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Animal Welfare Act

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Association of American Medical Colleges  
Association of American Universities

Pharmaceutical Manufacturers Association

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HOWELL HEFLIN  
ALABAMA

United States Senate

WASHINGTON, DC 20510-0101

April 16, 1993

The Honorable Mike Espy  
Secretary of Agriculture  
Department of Agriculture  
14th Street and Independence Ave., S.W.  
Room 220-A  
Washington, D.C. 20250

Dear Mr. Secretary:

I am very concerned about a recent court decision by District Judge Charles Richey in regard to the Animal Legal Defense Fund case. I would like to encourage USDA to consider appealing the aforementioned ruling.

The new USDA regulations and standards affecting animal health and safety are balanced and progressive. These regulations were developed over a six year period and are based on science with input from other governmental agencies, the animal right's community and the biomedical research community. In the absence of clear scientific information on which to base requirements for dog exercise and the psychological well-being of primates, choosing to set performance standards seems to be the only appropriate choice. The performance based standards clearly meet the letter and the spirit of the Animal Welfare Act.

I have heard from numerous animal researchers in my state who are concerned about the detrimental ramifications the Animal Legal Defense Fund case will have on biomedical research. Other U.S. governmental agencies and the biomedical community have already spent millions of dollars to comply with these carefully crafted regulations. To further change these regulations would add additional costs to both industry and the government. Your personal attention and consideration in regard to USDA's appeal of this case would be greatly appreciated.

Sincerely,



Howell Heflin

cdp

CHARLES W. STENHOLM  
17TH DISTRICT  
TEXAS

COMMITTEES:  
BUDGET

AGRICULTURE

CHAIRMAN OF SUBCOMMITTEE  
ON DEPARTMENT OPERATIONS  
AND NUTRITION

DEMOCRATIC DEPUTY WHIP

Congress of the United States  
House of Representatives  
Washington, DC 20515

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March 9, 1993

The Honorable Mike Espy  
Secretary  
United States Department of Agriculture  
Administration Building, Room 200A  
14th and Independence Avenues, SW  
Washington, D.C. 20250

Dear Mr. Secretary:

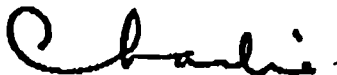
I am writing in regard to the recent decision handed down by District Judge Charles Richey in the Animal Legal Defense Fund case and suggest USDA's consideration of an appeal.

The new USDA animal welfare regulations and standards are progressive and extremely important to research facilities and the animals involved in research and should be preserved. Their development process, although necessarily long, was careful, thorough and by the book. In the absence of clear, scientific information on which to base requirements for dog exercise and psychological well-being of primates, choosing to set performance standards seems to be the only appropriate approach. Performance standards are designed to ensure animals are healthy, comfortable, unstressed and behaviorally normal. This outcome surely meets the letter and the spirit of the Animal Welfare Act.

I am told the current animal welfare regulations are working very well and actually have caused real progress in meeting the needs of the laboratory animals. This result, as well as the record the Department created in this regulation process, certainly should persuade the appeals court. Letting the Richey opinion stand would not only be detrimental to research, but would not seem to improve animal welfare.

I realize you have no shortage of problems, but this is a matter that will have serious consequences for all concerned if the Department does not take action. Thanks for your consideration and please let me know if I can be of further assistance to you. With kind regards, I remain

Sincerely,



Charles W. Stenholm  
Chairman

Robert G. Petersdorf, M.D.  
President

ASSOCIATION OF  
AMERICAN  
MEDICAL COLLEGES

2450 N STREET, NW  
WASHINGTON, DC 20037-1126  
TELEPHONE (202) 828-0460

March 19, 1993

The Honorable Mike Espy  
Secretary  
United States Department of Agriculture  
Administration Building, Room 200 A  
14th Street and Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Mr. Secretary:

As President of the Association of American Medical Colleges (AAMC), I am writing to urge the U.S. Department of Agriculture (USDA) to appeal the decision made February 25, 1993 by District Court Judge Charles R. Richey in the case of Animal Legal Defense Fund et al v. The Secretary of Agriculture et al.

