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### **Proposed Rules on Standards of Care for Chimpanzees Held in the Federally Supported Chimpanzee Sanctuary System**

These comments are submitted as the collaborative work of the New England Anti-Vivisection Society, Fauna Sanctuary, Save The Chimps (formerly Center for Captive Chimpanzee Care), Center for Great Apes, Laboratory Primate Advocacy Group, Primate Rescue Center, Chimpanzee and Human Communication Institute, The Humane Society of the United States, and In Defense of Animals in response to the National Institutes of Health's notice of proposed rulemaking regarding the standards of care for chimpanzees in the federal sanctuary system. The above organizations collectively represent more than 8.7 million Americans.

We are aware that in most cases the federal sanctuary system will be receiving chimpanzees bearing psychological and emotional scars from years in a laboratory. In addition, many will likely be in poor health or at least somewhat compromised from previous use in multiple and varied research. Many of our comments are made with this in mind.

#### **I. Opening Statements**

A. We support language in **Sec. 9.6 Animal Care, Well-being, Husbandry, Veterinary Care, and Euthanasia**, which consider the psychological and behavioral well-being and social needs of all chimpanzees transferred from laboratories. Any sanctuary for chimpanzees formerly housed in laboratories must, wherever feasible, prioritize the needs of the individuals over those of the institution in order to fully promote health and well-being. A sanctuary must be more than just an enriched laboratory environment and allow, as well as encourage, chimpanzees to express their individual and innate behaviors to the greatest degree possible. Years of institutionalization coupled with the continual threat of discomfort and fear or suffering from biomedical or intrusive behavioral research has taken a toll on chimpanzees not unlike the toll that prolonged institutionalization takes on humans. Retirement facilities must be prepared to deal with this aspect of care and must be required to have a program for the re-socialization of the chimpanzees.

B. We support the proposed regulations which recognize that social interactions and group dynamics are a key aspect of chimpanzee quality of life. Every effort should be made to minimize disruptions in social or family groups. This regulation should include the requirement that no chimpanzee who formerly lived in a group should be sent to a

federal sanctuary without members of his/her social group. If an individual chimpanzee requires retirement because of ill health or is no longer psychologically fit enough to tolerate more work in protocols, or because of his/her previous research use, or because they are considered "surplus" at their facility, then compatible family or group members must be transferred into sanctuary as well.

C. We support minimizing disruption through staff stability. Allowing chimpanzees to remain in a stable environment with a minimum of intrusions and disruptions is essential to well-being. In addition to keeping the chimpanzees' social structure intact it is also important that they maintain stable human interactions. In addition, volunteer staff should not be allowed contact with any chimpanzees until after a six month trial period and only if the volunteer agrees to commit to regular involvement. If they do not, volunteers should be restricted to areas outside of actual chimpanzee contact.

### **1. Sec. 9.9 Facility Staffing (f) Behaviorist**

The proposed regulations state:

*The Behaviorist(s) must be qualified through training and experience. The person must have formal training in one of the behavioral sciences and experience working with and observing nonhuman primates, or have developed expertise through at least four years of experience working with chimpanzees;*

We believe that the behaviorist's required experience must also include working specifically with nonhuman primates doing introductions and forming social groups. Should the behaviorist be unsuccessful in attempts to socialize particular individuals, it is recommended that they consult with chimpanzee experts from outside of their facility who are experienced in re-socialization.

In the interests of facilitating socialization, the behaviorist should be granted access to the donating institution before the transfer occurs so that they can observe the incoming chimpanzees and speak to individuals that have cared for them.

### **2. Sec. 9.9 (c) Personnel**

The proposed regulations state:

*Animal care personnel must be properly trained or experienced in providing care for the chimpanzees. Caregivers must have experience or be trained in the daily care of chimpanzees, including husbandry, enrichment techniques and observation for illness. Personnel must be familiar with regulations, guidelines and policies that relate to their duties, including basic emergency care. The Sanctuary must provide for formal or on-the-job training to facilitate the effective implementation of a high-quality and humane care program for the chimpanzees. The Sanctuary CEO is responsible for assuring that staff hired to care for the chimpanzees have a working knowledge of the physiological and behavioral needs of chimpanzees. A formal training program for new employees shall be developed and implemented. The*

*Sanctuary shall develop a mechanism to document employee-training activities that include chimpanzee biology, husbandry, behavior, signs of well-being vs. illness or maladaptation, zoonoses, and enrichment and socialization techniques, among other relevant subject areas. Training must be documented and available for review by regulatory, accrediting, and other agencies with a need to know;*

Consistent with Sec. 9.9 is the need for all sanctuary facilities to establish criteria for the hiring of care staff that includes more than just a requirement for experience in physical responsibilities. Sanctuaries within the federal system must develop a means to assess potential staff sensitivity to the emotional/behavioral and social needs of the chimpanzees. Individuals without prior experience who demonstrate maturity, intelligence and a sincere commitment to working with chimpanzees should also be considered as appropriate candidates.

A personnel manual must outline not only job responsibilities, benefits and applicable law, but clearly articulate what would be considered violations of their responsibilities to the chimpanzees in the area of psychological/behavioral care as well as physical care. This list must identify the violation and the course of action the sanctuary will take depending on the severity of the violation. This list should include a prohibition against: a) using power hoses as a means of routine control b) taunting or provoking aggression or fear c) depriving or neglecting needs as means of punishment and d) inflicting pain, injury or stress for any reason.

All personnel should be required to attend a minimum of twice yearly trainings with nationally recognized chimpanzee experts regarding meeting the psychological/behavioral as well as physicals need of the chimpanzees and receive on-going supervision as needed.

