Animal Welfare Institute

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Mr. Joseph Guthrie
Co-Chair, Task Force on Transparency in Publicly Funded Animal Testing Facilities
Virginia Department of Agriculture and Consumer Services
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Richmond, Virginia 23219
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Mr. Paul Smith
Co-Chair, Task Force on Transparency in Publicly Funded Animal Testing Facilities
State Council of Higher Education for Virginia (SCHEV)
101 North 14th Street, 10th Floor James Monroe Building
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Delivered via email: PaulSmith@schev.edu

Dear Chair Guthrie, Chair Smith, and Members of the Task Force:

On behalf of its many members and supporters in Virginia, the Animal Welfare Institute welcomes the mission of the Task Force on Transparency in Publicly Funded Animal Testing Facilities to ensure that the public has access to important information about the use of animals by facilities funded by tax dollars. We would first like to offer our thoughts regarding the information that should be provided, and then address why it is necessary to instruct facilities to provide this information.

I. Recommendations

Based on our many years of experience with the use of animals in research and the many failures to comply with humane care standards and to operate transparently, we would ask that the Task Force recommend that publicly funded research facilities submit the following information to the State Veterinarian annually:

1. The total number of animals (on hand both at the beginning of the reporting period and at the end of the reporting period) used or held, for research, education, testing, or experimental, scientific, or biomedical purposes with such animals identified and grouped according to use and species;

2. The number of animals purchased and/or acquired from, including via transfer or trade with, other animal testing facilities or suppliers, during the preceding calendar year, with

such animals identified and grouped according to species, and including the names and locations of the facilities supplying the animals, and identifying the numbers of each species supplied by each such facility;

3. The number of animals born at the facility during the preceding calendar year, with such animals identified and grouped according to species;
4. The number of animals euthanized, lost, adopted, transferred, traded or sold to other facilities during the preceding calendar year, with such animals identified and grouped according to disposition outcome and species;
5. The number of animals who died unassisted during the preceding calendar year, identified and grouped according to species;
6. The number of animals who experienced adverse events during the preceding calendar year, identified and grouped according to species; where the term "adverse events" means "those unexpected incidents that lead to harm, or endanger the well-being of animals or humans at a research facility."

For the number of animals experiencing adverse events, it would be a further show of good faith for institutions to post the following on their websites:

a) their Inspection Reports, which are produced by USDA and therefore don't require facilities to write their own, and

b) any adverse-event-related communication between institutions and OLAW, e.g., self-reports to OLAW, OLAW's responses, and any other letters of complaint or concern from OLAW to institutions.

7. The dollar amount expended by such facility during the preceding calendar year on activities that involved the use of animals in research, education, testing, experimental, scientific, or biomedical purposes where such dollar amount shall include amounts spent to procure and maintain the animals (including food, housing, veterinary care, administrative costs, animal care technicians, and other related costs) as well as amounts spent during the course of use of the animal.

II. **The need for directing publicly funded research facilities to provide such information has been questioned. We would like to assure the Task Force that such direction is needed.**

1. **There is a lack of transparency at the federal level.** Contrary to claims otherwise, federal requirements are not sufficient to ensure full transparency: (a) approximately 95 percent of the animals used in research—birds, rats, mice, and cold-blooded species—are not covered by the Animal Welfare Act. (b) Although the PHS Policy on Humane Care and use of Laboratory Animals covers all vertebrate species, the numbers reported under PHS rules are only an "approximate average daily inventory," and that information can be acquired only through a costly and time-consuming FOIA process. (c) Canada and

members of the EU report the total number of animals used, the purpose for which they are used, and the severity of the experiments to which they are subjected. This is not the case in the U.S.

2. **Recent changes in reporting were not designed to increase transparency.** For example, the NIH's Advisory Committee to the Director Working Group on enhancing Rigor, Transparency, and Translatability in Animal Research did not, according to its own 2021 report, "propose disclosing animal research numbers a means to facilitate improved transparency."
3. **The public supports—in fact, expects—greater transparency**. In a 2022 public opinion poll, 56 percent of respondents stated they supported state legislation to require laboratories to disclose the number of animals used in research, and testing, the purpose of the experiments, and whether the animals experienced pain and distress. Only 26 percent opposed such legislation.
4. **Contrary to suggestions otherwise, like those put forward by Americans for Medical Progress, enhanced transparency will not "create unintended consequences for biomedical research" nor "jeopardize the ability to explore future scientific questions."** Transparency is just that…It is not a directive to do one thing or another, merely to allow those who are funding the research—taxpayers—access to information. Similarly, enhanced transparency will not "impede the training of the next generation of researchers" nor "adversely impact Virginia's academic, biomedical and biotechnology market sectors." Rather, Virginia will be seen to be on the cutting edge of science and accountability, concepts with which the rising generation of scientists is more in tune, and can become a hub for more forward-thinking research.

Further, contrary to suggestions made by States United for Biomedical Research (SUBR), increased transparency is not likely to cause "well-funded activist groups [to] utilize every opportunity to take data out of context to promote anti-research positions." Firstly, some of those data are already available for those species the public cares about the most (dogs, nonhuman primates) and for all species in many other Western countries. Secondly, while AWI is firmly against any type of violence or attacks against individual researchers, the victim of the second example cited by SUBR admitted that a *lack* of transparency is what led to being targeted and that she has "gotten much better at communicating clearly about the importance of my work, ... We can't expect the public to understand why this work matters, and why it has to be done this way, unless we tell them." Indeed, if the industry is concerned that the Task Force will make "recommendations that create "transparency" without context," then they are welcome to provide the needed context.

We very much appreciate the work of the Task Force and its efforts to engage with the public in that work. Please let me know if we can be of any further assistance.

Sincerely,

Joanna Makowska, PhD
Director & Senior Scientist, Applied Animal Behavior
Animals in Laboratories Program