August 1, 2011

The Honorable Michael F. Doyle  
House of Representatives  
Washington, DC 20515

Dear Representative Doyle,

On behalf of the American Physiological Society, I urge you to withdraw your support from the Pet Safety and Protection Act of 2011 (HR 2256). This bill, intended to eliminate Class B dealers as a source for research dogs and cats, would undercut current efforts by the National Institutes of Health (NIH) to accomplish the same goal.

NIH has already initiated a plan to replace Class B dealers as a source of research animals without disrupting valuable biomedical research. Although licensed and inspected by the USDA, Class B dealers have been the focal point of much controversy. In 2009, the Institute for Laboratory Animal Research (ILAR), which is part of the National Academy of Sciences, released a report on Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research. The report found that there is continuing scientific need for large, mature, and genetically diverse dogs, which have only been available in significant numbers through Class B dealers. At the same time, the panel concluded that despite the USDA’s oversight efforts, the agency could not guarantee that the animals would be obtained legally and treated humanely. Consequently the panel recommended that new sources of comparable animals be found for NIH-funded biomedical research.

In response, NIH has undertaken an initiative to cultivate new suppliers of dogs of the appropriate size, age, and genetically diversity. The agency has contracted with Class A breeders to ramp up production so that they can supply 1,000 such dogs annually by 2015. At that time, NIH plans to fully ban the use of grant funds to procure dogs from Class B dealers. This will remove the humane concerns associated with Class B dealers while ensuring that the science can go forward.

I have provided a copy of NIH’s announcement of this program and the expected transition away from Class B dealer dogs by 2015. I urge you not to undermine the agency’s efforts by supporting legislation that would interfere with this transition.

Sincerely,

Joey P. Granger, Ph.D.  
President  
The American Physiological Society
Guidance on the NIH Plan to Transition from the use of USDA Class B Dogs to Other Legal Sources

Notice Number: NOT-OD-11-055

Key Dates
Release Date: March 18, 2011

Issued by
National Institutes of Health (NIH)

Purpose
The National Institutes of Health is implementing a plan to phase out the allowance of using funds to obtain dogs for NIH-supported research from USDA Class B vendors and limit funds to obtaining dogs used for research to other legal sources. This transition plan is in accordance with the recommendations of the Institute for Laboratory Animal Research (ILAR) report Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research (2009) http://dels.nas.edu/Report/Scientific-Humane-Issues/12641

BACKGROUND
Many medical advances that enhance the lives of both humans and animals originate from animal studies. The types of animals used in research are chosen for their biological similarity to humans in areas such as anatomy, physiology, and genetics. This research can lead to insights into how to prevent, treat, and cure human diseases. Often the treatments developed for humans can also be used to improve the health of animals.

All animals used in federally funded research are protected by laws, regulations, and policies to ensure the smallest possible number of subjects and the greatest commitment to their comfort. Fulfilling these protections is a collaborative effort between NIH, federally supported scientific investigators, and research institutions. The majority of dogs used in biomedical research are either “purpose-bred” for research by USDA Class A vendors, or bred and raised in privately owned research colonies. Some research dogs, however, commonly referred to as “random source” dogs, are procured from USDA licensed Class B dealers. These dealers acquire dogs from random sources such as individual owners, small hobby breeders, dog pounds and animal shelters.

The public and Congress have expressed concern about the humane treatment of animals acquired for use in biomedical research, particularly of “random source” dogs. In FY2008, the NIH Appropriations language asked the NIH to “seek an independent review by a nationally recognized panel of experts of the use of Class B dogs…in federally supported research to determine how frequently such animals are used in NIH research and to propose recommendations outlining the parameters of such use, if determined to be necessary.” (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2008 (S. 1710) Referenced in the Consolidated Appropriations Act 2008, P.L. 110-61 signed 12/26/2007.)

The scope and timeline for the requested report were discussed with the National Academy of Sciences (NAS) in early 2008 and an award was made to conduct the study in June 2008. In May 2009 representatives from the NAS met with NIH staff and delivered the study report Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research. The report made a number of recommendations and concluded that it is desirable to assure continued access to animals with random source characteristics, e.g., large, mature, tractable, and socialized. However, this access can be accomplished with existing alternative mechanisms other than through USDA Class B dealers and can be assured with additional effort.

TRANSITION
To facilitate the transition from USDA Class B to other legal sources of dogs, NIH is implementing an aggressive acquisition plan to develop a USDA licensed commercial Class A vendor to breed dogs possessing the same characteristics as those previously acquired from USDA Class B dealers, namely large, mature, socialized out-bred hounds or mongrels. Under this pilot project, a limited number of dogs with these characteristics will be acquired and made available at no charge to NIH supported investigators with a demonstrated scientific need. A limited number of animals will be available in Fiscal Year 2011, as part of the 3-5 year pilot project, allowing for the potential need to expand breeding colonies and the forecasted time necessary to breed, wean, socialize and raise animals to a size and age required for selected research purposes. NIH Program Officers will be contacting grantees over the next 48 months regarding participation in the pilot project. Initially, dogs will be made available
to test the maturation and socialization programs for these animals, as well as consistency with phenotypic characteristics sought in previously procured USDA Class B animals. During this transition period, NIH will closely monitor the pilot project to ensure that scientifically appropriate animals in adequate numbers will ultimately be available for NIH-supported researchers.

NIH strongly encourages awardees that use or are considering acquisition of dogs from USDA Class B dealers for use in NIH supported research to begin identifying and acquiring dogs from other legal sources. It is anticipated that no later than 2015, NIH will fully implement a new policy prohibiting the procurement of dogs from USDA Class B dealers using NIH grant funds.

**IMPLEMENTATION**

A successful pilot project will allow NIH to fully implement the recommendation of the Institute for Laboratory Animal Research report Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research (2009) that:

“Although random source dogs … represent a very small percentage of animals used in biomedical research, this small number is not commensurate with their potential value, and it is desirable to assure continued access to animals with random source qualities. This access can be accomplished with existing alternative mechanisms other than Class B dealers and can be assured with additional effort.”

The precise implementation date of a new policy prohibiting the procurement of dogs from USDA Class B dealers using NIH grant funds will be determined following the pilot and announced in the NIH Guide. The policy will limit the use of grant funds to research only utilizing dogs from USDA Class A dealers, or approved legal sources other than USDA Class B dealers.

**Inquiries**

General inquires about this change may be directed to:

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Other legal sources include Class A vendors, privately owned colonies (e.g. NCI-supported intra-institutional existing colonies, or colonies established by donations from breeders or owners because of genetic defects such as bleeding disorders) or client owned animals (e.g. animals participating in veterinary clinical trials.)

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