



Science Directorate

June 21, 2006

Regulatory Analysis and Development,
PPD, APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

RE: Docket No. APHIS-2005-0118 (Vol. 71, No. 82 *Fed.Reg.* 25100-25102)

Dear APHIS Staff:

The Committee on Animal Research and Ethics (CARE) of the American Psychological Association (APA) submits these comments on the proposed changes to the Animal Welfare Act Regulations requiring the use of shift cages for handling certain species. (Docket No. APHIS-2005-0118). As a standing committee of the APA, representing a membership of over 150,000 researchers, educators, clinicians, consultants, and students, committed to the humane treatment of laboratory animals for over 75 years, CARE has been involved in developing and regularly updating guidelines for the humane care and treatment of nonhuman animals in research. Because research with laboratory animals is an integral component of the science of behavior, APA has strongly supported the efforts to improve laboratory animal welfare while ensuring that proposed policies or regulations do not compromise scientific research.

CARE supports the efforts of APHIS to lessen the risk of injuries to human and non-human animals as well as to ensure safe transport of animals that are potentially dangerous. The proposed rule, however, appears to be written primarily with exhibitors

750 First Street N.E.
Washington, D.C. 20002-4242
Tel: (202) 336-6000; (202) 336-6123 TDD
Fax: (202) 336-5953

Email: science@apa.org
Web: <http://www.apa.org>

and performing animals in mind, without taking into account the unique use of animals in controlled research environments. We are very concerned that application of the proposed rule to research facilities would be unnecessarily narrow and quite burdensome. Therefore, CARE urges that research facilities be explicitly exempted from the requirements of this proposed rule.

Movement of animals in research environments typically is performed by trained animal care and research personnel within secure facilities, and every effort is made under current guidelines that the movement of animals does not involve significant risk to human and non-human animals alike. At research institutions, specific procedures for animal handling and movement are governed at the institutional level by standard operating procedures overseen by a veterinary staff. Protocol-specific procedures are reviewed and overseen by the Institutional Animal Care and Use Committee (IACUC). These procedures are monitored rigorously through frequent reviews of the facility, programs, and research protocols by both internal and external mechanisms.

The proposed rule would require that movement of nonhuman primates in research facilities be performed using shift cages. Exceptions to this requirement would require prior written request and written approval from the Animal Care regional office for each alternative method employed before implementation. It is important to note that alternate transfer methods, such as direct cage-to-cage transfer, chemical immobilization, and pole-collar systems, have been used safely and effectively to move nonhuman primates in U.S. facilities for many years. It is often the case that these methods represent the most appropriate and safe means for transporting nonhuman primates, and frequently are highly critical components to ongoing programs of research.

In addition to disruption of research and potentially increasing risk to human and nonhuman animals, conversion to a shift-cage-only policy would entail significant capital expenditures and potential disruption of research. We believe that the cost estimates

used in the Executive Order 12866 and Regulatory Flexibility Act analysis have ignored the financial impact of full conversion to shift cages in the research setting. Moreover, we believe that these cost estimates also have seriously underestimated the paperwork and recordkeeping burden associated with seeking and obtaining prior APHIS permission to continue using professionally acceptable alternative transfer methods.

In summary, while acknowledging the need to ensure animal and public safety during transfer, we believe that the proposed rule requiring the use of shift cages (or written APHIS approval for each specific alternative method used) is unnecessary, unduly burdensome to the research environment, and would not improve upon current practices to a significant degree. We strongly urge APHIS to explicitly exempt research facilities from the requirements of this proposed rule.

Sincerely,

APA Committee on Animal Research and Ethics

Nancy K. Dess, PhD (Chair)

Steven I. Dworkin, PhD

Robert Lickliter, PhD

Mary W. Meagher, PhD

James K. Rowlett, PhD

David A. Washburn, PhD