As the national representative of the 126 accredited U.S. medical schools, over 400 teaching hospitals and 89 academic and scientific societies, the AAMC has a long-held interest in the appropriate care and use of animals in research. The AAMC closely analyzed earlier USDA regulatory proposals for their impact upon animal care activities and concluded that their overly prescriptive design standards were arbitrary, not scientifically defensible, and not conducive to the objective of optimizing the humane care and treatment of laboratory animals.

The AAMC concurred instead with the regulatory approach ultimately adopted by USDA, which incorporated to some extent performance standards, i.e., where appropriate, the rule targeted desirable outcomes that could be achieved within an appropriate range of institutional approaches. Indeed, institutions must be accorded some level of flexibility if they are to be able to respond to a changing research environment and to unique local circumstances. This is a concept underscored in the National Institutes of Health Guide for the Care and Use of Laboratory Animals. The Guide, which has long served as the primary source document on information for the humane handling, housing, and transportation of laboratory animals, clearly states that "professional judgment is essential" in the application of its principles.

The AAMC strongly disagrees with Judge Richey's assertion that USDA's current approach does not provide adequate standards. Its regulatory framework still contains many standards and provides ample oversight of institutional activities. All plans developed by institutions for meeting the exercise requirements of dogs and

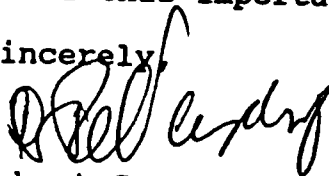
The Honorable Mike Espy  
March 19, 1993  
page 2

the psychological needs of primates are submitted to USDA for careful review. Plans that are inadequate or do not appear to promote the objectives set forth by USDA can be so identified and corrected. In addition, institutional plans can evolve to accommodate new scientific information concerning animal needs in a more expeditious fashion than can be accomplished through modification to excessively detailed regulation.

With these facts in mind, I urge you to appeal Judge Richey's decision and to do whatever is reasonable and necessary to preserve the existing performance-based standards. If you need any additional information or have any questions, I would invite you to contact my staff in the AAMC's Division of Biomedical Research, or alternatively to contact the National Association of Biomedical Research.

Thank you for your consideration of this important issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. G. Petersdorf", written over the word "Sincerely,".

Robert G. Petersdorf, M.D.  
President

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at Urbana-Champaign

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March 7, 1993

The Honorable Mike Espy  
Secretary  
United States Department of Agriculture  
Administration Building, Room 200A  
14th Street and Independence Avenue, SW  
Washington, DC 20250

Dear Mr. Secretary:

I urge the Department of Agriculture to appeal the decision made February 25, 1993 by District Court Judge Charles R. Richey in Animal Legal Defense Fund, et al. v. The Secretary of Agriculture, et al. This decision invalidates important provisions of the animal welfare standards finalized on February 15, 1991 (9 C.F.R. Part 3) and directs the Department of Agriculture to promulgate new regulations in accord with the court's order.

As (former) chair of the Animal Research Committee of the Federation of Behavioral, Psychological and Cognitive Sciences, ex-officio liason to the American Psychological Association Committee on Animal Research Ethics and member of the Society for Neuroscience Committee on Animal Research, I was intensely involved in commenting upon and otherwise helping to formulate these regulations. My experience as a researcher includes 30 years of work with animals ranging from rodents to primates, and my research has focused specifically and extensively upon the effects of the environment in which an animal is housed upon its behavior, its brain physiology and anatomy, and its exhibition of physiological signs of stress or distress. I believe that the regulations as finally drafted were particularly sensitive to and accommodating of the real physical and psychological needs of the various species. The decisions made, for example, recognized the fact that different species, while closely related genetically, may have quite different needs, due to their physical and psychological characteristics. In addition to input from those trained in animal behavior like myself, veterinarians with extensive experience in animal health were involved in making this decision. This is not something that a person at all familiar with these issues would even debate.

