



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 8 2011

The Honorable Frank D. Lucas
Chairman
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As requested by the Food, Conservation, and Energy Act (Farm Bill) of 2008, I am writing to provide a report on the actions taken by the U.S. Department of Agriculture (USDA) in carrying out section 14216 of the Farm Bill, "Consideration of Proposed Recommendations of Study on Use of Cats and Dogs in Federal Research." This provision deals with Class B dealers who sell dogs and cats for research purposes. Under the Animal Welfare Act (AWA), Class B random source cat and dog dealers may obtain their animals from shelters, pounds, and other unlicensed sources.

The National Institutes of Health (NIH) commissioned the National Academies to assemble a committee of experts (committee) to examine this issue. On May 29, 2009, the Institute for Laboratory Animal Research released a prepublication copy of its report titled, "Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research;" the final report was released in April 2010. The report focused only on "the desirability/necessity of random source dogs and cats from Class B dealers for NIH-funded research (not for other purposes, such as teaching, veterinary research, or research by industry)." As required under section 14216, the Animal Care program of USDA's Animal and Plant Health Inspection Service (APHIS), which is responsible for administering and enforcing the AWA, reviewed this report and the recommendations contained therein. The Farm Bill directed USDA to report on how these recommendations can be applied within the Department to ensure that such dogs and cats are treated in accordance with the regulations. In addition to issues outlined in the NIH study, we recognize there are concerns about the use of Class B random source animals in general, and discuss those broader issues later in the report.

The report focused on determining recommendations for new or revised scientific parameters to guide the use of Class B dogs and cats in NIH-funded research if such animals are deemed necessary for research. The committee determined that "although the number of random source dogs and cats used in research is small and declining, they represent an important but relatively small asset to biomedical research." As the report mentions, APHIS acquisition/disposition

records (November 2007-November 2008) for random source Class B dealers indicate that only about 2 percent of the dogs and cats obtained from such dealers were sold to Federal facilities like NIH. The majority of these animals—about 90 percent—were sold to academic institutions, such as hospitals, colleges, and universities. The remaining 8 percent were sold to diagnostic and contract laboratories.

The committee also found that while a few NIH-funded studies required animals with characteristics not currently available from Class A breeders (examples included naturally occurring infectious diseases and older or aged animals), alternate avenues are available for filling much if not all of this limited need. The committee therefore determined that Class B dealers are not necessary as providers of random-source dogs and cats for NIH-funded research. NIH is developing an implementation plan to phase out its use of animals currently obtained from Class B random source dealers and has indicated that it will need at least several years to find alternative sources of animals. USDA supports the committee's conclusions that the use of dogs and cats from Class B random source dealers for Federally-funded research may no longer be necessary once alternative sources are identified and established.

Regarding the larger issue concerning the continued use of random source dogs and cats in research by both Federal and non-Federal entities, I must emphasize that, while USDA is responsible for ensuring the humane treatment and legal acquisition of research animals, the AWA does not authorize USDA to limit or otherwise prohibit the use of animals for any type of research or other regulated activity. Currently, there are eight random source Class B dealers licensed under the AWA; five of these dealers are under investigation by APHIS for possible violations of the Farm Bill. It is true that APHIS invests significant Agency resources to enforce the AWA with regard to these entities; random source Class B dealers are inspected at least quarterly, while the average Class A dealer is inspected annually. However, barring eyewitness evidence, it is extremely difficult to definitively prove a case that a lost or stolen animal has entered research channels via the Class B random source dealer system. Accordingly, although APHIS will continue to be diligent in its enforcement of the AWA with regard to these dealers, it is not possible to provide 100-percent assurance that lost or stolen pets do not enter research laboratories.

