

November 4, 2019

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## **NEW NEAVS FOIA Fishing Expedition**

As previously reported by NABR, the New England Anti-Vivisection Society (NEAVS) has drastically increased its FOIA use by hundreds of requests per month. These FOIA requests are an effort to obtain information about institutions working with animals in research. In addition to the substantial increase in FOIA requests at the federal level, the group has increased its usage of state open records laws. NABR encourages members to stay vigilant and be aware of requests regarding animal research that may impact your institution.

Numerous NABR members have reached out to share requests filed by NEAVS specifically seeking Animal Plant and Health Inspection Service (APHIS) forms and communications and all documentation and images from necropsy files. The majority of requests look nearly identical. An example of NEAVS' recent State Open Records Request can be viewed: [here](#).

NABR strongly recommends working with your institutional legal counsel before attempting to answer any incoming request. If you require NABR's assistance, please email [info@nabr.org](mailto:info@nabr.org) or call 202-857-0540.

## **NIH to Retire Alamogordo Chimpanzees in Place**

The National Institutes of Health (NIH) Director, Francis Collins, issued a statement regarding the retirement of the agency's aging Alamogordo Primate Facility (APF) chimpanzees. The full statement can be read here: <https://www.nih.gov/about-nih/who-we-are/nih-director/statements/statement-nih-chimpanzees-alamogordo-primate-facility>.

According to the NIH statement, "a panel of NIH veterinarians, independent of the three primate facilities, Chimp Haven, and the NIH Chimpanzee Program, evaluated the remaining 44 APF chimpanzees and advised NIH that it would be a serious risk to the chimpanzees' health to move them." According to this determination, the remaining chimpanzees will be retired in place.

NABR President Matthew Bailey [applauded](#) this decision in a statement saying, "The National Association for Biomedical Research (NABR) is pleased that NIH leadership has decided not to move the 44 chimpanzees housed at the Alamogordo Primate Facility to a different location. The NIH's decision is in the best interest of these elderly and frail animals. The chimpanzees will live out their days in Alamogordo, where they have comfortable indoor/outdoor living conditions in primadomes that allow them to climb and swing, and where they have forged close bonds with their caretakers and social groups. NABR applauds the NIH for taking a leadership role in the well-being of the Alamogordo chimpanzees, which have contributed significantly to the medical community's understanding of disease."

*Speaking of Research* [wrote an excellent post](#) in response to the NIH statement that challenged federal chimpanzee sanctuary Chimp Haven to provide the public with evidence and data about the health and well-being of the animals under their care.

## **WCWP and Rep. Roybal-Allard Continues Attack on NIH's Primate Research**

As many NABR Update readers will recall, White Coat Waste Project (WCWP) and People for the Ethical Treatment of Animals (PETA) supporter Rep. Lucille Roybal-Allard (D-CA) [helped push report language](#) in the Labor-HHS FY2020 Appropriations Bill targeting non-human primate (NHP) research at the National Institutes of Health (NIH). This appropriations bill, among many others, are currently being debated in Congress.

Meanwhile, Rep. Roybal-Allard has continued to focus on the issue by sending a letter to NIH Director Francis Collins stating she is disturbed by the increased use of NHPs in certain research projects while arguing for "alternatives." The full letter can be viewed here: <https://blog.whitecoatwaste.org/wp-content/uploads/2019/10/Royball-Allard-letter-to-NIH-Collins-followup-FY20-report-language-10.17.19.pdf>.

The WCWP recently filed a [complaint with the NIH](#) regarding the National Primate Research Centers (NPRCs) to “*request an investigation into violations of federal spending transparency law by all seven taxpayer-funded National Primate Research Centers (NPRC). The violations in question relate to wasteful and cruel primate tests funded by NIH grants totaling \$118 million.*” You can read the full WCWP post about the NPRC complaint here:

<https://blog.whitecoatwaste.org/2019/10/30/caught-red-handed-top-taxpayer-funded-monkey-abusers-violate-cost-transparency-law/> and <https://www.washingtonexaminer.com/news/national-institutes-of-health-fails-to-correct-pattern-of-violating-spending-transparency-law-on-government-animal-tests>.

## **PACT Act Passes U.S. House of Representatives; Senate Prognosis Unclear**

On October 22, the U.S. House of Representatives passed H.R. 724, also known as [Preventing Animal Cruelty and Torture \(PACT\) Act](#) by voice vote. This bill seeks to revise and expand the criminal provisions with regard to creating or distributing animal crushing videos. Containing explicit exemptions for biomedical research, this bill currently does not have any negative effect on animal research.

