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The NABR Update is a news summary of federal and state government affairs, animal rights activities, and other issues related to animal research that may have a direct effect on your organization or its constituents. It's an exclusive service available for NABR members only. If your organization is interested in joining NABR or if you have any questions or suggestions, please email us at info@nabr.org.

FEDERAL

USDA Announces Final Rule to Amend Animal Welfare Regulations to Include Birds Not Bred for Use in Research

On Feb. 17, the USDA announced a final rule to establish new regulations and standards governing the humane handling, care, treatment, and transportation of birds covered by the Animal Welfare Act (AWA). The final rule applies to captive birds not bred for use in research.

According to the Animal and Plant Health Inspection Service (APHIS), the final rule will help ensure all birds subject to the AWA are raised and cared for in conditions that ensure their good health and well-being, and that their physical and behavioral needs are met. The rule outlines how entities with regulated birds can obtain a license and the standards they would have to follow.

Current AWA licensees and registrants must comply with this new rule by Aug. 21, 2023. New AWA licensees and registrants must obtain a license and comply with this new rule by Feb. 21, 2024.

The 68-page PDF of the final rule is available [here](#). The majority of the document consists of background information and information on comments received and the

decision the agency made in addressing those comments. The actual language contained in the final rule begins on page 59 and much of what is there refers to required language changes necessitated by the issuance of a new rule that included adding a new Subpart G - Specifications for the Humane Handling, Care, Treatment, and Transportation of Birds to Part 3-Standards.

Some items of note in the final rule are the definition of “Bred for use in research means an animal that is bred in captivity and used for research, teaching, testing, or experimentation purposes.” Also, “poultry” was added to the definition of farm animal. §2.31 (d)(1)(ix) was amended to read: “Major operative procedures on animals, other than rodents and birds will be conducted only in facilities intended for that purpose which shall be operated and maintained under aseptic conditions. Non-major operative procedures and all surgery on rodents and birds do not require a dedicated facility but must be performed using aseptic procedures.”

Much of the language in Subpart G is analogous to what is in place in Subparts A, B, C, D & F but there are requirements unique to housing birds such as: “safety doors, entry/exit doors to the primary enclosure that is double-door, or other equivalent systems designed to prevent the escape of the birds.” Like Subpart F the new Subpart G does not include prescriptive space requirements for the animals.

Of particular note is the language in §3.154 Environment enhancement to promote psychological well-being: “Dealers, exhibitors, and research facilities must develop, document, and follow a species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds. The plan must be approved by the attending veterinarian and must be in accordance with the regulations in this subpart and with currently accepted professional standards as cited in appropriate professional journals or reference guides.” As you will see in NABR’s comments on the ANPR on enrichment, we are recommending this language in the event a proposed rule on enrichment for all regulated animals is forthcoming.

[APHIS Posts Investigative and Enforcement Services Annual Enforcement Data Reports](#)

On Feb. 15, APHIS posted the fiscal year 2022 enforcement activity report. The report

provides information about enforcement efforts in the areas of biotechnology, agricultural quarantine inspection, animal and plant health, and animal welfare and horse protection.

APHIS' Investigative and Enforcement Services (IES) investigates alleged violations of the statutes and regulations administered by Agency programs. The FY 2022 data is presented in the same format as the previous year and is designed to provide stakeholders with a broad view of the Agency's efforts to promote compliance with regulations to protect American agriculture.

The FY22 enforcement summary data can be reviewed [here](#).

Dr. Angelina Williams Joins the Office of Laboratory Animal Welfare (OLAW) Office of the Director

Dr. Angelina Williams recently joined OLAW at the Office of the Director. *Dr. Williams is a Lieutenant Commander in the U.S. Public Health Service. She earned her Doctor of Veterinary Medicine (DVM) degree from Tuskegee University College of Veterinary Medicine and her Master of Public Health (MPH) degree from the University of Texas Health Science Center. Upon completion of her veterinary degree, Angelina was a general veterinary practitioner in her hometown of Houston, Texas. She later completed a Comparative Medicine veterinary residency at the University of Rochester Medical Center and has worked as a laboratory animal veterinarian for over 12 years in academia, industry, and zoological settings. Dr. Williams is a Diplomate of the American College of Laboratory Animal Medicine.*

OLAW Seeks Comments on Proposed Guidance for Reporting Noncompliance

In response to the requirements of the [21st Century Cures Act](#), OLAW committed to reviewing and revising the guidance for reporting noncompliance. The proposed revisions are now available for public comment through a Request for Information (RFI). The final guidance will be published along with a new webpage once comments have been considered. OLAW expects institutions to comply with when [NOT-OD-23-034](#) until the new guidance is finalized.

