



March 1, 2024

Senate Committee on Education, Energy, and the Environment

RE: Support for SB 761 – An Act Concerning Research Facilities and Testing Facilities That Use Animals - Licensing and Regulation

Dear Committee members,

On behalf of Cruelty Free International, a leading organization working to promote the use of modern non-animal testing methods around the world, I write in support of SB 761.

This bill will help ensure that animals are not used in outdated unnecessary tests when valid non-animal methods are available for ensuring the safety of cosmetics, household products, medicines, vaccines, and pesticides. The bill also prohibits certain particularly cruel and problematic practices such as devocalization and the acquisition of dogs and cats from shelters for laboratory use. Crucially, SB 761 will provide state accountability for the use of animal used in research and testing by requiring the facilities covered by the bill to obtain a license and annually report the number of animals used, the number of dogs and cats released for adoption, and data on their use of animal methods and non-animal alternatives. Finally, the bill creates a state inspection requirement for testing facilities in the state that will aid in ensuring that the minimal protections afforded to animals in laboratories under the federal Animal Welfare Act are being upheld. The state inspection requirement are is paid for through new licensing fees provided in the bill.

Mandating alternatives

Historically, animals have been used in painful tests to assess the safety of many products and medicines used by people. However, in the past 35 years, due to innovations in science, animal tests are increasingly being replaced with non-animal approaches. Modern alternatives are required to go through a rigorous process to demonstrate that they are as or more effective than the animal tests they replace. SB 761 requires the use of alternatives that have been approved for use by the regulatory agencies responsible for regulating the product being tested.

It may be commonly assumed that once a non-animal alternative test is available the animal tests no longer occur, or at least rarely. The reality is that such animal tests can persist and even increase long after the adoption of suitable alternative methods. For example, Cruelty Free International has created a list of 10 regulatory animal tests that are still conducted in the US despite having valid non animal replacements. Such animal tests are long overdue for replacement. SB 761 will identify and what, if any, outdated tests are still being used in Maryland and help to complete the replacement process once and for all, for both scientific and ethical reasons.

Post research placement of dogs and cats.

In the past ten years laws governing post-research placement for dogs (and sometimes cats) have been passed by fifteen US states and federal legislation has been introduced on this issue. However, information on law compliance and the number of animals released for adoption in these states is lacking. Cruelty Free International conducted a review of state laboratory laws and concluded that without specific reporting requirements and publicly available information about research facilities, their adoption policies and availability of adoptable animals, it could be difficult if not impossible, to enforce such laws or to measure their life-saving impact. SB 761 would address this issue by requiring that laboratories in the state report the number of dogs and cats adopted into homes after their time in research has ended.

State Accountability

According to our analysis the most recent data available from the USDA (2021 statistics) Maryland used 42, 850 animals in laboratories in 2021 including 25 cats, 378 dogs, 3,705 rabbits and 8, 657 monkeys. The total number of animals used

in testing in Maryland is likely significantly higher than reported by the USDA, because many animals used in research [rats, mice, birds, reptiles and farmed animals used under certain circumstances] are not regulated under the Animal Welfare Act (AWA) and are therefore not counted or afforded the minimal protections provided by the AWA.

Adequate enforcement of the AWA by the USDA is of considerable concern. A recent article in National Geographic exposed a long history of weak enforcement and a shocking lack of consequences faced by laboratories for even the most serious animal welfare violations under the Act.¹ The article pointed out that even laboratories that receive millions of taxpayer dollars for research, and those with billions in revenues, face penalties so small that the facilities likely consider them merely a cost of doing business. Weak enforcement of the AWA runs counter to long-standing public concern for animals used in laboratories. Indeed, the original AWA was passed in 1966 following massive public outcry over the use of animals in laboratories.

It has become clear that individual states must play a greater role in overseeing activities involving the use of animals in research and testing to meet public expectations for the protection and reduction of animals used in research and testing. SB 761 will help achieve this.

Again, I urge your support.

Sincerely

A handwritten signature in black ink, appearing to read "Monica Engebretson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Monica Engebretson
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Cruelty Free International

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¹ <https://www.nationalgeographic.com/animals/article/toothless-and-paltry-critics-slam-usda-fines-for-animal-welfare-violations>