



July 6, 2017

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## USDA Revises Animal Welfare Inspection Guide

The U.S. Department of Agriculture (USDA) announced late last month that it has revised its [Animal Welfare Inspection Guide](#). In a message to stakeholders the agency stated, “The *Inspection Guide* is a resource that aids our inspectors in their day-to-day work of making sure that entities regulated under the Animal Welfare Act are treating their animals humanely and adhering to all federal regulations and standards.” The document serves as a compliance resource for employees at research facilities and as a tool to prepare for facility inspections. Revisions in the [Inspection Guide](#), as stated in USDA’s email alert, include:

- “Providing specific guidance on using teachable moments to assure consistency [Chapter 2, page 5]
- Identifying critical noncompliant items (items that already have, are currently having, or may soon have a direct impact on the welfare of an animal; or those that affect an inspector’s ability to perform his/her job), which will help us determine the correct frequency of follow-up inspections [Chapter 2, page 9]
- Providing a thorough review of inspection reports and teachable moments, which will help us consistently document our findings while conducting compliance inspections [Chapter 2, pages 22-23; Appendix A, pages 28 and 34]
- Documenting indoor/sheltered/outdoor housing, which will help us to more consistently identify the requirements for different types of animal housing [Chapter 3, page 13]
- Identifying all the types of inspections, which will make it easier to determine if the inspector conducted an inspection of the entire facility or just a particular area [Chapter 3, page 21].”

To read the full *Inspection Guide*, [click here](#).

## 'Beagle Freedom' Bill Passed by Delaware Senate; Session Adjourned Until January

Legislation that would require animal research institutions in the state of Delaware to work with third party adoption organizations to find homes for retired dogs and cats was passed by the full Senate last Thursday by a vote of 19-0. One member did not vote and another was not present for the vote. The bill was passed by the Delaware Senate Committee on Health, Children, and Social Services on June 22.

[Senate Bill 101](#) purportedly would also give institutions the option to use existing adoption programs to place the retired research animals into private homes, an option that already exists. After passing through the Senate, the bill was assigned to the House Health and Human Development Committee.

The Delaware General Assembly ended this year’s legislative session on June 30, which means the bill will not be considered by the House in 2017. However, the bill will carry over into next year’s legislative session for possible consideration beginning in January 2018.

S.B.101 is supported primarily by lobbying efforts from an animal rights organization called the Beagle Freedom Project (BFP). BFP has publicly stated that its mission is to put an end to animal research and testing. To read more about the questionable reputation of BFP, [read this POLITICO article](#). In addition to BFP, the National Anti-Vivisection Society headquartered in Chicago, IL has been circulating grassroots calls for letters in support of the bills.

Similar legislation has been introduced in ten states this year, although none have been signed into law. Bills are still active in Rhode Island and New Jersey with Massachusetts holding hearings on their bills ([H.3232](#) and [H.2454](#)) next week on July 11. James O'Reilly, President of the Massachusetts Society for Medical Research, will be testifying against both bills at the hearings. While the bills are similar in scope, there are also key differences. H.3232 includes a two-year limit for studies involving dogs or cats, and H.2454 broadly defines an animal as a “dog and cat specifically and all other sentient creatures except humans.”

In Illinois, [S.B.1884](#), already passed by the full legislature, is awaiting the Governor's consideration. If you'd like to register your concerns with the Illinois Governor, [you may do so here](#). For information and resources on research animal adoption legislation, [please see NABR's toolkit](#).

## NhRP Again to Appeal for *Habeas Corpus* for Chimpanzees

The Nonhuman Rights Project (NhRP) has declared its intent to appeal a June 8, 2017 verdict, the latest in a string of losses, to the New York Court of Appeals. This latest ruling against the activist group came when the New York Supreme Court declared, once again, that chimpanzees are not “legal persons.”

The ruling addressed three points: first, there were no changed circumstances to support the *habeas corpus* petitions; second, human-like characteristics do not qualify chimpanzees as “persons”; and third, even if *habeas* relief was potentially available to chimpanzees, the two animals at issue would not be eligible.

This case is latest in a series of lawsuits that began in December of 2013 when NhRP began filing claims on behalf of chimpanzees. Thus far, over 18 judges have heard NhRP chimp cases and all have ruled against the group. NhRP released an annotated version of the June 8 decision in which it says it believes the court's decision was incorrect.

One of the primary logical arguments the court relies upon is that chimps do not bear any legal duties and are not held legally accountable for their behavior as humans are. Therefore, the rights and protections afforded by the writ of *habeas corpus* do not apply to chimps as they do humans.