In September 2010, the Government Accountability Office (GAO) published a report titled, "USDA's Oversight of Dealers of Random Source Dogs and Cats Would Benefit from Additional Management Information and Analysis." In the audit, GAO was asked to determine (1) the number of random source Class B dealers; (2) the extent to which APHIS conducts inspections of these dealers and verifies their records; and (3) the costs associated with APHIS' oversight of these dealers compared to other types of dealers. GAO recommended that USDA (1) improve its analysis and use of the traceback information it collects for random source Class B dealers and (2) develop a methodology to collect and track the oversight costs of each class of dealer and others APHIS inspects. USDA agrees with GAO's recommendations and is working to address the issues raised in the report. In addition, APHIS is implementing an action

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Thomas J. Vilsack
Secretary



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 8 2011

The Honorable Collin C. Peterson
Ranking Member
Committee on Agriculture
U.S. House of Representatives
2211 Rayburn House Office Building
Washington, D.C. 20515

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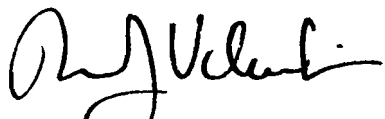
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Thomas J. Vilsack
Secretary



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

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The Honorable Debbie Stabenow
Chair
Committee on Agriculture, Nutrition, and Forestry
United States Senate
133 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairwoman Stabenow:

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The Honorable Pat Roberts
Ranking Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate
109 Hart Senate Office Building
Washington, D.C. 20510-1605

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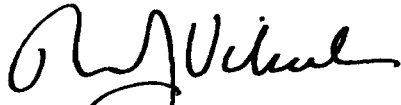
The Honorable Pat Roberts

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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 8 2011

The Honorable Jack Kingston
Chairman
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
U.S. House of Representatives
2362-A Rayburn House Office Building
Washington, D.C. 20515-6016

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Ranking Member
Subcommittee on Agriculture, Rural Development,
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U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515-6157

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Regarding the larger issue concerning the continued use of random source dogs and cats in research by both Federal and non-Federal entities, I must emphasize that, while USDA is responsible for ensuring the humane treatment and legal acquisition of research animals, the AWA does not authorize USDA to limit or otherwise prohibit the use of animals for any type of research or other regulated activity. Currently, there are eight random source Class B dealers licensed under the AWA; five of these dealers are under investigation by APHIS for possible violations of the Farm Bill. It is true that APHIS invests significant Agency resources to enforce the AWA with regard to these entities; random source Class B dealers are inspected at least quarterly, while the average Class A dealer is inspected annually. However, barring eyewitness evidence, it is extremely difficult to definitively prove a case that a lost or stolen animal has entered research channels via the Class B random source dealer system. Accordingly, although APHIS will continue to be diligent in its enforcement of the AWA with regard to these dealers, it is not possible to provide 100-percent assurance that lost or stolen pets do not enter research laboratories.

In September 2010, the Government Accountability Office (GAO) published a report titled, "USDA's Oversight of Dealers of Random Source Dogs and Cats Would Benefit from Additional Management Information and Analysis." In the audit, GAO was asked to determine (1) the number of random source Class B dealers; (2) the extent to which APHIS conducts inspections of these dealers and verifies their records; and (3) the costs associated with APHIS' oversight of these dealers compared to other types of dealers. GAO recommended that USDA (1) improve its analysis and use of the traceback information it collects for random source Class B dealers and (2) develop a methodology to collect and track the oversight costs of each class of dealer and others APHIS inspects. USDA agrees with GAO's recommendations and is working to address the issues raised in the report. In addition, APHIS is implementing an action

The Honorable Sam Farr
Page 3

plan to address concerns contained in an audit issued by USDA's Office of the Inspector General (OIG) in May 2010. Although the OIG audit focused primarily on problematic breeders (and, to a lesser degree, brokers) who sell animals wholesale, the ultimate result of APHIS' actions—which include shifting from an education to an enforcement focus; improving inspector performance; and supporting the closure of regulatory loopholes—is enhanced AWA regulation and enforcement with regard to all licensees and registrants.