More information is available [here](#).

The link to submit a comment can be found [here](#).

Extension Granted: Advanced Notice of Proposed Rulemaking (ANPR): USDA's Animal and Plant Health Inspection Service (APHIS) Seeks Public Comment – Environmental Enrichment

On Jan. 6, 2023, APHIS published a press release requesting public comments on standards for handling captive wild and exotic animals, as well as strengthening environmental enrichment for all regulated species. Previously, NABR along with several other organizations filed a request to extend the original March 10 date for comments to May 5.

NABR has been made aware that an extension has been granted. NABR now encourages members to file comments. Please feel free to use our letter as a template or simply submit a comment supporting NABR's response.

NABR's draft comments are available [here](#). The link to file a comment can be found [here](#).

STATE

New Jersey Research Animal Adoption Bill Introduced

On Feb. 9, New Jersey state Sen. Vin Gopal introduced a bill requiring dogs, cats, and ferrets used in testing to be offered for adoption. This legislation would also require the establishment of procedures for the assessment and disposition of animals and establishes penalties for noncompliance.

Bill text is available [here](#).

Illinois General Assembly - Protecting Dogs and Cats from Unnecessary Testing Act

Illinois state Sen. Linda Holmes recently introduced a bill titled Protecting Dogs and Cats from Unnecessary Testing Act.

This bill:

- Prohibits a testing facility from conducting a canine or feline toxicological experiment in the State, except for certain specified purposes.

- Provides that the prohibition does not apply to testing or experimentation conducted for the purpose of developing, manufacturing, or marketing any product intended for beneficial use in dogs or cats.
- Provides that the Attorney General or a State's Attorney in the county in which a violation occurred may bring an action in the name of the People of the State to enforce the provisions of the Act.
- Contains a severability provision.

If this bill became law, it would become effective immediately.

More information on this legislation can be found [here](#).

ANNOUNCEMENTS

Lasker Foundation Launches 2023 Essay Contest

The Lasker Foundation recently launched its 2023 Essay Contest, accepting submissions now through March 31, 2023.

This career- and resume-building opportunity is open to medical students, interns, residents, doctoral and postdoctoral fellows in the biomedical sciences, and grad students training in health professions.

Now in its 10th year, this Essay Contest is sponsored by the prestigious [Lasker Foundation](#), home of the U.S. top biomedical research prize for 75+ years. Each year, the contest attracts several hundred talented, early-career medical students, researchers, and trainees; invites them to hone their science communications skills; and awards several winners up to **\$5,000** for educational expenses.

This year's essay contest theme is: *Ethical issues are not always easy to identify. Describe an unanticipated ethical issue you have encountered, or you have seen colleagues encounter, during your training and the strategies used to address it.*

The 800-word essays are due March 31, at 2 p.m. EDT.

Detailed guidelines and stories on past winners can be found [here](#).

NABR's April Webinar: "Why IACUCs Are Not – And Should Not Be Allowed to Become – Ethics Committees."

Please join us on Tuesday, April 25 at 12:30 p.m., as Jerrold Tannenbaum returns to

our webinar series with a presentation titled: “Why IACUCs Are Not – And Should Not Be Allowed to Become – Ethics Committees.”

This presentation will examine one of the most significant – and potentially dangerous – recent developments facing the future of biomedical research. An increasing number of IACUCs, professional associations, commentators, and government regulators are advancing the view that IACUCs should assess the ethical appropriateness of animal research projects. Advocates typically express this view by calling IACUCs “ethics committees,” a term that has proved appealing to so many in the research community that few appear to appreciate its implications.

The presentation will explain the history of the classification of IACUCs as ethics committees, beginning with declarations by Congress in enacting the 1985 amendments to the Animal Welfare Act and the Health Research Extension Act that IACUCs should not be ethics committees. We will examine how and why key members of the research community and government have strayed from Congress’ original intent, with calls for IACUCs to engage in so-called “harm-benefit analysis” and in the assessment of the scientific merit of research projects with the aim of ensuring appropriate animal welfare.

The presentation will discuss why IACUCs are not qualified to engage in such scientific merit assessment, harm-benefit analysis, or ethical evaluation of animal research generally. We will explore why turning IACUCs into ethics committees would make it impossible for IACUCs to do what they do best, would impede serious consideration of ethical issues in animal research, and would threaten continuing progress in animal research itself.

If you have not heard Jerry speak, you are in for a treat. If you have heard Jerry speak, you are also in for a treat – although one that will raise several challenging and difficult questions.

The registration link is available [here](#).