious or severe adverse effect on the welfare of an animal or has the high potential to have that effect in the immediate future. A repeat NCI is something that was cited on a previous inspection report and should have already been corrected. Although the critical NCI designation was used prior to implementing the new APHIS Animal Care Search Tool, this term will now appear on inspection reports. Examples of critical NCIs are given in the stakeholders announcement.

Bennett and Bailey Address USDA Regulatory FAQs

The [October issue of Lab Animal](#) (subscription required) includes a Policy Watch column by NABR Senior Science Advisor Taylor Bennett and Executive Vice President Matthew Bailey, “Keeping Current with Regulations and Requirements”, addressing issues related to IACUC authority and function as well as oversight of client-owned animals. At a recent NABR webinar, Drs. Elizabeth Meeks and William Stokes of the United States Department of Agriculture (USDA) answered approximately 50 questions submitted by participants. This article covers several of those frequently asked questions because they either provide an opportunity to discuss a new issue, or are fundamental to the understanding of the regulatory process. This article has been reviewed by the USDA representatives and provides additional clarification to responses given during the webinar.

Past recordings of all NABR webinars are [available here](#) on the Association website’s Members Only page.

NABR’s Next Webinar October 11; Participating in the Public Policy Process

Join us Tuesday, October 11 at 12:30 p.m. for NABR’s next webinar, [Participating in the Public Policy Process](#). This webinar will provide attendees with the necessary information to actively participate in the regulatory and legislative processes, offering guidance about how to help shape the environment in which NABR members work. NABR’s program will share an insider’s perspective into Washington that highlights important aspects of policymaking by using recent legislative initiatives and Federal Register notices to demonstrate the importance of participation.

As always, space is limited for NABR’s webinars, so please be sure to [register ASAP to guarantee your spot](#) for: [Participating in Public Policy Process](#). Please [click here](#) to reserve your seat.

ANIMAL ACTIVISM

PETA Staffer Moves to White Coat Waste Project

NABR Update readers will remember that Justin Goodman was the subject of a lengthy and unusual profile in Science chronicling his activist history and work with People for the Ethical Treatment of Animals (PETA): see [“The Insurgent.”](#) Goodman was previously the Washington-based director of laboratory investigations for People for the Ethical Treatment of Animals (PETA), but has now been named Vice President for Advocacy and Public Affairs by the [White Coat Waste \(WCW\) project](#). WCW, founded several years ago, is a single-issue effort focused largely on ending NIH funding of animal research projects. Their stated goal is to [“stop taxpayer-funded animal experiments.”](#)

PETA Requests Ob-Gyn Records

NABR has been informed by a university hospital member that a People for the Ethical Treatment of Animals (PETA) senior laboratory methods specialist recently requested “one copy of all protocols . . . from January 1, 2015 to the present regarding the use of animals for training obstetrics and/or gynecology residents, physicians and nurses.” The written PETA request was said to be pursuant to the state freedom of information law, although the recipient is a private institution not subject to the statute cited.

Should other members have received this or a similar request from PETA, please let NABR know (info@nabr.org) as soon as possible.

LEGAL

AETA Appeal Reportedly ‘Flounders’ in 7th Circuit

Based on the “critical” questions and statements of a three-judge panel at a September 21 hearing, [Court House News reported](#) the appeal of Kevin Johnson’s conviction under the Animal Enterprise Terrorism Act (AETA) “flounders.” Johnson received a three-year prison sentence for attacking a mink farm near Chicago in 2013 ([U.S. v. Johnson](#)). At the hearing, [Rachel Meeropol of the Center for Constitutional Rights \(CRR\)](#) argued on [appeal](#) that such prosecution was unlawful because the AETA was unconstitutional. This argument against the AETA has been made repeatedly by animal rights attorneys. [Four courts, including two federal Courts of Appeal, have found the law constitutional.](#) The U.S. Supreme Court denied a request to review the issues in *Blum v. Holder*.

U.S. Circuit Judge Ann Williams noted she had “a big problem” with the argument. “The definition of animal enterprise is very clear under the statute, and traveling interstate to free 2,000 minks is the kind of crime this statute envisions,” Williams added. After Meeropol claimed the statute was overbroad and might cover throwing a stone through a Whole Foods window or the financial losses allegedly caused by the film “Blackfish”, Judge Williams remained unconvinced. “The statute specifically says that it doesn’t cover expressive activity protected by the First Amendment or lawful economic disruption,” the judge said. The other two federal district court judges on the panel also made comments critical of the appeal. When Meeropol attempted to reiterate her arguments, Court House News said the court “seemed too disinterested to question her further and certainly disinclined to invalidate the statute.”

