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March 7, 2024

The Honorable Brian J. Feldman
Senate Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401

Re: Testimony in SUPPORT of S.B. 761, Testing Facilities That Use Animals - Licensing and Regulation

Dear Chairman Feldman, Vice-Chair Kagan, and Members of the Senate Education, Energy, and the Environment Committee,

Thank you for the opportunity to submit written testimony for S.B. 761, a bill that outlines a comprehensive approach to address the use of alternatives and other important issues surrounding animal use in research and testing in Maryland.

Founded in 1883, the American Anti-Vivisection Society (AAVS) is the first non-profit animal advocacy and educational organization in the United States dedicated to ending the use of animals in research, testing, and education. AAVS works with individuals, students and parents, educators, grassroots groups, corporate and government decision makers, and members of the scientific community. We also receive frequent inquiries and communications about the use of animals in research and testing, and we know that Americans are concerned and care about what happens to animals behind closed laboratory doors.

Based on the traditional assumption that animals respond the same way that humans do when exposed to certain products, unknown numbers of animals are subject to tests assessing the safety of cosmetic, personal care, household products, chemicals, medical devices, and their component ingredients. Exposed to substances that can cause a variety of reactions, including burning, vomiting, and seizures, animals are forced to endure enormous suffering, often with little pain relief. Animals in labs are also kept in sterile, stressful environments that cause them to develop abnormal physiological and behavioral responses, which, despite increasing recognition that such conditions can affect research data, is tolerated because the animals have no voice, and there is no incentive to change.

The Maryland legislature has a chance to model state interests at the intersection of science and animals, and build on legislation passed last year (H.B. 626/S.B. 560) that established a fund to develop non-animal alternative methods, aligning with public expectations. On behalf of our members and supporters, including those in Maryland, I submit this testimony in SUPPORT of S.B. 761, with a focus on three key areas.

Licensing and Reporting

Licensing and subsequent required reporting will protect the public interest and provide much-needed accountability. We know from our interactions with the public that Americans care about animals used in research and testing, and support government regulatory bodies' roles to ensure that animals are

protected and laboratories are held accountable if animals are suffering. Unfortunately, current oversight has not been effective since the only mechanism is via the federal Animal Welfare Act (AWA), which excludes an estimated 93% of animals actually used in labs because it contains exemptions. States have a legitimate interest, and S.B. 761 will offer an important layer of accountability and protection for animals.

There are 32 laboratory facilities in Maryland registered with the U.S. Department of Agriculture (USDA), which enforces the AWA. However, there are likely more animal labs operating without USDA oversight because they use vertebrate animals not covered by the AWA, like mice, rats, and fish. S.B. 761 would require private facilities to be licensed and to report their animal use.

S.B. 761's reporting requirements will provide the public and non-governmental organizations with more information about animal use in research and testing in Maryland, the assurance that alternatives to their use were considered, and that those violating the law will face penalties.

Additionally, preparing an annual report containing all required data will help give a view into the use of animals in research and testing in Maryland, providing state government and legislators with clear information about what is occurring within its borders.

Prioritizing Non-Animal Methods

An important component of S.B. 761 is the requirement to use alternative test methods instead of animals in toxicological testing, or if an alternative is not available, to use the fewest number of animals possible and cause the least amount of suffering. There are several reasons to advocate for the use of alternatives instead of animals in research and testing, including concerns over animal welfare, reliability of the science, and the availability of non-animal testing methods.

Besides the obvious welfare implications, differences between animals and humans also cast doubt on the validity of any results obtained using animals. As a result, animal-based testing methods continue to fail legitimate human needs, while new discoveries in the field of alternatives have led to new and improved techniques that do not involve live animals. For example, the Food and Drug Administration (FDA) has reported that approximately 90 percent of new drugs, green-lighted in animal studies, fail in human clinical trials. Even within the same species, disparities can be found among different sexes, breeds, age, and weight ranges. However, alternatives can use human cells and tissues, producing study data that is directly applicable to human conditions.

Researchers have made tremendous progress developing alternatives in recent years and we are just beginning to reap some of the exciting scientific rewards. For example, recognizing the promise of microphysiological systems (including organs-on-chips or organelles) for drug development, the National Institutes of Health has announced funding to establish research centers to accelerate the translational use of this new technology. Additionally, the FDA Modernization Act 2.0 gives the FDA authority to consider new drug applications without requiring animal testing, relying instead on human-relevant, non-animal methods, which again indicates the accelerating importance of these technologies.

Requiring facilities to act and report on their use of alternatives to replace animals, not only helps with keeping facilities accountable, but it will also provide a way to measure upward trends in alternatives use. Because there has been a lag in the uptake of alternative methods, it will be important to spur more interest in using alternatives. Excellent resources and training are available, including the Animal Welfare Information Center's free training (<https://www.nal.usda.gov/about-us/events/awic-workshop>) on the use of alternatives and alternatives searches. Motivating a shift towards alternatives use could also accelerate innovation at testing facilities in Maryland.

Special Consideration for Dogs and Cats

AAVS strongly believes that all animals used in research and testing need and are entitled to humane care and treatment and beyond what is provided under the federal Animal Welfare Act. However, we recognize that the public has a special concern for dogs and cats, because those are the animals they know the best. That concern was amplified following national media coverage of the serious welfare issues uncovered at the Envigo dog breeding facility in Virginia in recent years, causing the close of that location.

Dogs are often used in toxicity studies to test the safety of drugs and industrial chemicals. Most dogs used in research are bred in laboratories or by private companies that sell strictly to labs. Dogs can be bred to be pathogen-free or genetically manipulated in an attempt to simulate human disease.

Animal testing is generally recognized to be costly and time-consuming, and increasingly, producing test results that are neither appropriate nor applicable to humans. Fortunately, people do not have to choose between inflicting pain and suffering on animals and establishing the safety of products.

For more information about animal testing and the evolution of alternatives, please refer to our 2019 issue of the AV Magazine, "Chemical Testing on Animals: Driving Change" at https://issuu.com/aavs/docs/av-mag_2019_issue1.

S.B. 761 offers reasonable solutions to offer dogs, cats, and other animals utilized in research facilities protection from inhumane treatment. AAVS strongly supports this legislation and urges the Senate Education, Energy, and the Environment Committee to give S.B. 761 a favorable report.

Sincerely,



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