NhRP's annotated version of the decision does not claim there were any legal errors made by the court, only that it disagrees with the court's decision making process and final ruling. An appeal that does not point specifically to an error of law that was material to the outcome of the case is unlikely to be sustained in court.

## WCW Claims NTP's Animal Studies Facilitate Abortions

A [recent article](#) in *The Weekly Standard* written by an advisory board member of the White Coat Waste Project (WCW) alleges that animal research studies through the National Toxicology Program (NTP) facilitate abortions. Researchers at the [NTP](#), a program shared by the National Institutes of Health, Centers for Disease Control, and the U.S. Food and Drug Administration, conduct research in many different areas to protect and advance human health including medicines, technologies such as cell phones, dietary supplements, mold, and pesticide safety. The article focuses on the testing of two substances on NTP's list of animal studies, Black cohosh and Dong Quai, which have traditionally been used to treat menstrual cramps. The group claims that these drugs may also be used to induce “herbal abortions.”

WCW is an animal rights organization that claims government-funded animal research is a waste of taxpayers' money. As reported in previous *NABR Updates*, WCW is currently lobbying for a bill called the Federal Accountability in Chemical Testing (FACT) Act, [H.R. 816](#), which would require any federal agency or institution funded by the federal government to release an animal census of all animals used in toxicological studies.

WCW advisory board member Alyssa Hackbarth [states in the article](#): "The FACT Act will be a first step toward eliminating this kind of waste because it will require NTP and other agencies to publicly report how many animals they use in toxicity testing, and for what purposes. 'Science' shouldn't mean running grotesque and cruel tests of backdoor abortifacients on animals." To read the full article, [click here](#).

## Indiana Health Commissioner Nominated to be Surgeon General

Last week [President Donald Trump nominated](#) Dr. Jerome Adams, MD, MPH, to be the next Surgeon General of the United States. Adams [currently serves](#) as the Indiana State Health Commissioner, where he oversees the Public Health Protection and Laboratory Services, Health and Human Services, Health Care Quality and Regulatory, and Tobacco Prevention and Cessation Commissions. He is also assistant professor of anesthesiology at Indiana University School of Medicine, the same school in which he received his medical education.

His nomination was sent to the full Senate on June 29 and will be considered soon.

## NABR's FY 2016 FOIA Analysis to be Released Monday

Each year, NABR collects Freedom of Information Act (FOIA) requests by animal rights organizations and prepares an analysis of the requests for its members. On Monday, NABR will release its FY2016 analysis via a special *NABR Update*. Please watch your inbox for this exclusive Members-Only product.

## Don't Miss This Exclusive Webinar Opportunity

Have questions about USDA's inspection and reporting process for animal research facilities? Join NABR and the leadership of USDA's Animal Welfare Operations on July 18th for NABR's most popular webinar, [Q&A with the USDA: The Fifth Edition](#), and get these questions answered!

NABR is providing this [exclusive opportunity](#) for members and interested parties to ask questions directly to Drs. Elizabeth Meek and Bill Stokes, the USDA Eastern and Western Region Assistant Directors for Animal Welfare Operations.

Be sure to submit your questions to [info@nabr.org](mailto:info@nabr.org) today!

Questions will be reviewed, formatted and answered in the order they are received. As per our policy, all questions will remain anonymous.

**[REGISTER TODAY](#)**

## FBR Highlighted in UK Magazine

The Foundation for Biomedical Research (FBR) was featured in [a recent article by Research Features](#), a United Kingdom-based magazine focused on communicating science. Matthew Bailey, President of NABR and FBR, was interviewed about the importance of animals in finding cures

and treatments for both humans and animals. In the interview, Bailey [discusses the threat](#) posed by animal rights organizations and NABR's advocacy for the Animal Enterprise Terrorism Act (AETA) in 2006. Before the AETA was passed, animal rights activists committed numerous illegal incidents per year against researchers and their institutions.

Bailey explains in the interview that although illegal incidents have declined in recent years, animal rights groups continue to remain a serious threat for animal research institutions. Activists have changed their tactics by taking advantage of new technologies like social media to elicit fear amongst the public and in turn, elected officials who have the power to restrict or prohibit animal research.

In addition to outlining animal rights threats, the interview focuses on the historically important role animals have played in combatting various diseases, as well as the necessity for animal research in the future. The interview paints a positive picture of biomedical research for readers, which is needed during a time when animal rights activists continue to target research institutions.

To read Bailey's full interview, [click here](#). To learn more about FBR, please visit <https://fbresearch.org/>.