A list of all cosponsors is available here: <https://www.congress.gov/bill/116th-congress/house-bill/724/cosponsors>. The bill has been sent to the Senate as [S. 479](#), though it is less likely to move as quickly in the Senate, if at all. You can read NABR’s full bill summary here: <https://www.nabr.org/wp-content/uploads/2019/02/PACT-Act-Analysis-2019s-Final.pdf>.

## **National Review Piece Examines Animal “Personhood” and Advocates Human Exceptionalism**

The Nonhuman Rights Project (NhRP) has long been leading the legal charge in seeking animal "personhood" status within the American legal system. Thus far, the group has been met with little success after having filed numerous cases in recent years.

In a *National Review* commentary, Wesley J. Smith, a senior fellow at the Discovery Institute's Center on Human Exceptionalism, argued that the idea of *human* personhood is being thoroughly pilloried. Smith stated that the legal standard is, and should remain human exceptionalism.

The full piece can be read here: <https://www.nationalreview.com/corner/lawsuit-to-declare-elephant-a-person/>

## **Republican Members of Congress Seek Answers on Fetal Tissue in Animal Models**

A group of 69 lawmakers are demanding that the Trump administration provide them more information about fetal tissue use in animal models as part of federally-funded biomedical research projects. The lawmakers in question [drafted a letter](#) to Health and Human Services Secretary Alex Azar which directly referenced an August [Washington Examiner op-ed](#) by White Coat Waste Project (WCWP) Board Member Alyssa Canobbio Hackbarth. This comes on the heels of a [June announcement](#) by the National Institutes of Health (NIH) that the agency would no longer approve any new projects using fetal tissue acquired from selective abortions, although it did not stop existing research or prevent researchers from seeking other funding.

## **PETA Targets DOJ on Animal Use**

People for the Ethical Treatment of Animals (PETA) penned a [letter](#) to the Department of Justice (DOJ), asking them to stop using animals for “cruel and deadly” medical training exercises. The letter refers to live tissue training as a “superior and more cost-effective human simulation model.” Reps. Ted Lieu (D-CA) and Matt Cartwright (D-PA) have also expressed concern about the training exercises.

## **NIH Working Group on Enhancing Reproducibility and Rigor Update**

The National Institutes of Health (NIH) has updated their website to reflect the charge and make-up of the Advisory Committee to the Director (ACD) Working Group (WG) on enhancing reproducibility and rigor in animal research.

Per the NIH, “the ACD Working Group will be charged with assessing and making recommendations to enhance the reproducibility and rigor of animal research by improving experimental design, optimizing translational validity, enhancing training, and increasing the transparency of research studies involving animal models.”

No word has been given about whether the meeting will be open to the public or video-cast.

The full posting can be viewed here: <https://acd.od.nih.gov/working-groups/eprar.html>

## **Stephen Hahn, MD Nominated for FDA Commissioner**

Stephen Hahn, oncologist and chief medical executive at MD Anderson Cancer Center in Houston, has been [nominated](#) by President Trump for the position of Food and Drug Administration (FDA) Commissioner. Dr. Hahn’s nomination still needs to be confirmed by the Senate. Acting Commissioner Norman Sharpless is expected to [return](#) to the National Institutes of Health (NIH) to continue running the National Cancer Institute (NCI).

## **Sudip Parikh Selected to Lead AAAS**

The American Association for the Advancement of Science (AAAS), has [announced](#) that Sudip Parikh will be leading the organization as chief executive officer and executive publisher of the *Science* family of journals beginning next year. Parikh will succeed Alan Leshner, who served as interim CEO following Rush Holt’s retirement in September 2019.

## **SAEN Lawsuit Against USC**

In June 2019, Stop Animal Exploitation Now (SAEN) [filed](#) a lawsuit against the University of Southern California (USC) which they [say](#) “has a pattern and practice

of subjecting animals to needless suffering and unnecessary cruelty.” USC lawyers have stated in court papers that SAEN “lacked standing to bring the suit because there was no demonstration that its interests were harmed.” The case was brought to the Los Angeles Superior Court Judge Dennis Landin who issued a statement stating that “the complaint needs details and should be amended.” SAEN has 20 days from the issuing of the court’s statement last Thursday.

## **Washington Examiner Pits PETA against Science in Lab Animal Transportation Piece**

A recent editorial in the [Washington Examiner](#) calls out the People for the Ethical Treatment of Animals (PETA), for targeting biomedical research and public health by preventing the transportation of laboratory animals. The commentary acknowledges the scientific community’s push back against this effort via NABR’s [legal complaint](#) with the Department of Transportation and explains that the most serious ramifications will come at the expense of public health. Read the commentary and share here: [Washington Examiner](#).