If it is not overturned on appeal, this decision is likely to adversely affect both the cost of research and the quality of laboratory care for dogs and primates. The presiding judge exhibited a profound lack of understanding of the issues when he wrote "The Defendants later argued that minimum provisions would not take into account any

The Texas Veterinary Medical Center  
College of Veterinary Medicine  
Texas A&M University

Office of the Dean

March 9, 1993

The Honorable Mike Espy, Secretary  
United States Department of Agriculture  
Administration Building Room 200A  
14th Street and Independent Ave. Southwest  
Washington, D.C. 20250

Dear Mr. Secretary:

My apologies for directing this to you but in the absence of other departmental staff, it is important that this issue be brought directly to your attention. As you know, the USDA's responsibilities for research animals is of critical importance to the nation.

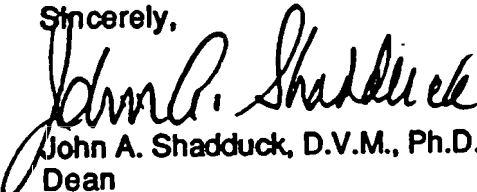
My purpose in writing is to urge the Department of Agriculture to appeal the decision made on February 25, 1993. A District Court Judge, Charles R. Richey, in the case "Animal League Defense Fund, et. al. versus the Secretary of Agriculture et. al." This judicial decision sets aside portions of the animal welfare standards which were finalized on February 15, 1991, (9C. F. R. Part III). The order directs the department to promulgate new regulations.

The current regulations were compiled after considerable thought and study. The regulations were promulgated to provide maximum wellbeing for the research animals while at the same time recognizing the extraordinary differences in research facilities around the country. The current regulations also recognize the fact that "absolute" or "minimum" standards can not be developed based on scientifically definable parameters. Thus, the department (wisely in my opinion) recognized that considerable flexibility was required in order to provide appropriated housing and exercise for research animals.

I urge that you appeal this court ruling and maintain our existing performance-based standards. I would be happy to provide additional information as would the Texas Society for Biomedical Research or the National Association for Biomedical Research.

Thank you for your attention to this matter.

Sincerely,

  
John A. Shadduck, D.V.M., Ph.D.  
Dean

pah  
c.

Senator Robert Kruger  
Senator Phil Graham  
Congressman Joe Barton  
Congressman Jack Field  
Bob Kennedy



College Station, Texas 77843-4461 • 409-845-5051





Thomas  
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Office of Animal Resources

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March 12, 1993

The Honorable Mike Espy  
Secretary  
United States Department of Agriculture  
Administration Building, Room 200 A  
14th Street and Independence Avenue, SW  
Washington, DC 20250

Dear Mr. Secretary:

In the absence of other departmental staff, this matter of critical importance to the nation's research facilities must be brought directly to your attention.

I urge the Department of Agriculture to appeal the decision made February 25, 1993 by District Court Judge Charles R. Richey in Animal Legal Defense Fund, et al. v. The Secretary of Agriculture et al. This decision sets aside portions of the animal welfare standards finalized on February 15, 1991 (9 C.F.R. Part 3). The Department has been directed to promulgate new regulations in compliance with the Court's order.

In adopting the existing performance-based animal welfare standards, the Department wisely decided that flexibility is necessary for research facilities to best care for their laboratory animals. After careful deliberation, USDA correctly recognized that the valid scientific information necessary to adopt exact requirements appropriate for every individual animal, in every research setting, does not exist. Based on currently available scientific data, the "minimum requirements" the court wants established for all dogs or non-human primates would be very minimal indeed. Animal well-being is much better protected under the individualized written plans which USDA now requires each research facility to produce, follow and update as better information regarding animals' needs become known.

As a veterinarian responsible for the welfare of laboratory animals in our research institution I have seen the improvements resulting from performance-based standards. The personal involvement of animal caretakers, veterinary technicians and investigators in the welfare of the animals and in providing novel suggestions for environmental enhancements have been noteworthy. The inflexibility of engineering standards stifles personal creativity and interest and is counter productive to what I believe congress intended in the Animal Welfare Act.

Please do whatever is necessary to preserve our existing performance based standards. Should you or your staff need additional information or have any questions, please call upon me or the National Association for Biomedical Research.

Thank you for your consideration of this important issue.

Sincerely,



Peter L. Jepsen, D.V.M.  
Director, Office of Animal Resources

PLJ:lc

cc: Senator Arlen Specter  
Senator Harris Wofford  
Congressman Thomas M. Foglietta  
Congressman Lucien Blackwell  
Congressman Tim Holden