March 8, 2024

The Honorable Senator Brian J. Feldman
Chair, Education, Energy & the Environment Committee
2 West Wing, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Dear Chair Feldman:

On behalf of the Animal Health Institute (AHI), we respectfully oppose SB 761, which adds unnecessary reporting requirements for testing facilities. AHI is the U.S. trade association for research-based manufacturers of animal health products – the medicines that keep pets and livestock healthy.

The use of animals in testing a broad range of human and animal products has long been a matter of public debate. For several decades, researchers, non-government organizations, industry and regulators have acknowledged the Principle of the 3 R's as guidance in this area. Specifically, the 3 R's refer to:

- Replacing animal use in an experiment as long as adequate alternatives are available.
- Reducing the use of animal experiments and the number of laboratory animals used, while using only as many animals as are needed to obtain a statistically significant outcome.
- Refining the methods and treatment of the animals during the experiments.

The animal health industry is committed to the 3 R's principle and is working with each of the federal agencies that approves/reviews animal health products to increase the adoption of non-traditional test methods. Progress has been made with the U.S. animal health regulatory agencies, and opportunities exist to enhance this progress. For example, the animal health industry has worked with U.S. Department of Agriculture (USDA) on the adoption of in vitro testing methods to replace outdated animal testing methods to test for potency. The animal health industry has also worked collaboratively with the U.S. Food and Drug Administration (FDA) to reduce the need for research animals. The Environmental Protection Agency (EPA) has stated a commitment to the 3 R's principle.

The animal health industry, however, is unique among industries that use animals for research. In animal health, laboratory animals are used in the research and development process. But, since we are making products for use in animals, those products must also be tested on the target animal. The use of animals is required by the regulatory agencies which approve animal health products, including the FDA, EPA, and USDA. While we continue to work on reducing the need for animal testing, some amount will always be required by federal agencies because we are making products to improve the health and welfare of animals.

The Federal Animal Welfare Act governs, among other animals, dogs and cats used in research. The Animal Welfare Act contains 164 pages of USDA regulations governing animal use along with an additional 424 pages that comprise the USDA's Animal Welfare Guide, which is used by the USDA's Animal and Plant Health Inspection Service to inspect facilities which use animals in research. The Animal Welfare Act and USDA regulations require registration and licensing of entities using animals in research, inspections of facilities, and generally govern all aspects of humane care.

USDA requires facilities to submit an annual report that includes the number of animals being bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes; as well as how many animals were used in different categories of research.

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As these reports are already publicly available on USDA's website, it is unclear what problem or goal the legislation attempts to address. The bill would institute an unnecessary administrative burden for testing facilities with no beneficial effect.

We urge the subcommittee to recommend a "no" vote on SB 761. Thank you for your consideration.

Sincerely,

Mandy Hagan
Director, State Government Affairs

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