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Under Secretary Cathie Woteki  
Research, Education, and Economics  
U.S. Department of Agriculture  
Jamie L. Whitten Building, Room 332A  
1400 Independence Avenue SW  
Washington, DC 20250

Dear Under Secretary Woteki:

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA), thank you for the opportunity to comment on the Animal Handling and Welfare Review Panel's (ARS-AHWR) report on their visit to the U.S. Meat Animal Research Center (USMARC). After the *New York Times* revealed a long history of needless animal suffering at the USMARC, the ASPCA urged the USDA to take steps to investigate and remedy the cultural and institutional problems afflicting the facility. While we appreciate the panel's efforts, its investigation and recommendations for correcting the problems at the USMARC fall considerably short.

First, while we commend the panel for recognizing that the USMARC's Institutional Animal Care and Use Committee (IACUC) was dysfunctional, AHWR's recommendations for correcting this failure are inadequate. The review panel observed that the IACUC members were not fully informed or knowledgeable of their duties and expectations. As a result, research protocols at the USMARC have not been properly reviewed to ensure minimal animal pain and distress. The report makes clear that the USMARC's IACUC did not know what its job was, did not adequately review or oversee animal research to ensure that it was humane, and did not meet regularly to discuss animal welfare. Though the Agricultural Research Service (ARS) issued a policy in 2002 requiring all ARS research facilities to establish a functioning IACUC, the report demonstrates that the ARS did not enforce this policy. Nor was the policy sufficient to inform the USMARC management of the duties and expectations of an IACUC.

**The ASPCA recommends that the USDA a) mandate that all USDA-funded agricultural animal research complies with the Animal Welfare Act (AWA) and b) put oversight measures in place to ensure accountability for compliance with this policy.**

While the USDA is only now taking up the issue of animal welfare at its research facilities, it is a half century behind other branches of the federal government. The Public Health Service (PHS)—which consists of the National Institutes of Health, the Food and Drug Administration, the Center for Disease Control, and several other government agencies funding reputable research—requires that all institutions or grant recipients comply with the Public Health Service Policy on Humane Care and Use of Laboratory Animals. That policy extends the protections of the Animal Welfare Act (AWA) to all vertebrate animals used in government-funded research, regardless of exemptions in the AWA. The PHS also has the Office of Laboratory Animal Welfare, an office devoted to welfare compliance and oversight of animal research. The PHS adopted this policy voluntarily in the 1960s, well before Congress mandated action.

In contrast, ARS does not have proper controls in place to ensure animal welfare. The ARS's current policy directive 635.1—and its total lack of enforcement mechanisms—have not prevented cruelty at USDA research facilities. The shortcomings in oversight and accountability noted by the panel could easily be responsible for the abuses reported in the *New York Times*. All research approved by USMARC's improperly functioning IACUC should be discontinued until ARS corrects these issues.

**The ASPCA recommends that all ongoing research at the USMARC be suspended until research protocols have been reviewed by a knowledgeable and experienced IACUC to ensure that studies do not cause unnecessary suffering.**

Finally, the panel's report did not respond to the allegations of egregious cruelty in the *New York Times* article. Though the panel concludes that the USMARC's IACUC was functioning improperly, that is where accountability ends. Inexplicably, the report finds that despite all the systemic and widespread flaws in procedure and accountability, no suffering has resulted from the complete lack of structure for welfare oversight. Moreover, it is not surprising that the panel did not directly observe cruelty during its one-week investigation. The panel made an announced visit to the USMARC more than one month after a damning front page exposé revealed a culture of shocking indifference toward animal suffering at the facility. The parameters of the investigation were designed to let the USMARC off the hook. The USDA must address the allegations of cruelty directly and investigate in earnest.

**The ASPCA recommends that the USDA's Office of Inspector General conduct a meaningful investigation of the allegations at the USMARC and at other ARS facilities to ensure that cruelty is not occurring elsewhere within USDA.**

The AHWR's report barely scratches the surface. It does not exonerate the USDA from responsibility for the cruelty revealed in the *New York Times* or the indifference toward humane oversight within the agency at large. We urge the USDA to demonstrate that animal welfare is a priority by adopting the requirements of the Animal Welfare Act for all USDA agricultural research, halting research at the USMARC, and conducting a meaningful investigation into the episodes of cruelty reported at USMARC.

Thank you very much for your consideration.

Sincerely,

Deborah Dubow Press

A handwritten signature in blue ink that reads "Deborah Dubow Press". The signature is written in a cursive, flowing style.

Director of Regulatory Affairs