I appreciate the committee's interest in this matter. Similar letters are being sent to Congressmen Lucas, Peterson, and Kingston, and Senators Stabenow, Roberts, Kohl, and Blunt.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas J. Vilsack
Secretary



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 8 2011

The Honorable Herb Kohl
Chairman
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
United States Senate
SD-129 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

As requested by the Food, Conservation, and Energy Act (Farm Bill) of 2008, I am writing to provide a report on the actions taken by the U.S. Department of Agriculture (USDA) in carrying out section 14216 of the Farm Bill, "Consideration of Proposed Recommendations of Study on Use of Cats and Dogs in Federal Research." This provision deals with Class B dealers who sell dogs and cats for research purposes. Under the Animal Welfare Act (AWA), Class B random source cat and dog dealers may obtain their animals from shelters, pounds, and other unlicensed sources.

The National Institutes of Health (NIH) commissioned the National Academies to assemble a committee of experts (committee) to examine this issue. On May 29, 2009, the Institute for Laboratory Animal Research released a prepublication copy of its report titled, "Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research;" the final report was released in April 2010. The report focused only on "the desirability/necessity of random source dogs and cats from Class B dealers for NIH-funded research (not for other purposes, such as teaching, veterinary research, or research by industry)." As required under section 14216, the Animal Care program of USDA's Animal and Plant Health Inspection Service (APHIS), which is responsible for administering and enforcing the AWA, reviewed this report and the recommendations contained therein. The Farm Bill directed USDA to report on how these recommendations can be applied within the Department to ensure that such dogs and cats are treated in accordance with the regulations. In addition to issues outlined in the NIH study, we recognize there are concerns about the use of Class B random source animals in general, and discuss those broader issues later in the report.

The report focused on determining recommendations for new or revised scientific parameters to guide the use of Class B dogs and cats in NIH-funded research if such animals are deemed necessary for research. The committee determined that "although the number of random source dogs and cats used in research is small and declining, they represent an important but relatively small asset to biomedical research." As the report mentions, APHIS acquisition/disposition

records (November 2007-November 2008) for random source Class B dealers indicate that only about 2 percent of the dogs and cats obtained from such dealers were sold to Federal facilities like NIH. The majority of these animals—about 90 percent—were sold to academic institutions, such as hospitals, colleges, and universities. The remaining 8 percent were sold to diagnostic and contract laboratories.

The committee also found that while a few NIH-funded studies required animals with characteristics not currently available from Class A breeders (examples included naturally occurring infectious diseases and older or aged animals), alternate avenues are available for filling much if not all of this limited need. The committee therefore determined that Class B dealers are not necessary as providers of random-source dogs and cats for NIH-funded research. NIH is developing an implementation plan to phase out its use of animals currently obtained from Class B random source dealers and has indicated that it will need at least several years to find alternative sources of animals. USDA supports the committee's conclusions that the use of dogs and cats from Class B random source dealers for Federally-funded research may no longer be necessary once alternative sources are identified and established.

Regarding the larger issue concerning the continued use of random source dogs and cats in research by both Federal and non-Federal entities, I must emphasize that, while USDA is responsible for ensuring the humane treatment and legal acquisition of research animals, the AWA does not authorize USDA to limit or otherwise prohibit the use of animals for any type of research or other regulated activity. Currently, there are eight random source Class B dealers licensed under the AWA; five of these dealers are under investigation by APHIS for possible violations of the Farm Bill. It is true that APHIS invests significant Agency resources to enforce the AWA with regard to these entities; random source Class B dealers are inspected at least quarterly, while the average Class A dealer is inspected annually. However, barring eyewitness evidence, it is extremely difficult to definitively prove a case that a lost or stolen animal has entered research channels via the Class B random source dealer system. Accordingly, although APHIS will continue to be diligent in its enforcement of the AWA with regard to these dealers, it is not possible to provide 100-percent assurance that lost or stolen pets do not enter research laboratories.


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The Honorable Herb Kohl
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I appreciate the committee's interest in this matter. Similar letters are being sent to Congressmen Lucas, Peterson, Kingston, and Farr, and Senators Stabenow, Roberts, and Blunt.

Sincerely,



Thomas J. Vilsack
Secretary



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL - 8 2011

The Honorable Roy Blunt
Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
United States Senate
SD-190 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Blunt:

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Thomas J. Vilsack
Secretary