INTERNATIONAL

Spain Joins European Movement for Animal Research 'Openness'

In an effort launched September 20 by the Confederation of Spanish Scientific Societies (COSCE), the Spanish scientific community has pledged to become more transparent about animal research. [Ninety research centers, universities, scientific societies, and companies](#) in Spain have adopted a set of standards on how research organizations should open up communication channels about their use of laboratory animals. They are joining a growing movement for transparency in Europe. Although animal research is generally accepted in Spain as beneficial, "part of the society is opposed to this type of research or isn't sure about supporting it," Juan Lerma, a professor at the Institute of Neurosciences of Alicante, Spain, who coordinated a COSCE commission on the use of animal research, wrote in the [document](#). The signatories want to help the public better understand the benefits, costs, and limitations of animal research through a "realistic" description of the expected results, the impact on animal welfare, and ethical considerations.

The 15-page "transparency agreement" was created in collaboration with the [European Animal Research Association \(EARA\)](#). Spain follows in the footsteps of the United Kingdom, which put in place a [Concordat on Openness on Animal Research](#) in 2014; Belgium, where [24 research organizations issued a pledge for transparency](#) last April; and Germany, where scientific organizations created a [website to educate the public about animal studies](#) earlier this month. The recent action in Spain as well as the European movement were [reported by Science](#) September 21.

ANNOUNCEMENTS

The Sad Fate of a Former Research Chimp

Following up her letter to the NIH Director regarding the transfer of animals to Chimp Haven published in last month's Lab Animal, American for Medical Progress (AMP) Chair Cindy Buckmaster this month asks, "Hold Gimp in Your Heart, Dr. Collins." ([Lab Animal subscription required](#)). Buckmaster describes in detail the life of one chimpanzee at the Keeling Center in Bastrop, Texas, which lived in a large social group since 1980 with dedicated caretakers. "Gimp," as the chimp was called due to the necessary amputation of a leg soon after he arrived at Bastrop, was a gentle and kind animal. As a subordinate male, he "loved females" and protected "his girls" and "the kids" in his group. However, "everyone and everything he had known for nearly 35 years" was taken when he was transferred to Chimp Haven in December, 2014. In the last step of his slow introduction to a new social group there, "Sweet, vulnerable Gimp, the peacemaker, was attacked savagely by an angry mob of chimpanzees that didn't want him there." The National Center for Chimpanzee Care (NCCC) staff, as the Keeling Center is also known, were devastated. His trainer cried when relating his story to Buckmaster and said, "All I can think about is Gimp lying there after

his beating wondering why we sent him away. I can't get that image out of my head." Buckmaster asks Dr. Collins at the conclusion of her letter, "Please clarify for us what Chimp Haven had to offer Gimp that he didn't already have at the NCCC -- because what he lost is disturbingly clear."

The loss of 9 former research chimps at Chimp Haven is discussed in this [Wired.com article](#). Also, [NCCC efforts to keep the chimpanzee in their care received TV coverage earlier in the year](#).

Guidance in Lab Animal Protocol Review Column: September Issue

In the September 2016 issue of Lab Animal, 'A Word from the U.S. Department of Agriculture and the NIH Office of Laboratory Animal Welfare (OLAW)' responds to the topic "What are the limits of confidentiality for IACUC members?" Download the column here: [Lab Animal 2016; 45\(09\)](#) (PDF). Visit the Guidance section on the OLAW website for updated [Commentary on Lab Animal Protocol Review columns](#). To further explore this and other topics, browse the OLAW [Topic Index](#).

CALENDAR

September

28-29 [IACUC 101/301](#)

Virginia Tech, Roanoke, VA

October

7 [SCAW IACUC Training](#)

Los Angeles, CA

12-13 [USDA AWIC Workshop on AWA Info Requirements](#)

Beltsville, MD

21 [NJABR IACUC 23](#)

Somerset, NJ

26 - 29 [Association of Primate Veterinarians \(APV\) Annual Workshop](#)

Charlotte, NC

30 ASLAP CE Seminar

Charlotte, NC

30- Nov. 3 [AALAS 67th National Meeting](#)

Charlotte, NC

November

11-15 [AAMC Learn Serve Lead 2016](#)

Seattle, WA

12-16 [Neuroscience 2016](#)

San Diego, CA

December

5-6 [SCAW Winter Conference](#)

San Antonio, TX