D. We support language in **Sec. 9.6 Animal Care, Well-Being, Husbandry, Veterinary Care and Euthanasia** that emphasizes minimizing the use of physical and chemical restraint **Sec. 9.6 (7)**

## **II. Recommendations Concerning Veterinary Care**

### **A. Veterinary Records**

Complete veterinary records and a comprehensive health history must accompany every chimpanzee from the institution to the sanctuary system. Though the proposed regulations indicate that records of exposure to infectious agents accompany each chimpanzee to the sanctuary under the section on **Occupational Health and Safety and Biosafety Requirements Sec. 9.10 (2)**, we did not see any requirement for a full health history under **Sec. 9.6 Animal Care, Well-Being, Husbandry, Veterinary Care and Euthanasia**.

Apart from infectious disease exposure, the sanctuary should have complete information about: all prior illnesses, all surgeries, all research protocol procedures, number and dates

of all “knockdowns,” (routine or otherwise including dose and type of anesthetic used and response to anesthetic), reproductive events (pregnancies, births, miscarriages, sterilization, etc.), medications administered, allergies to any known medications, foods or environmental substances and their specific allergic response, diet and weight history including any histories of poor appetite, and any other pertinent health data including information on significant behavioral events (such as aggressiveness, stereotypic behaviors, self-injurious behaviors, and episodes of depression/anxiety), complete caging/social history (including any preference for being solitary, etc.) and other information which will aid in determining and responding to the physical and behavioral needs of the individual.

We are aware that under **Sec. 9.5 (2) Chimpanzees Ownership, Fees and Studies** it states: “Complete histories must accompany each chimpanzee.” However, we believe that without clearly defining what must be included in the histories, some chimpanzees may not be accompanied by information necessary to their future care and well-being. The present statement in Sec. 9.5 (2) is neither clear nor stringent enough. This requirement warrants inclusion under Veterinary Care and not under Ownership, Fees and Studies.

The regulations must be more specific about requiring a full veterinary record and health history for all incoming chimpanzees as well information about types or areas of research for which they were used in order to ensure optimal health care and well-being.

#### **B. Sec. 9.2 Definitions/ Invasive research (8) Darting**

*Darting or anesthesia induction other than at the annual exam or in the case of an emergency in which the chimpanzee’s well-being is at stake.*

We strongly support the prohibition on darting but believe the regulations should impose clearer guidelines should an emergency or medical need arise requiring that a chimpanzee be anesthetized. Because of the extreme trauma associated with being darted while surrounded by multiple personnel, sanctuary regulations should note that this method is wholly inadvisable and should be avoided. It is important that the sanctuary environment differ significantly from the laboratory environment, and allow chimpanzees formerly used in research to feel a measure of security and protection against prior traumatic events. Darting should be a last resort in every instance including physical exams. In all cases and under all circumstances, personnel with a positive and trusting relationship with the individual chimpanzee in question should always be present during any events likely to cause fear, anxiety or stress for that chimpanzee. Based on what we know about darting, it is emotionally debilitating and carries physical risks. Every effort should be made to avoid it.

#### **C. Sec. 9.6 (c) (2) Preventative Medicine and Animal Health Programs – Annual Physicals**

Unless warranted because of ongoing physical problems or concerns, complete physicals requiring anesthesia must be limited. Every effort should be made to conduct physicals

during times when a chimpanzee is being treated for another purpose, i.e. injury or surgery. Minimizing the need for anesthesia must be a high priority. All efforts should be made to condition chimpanzees to receive as much medical attention as possible without resorting to knockdowns.

We support all recommendations for training chimpanzees through positive reinforcement to aid in providing them with medical care and attention. When anesthesia is needed for an examination or to administer care, the chimpanzee should be pre-medicated with a sedative which can be placed in food or drink.

Complete and current medical records would limit the need for routine entry physicals that demand yet another course of anesthesia. Veterinary records should precede the chimpanzee's arrival at the sanctuary by no less than 2 weeks. The attending veterinarian should be given ample time to review records and to be adequately prepared to address the veterinary needs of the new arrivals.

If an entry physical is deemed necessary by the receiving veterinarian given the medical history, the examination, at the receiving veterinarian's request, could be done the day of transfer at the donating institution *if* the chimpanzee needs to be anesthetized prior to transport. The receiving veterinarian may request specific tests or exams. This collaborative process would eliminate the need for a second anesthesia upon arrival.

Attending veterinarians from the donating institution should be available to consult with sanctuary veterinarians for as long as needed to avoid unnecessary procedures or omissions due to a lack of complete understanding of the individual chimpanzee's unique medical history and needs. Notes from such consultations should be part of the individual chimpanzee's permanent medical records.

#### **D. Sec. 9.8 Animal Record 4(b) Necropsy**

The proposed regulations state:

*The CHIMP Act requires that necropsy records from chimpanzees previously used in federally funded research projects be made available on a reasonable basis to investigators engaged in biomedical or behavioral research. In order to comply with this provision, the contractor for the Sanctuary system must devise a plan that will allow interested parties to contact the Sanctuary and receive necropsy records when they become available.*

We propose that veterinarians currently retained by any sanctuaries caring for any chimpanzees formerly used in biomedical research be granted access to necropsy reports, as these veterinarians will be caring for chimpanzees with similar veterinary/research histories and will likely benefit from the knowledge acquired through necropsy reports. To limit access to these necropsy records to only those investigators engaged in biomedical or behavioral research fails to acknowledge the importance of such information to the care and well-being of other formerly federally used or supported chimpanzees with related research histories.

#### **E. Quarantine Sec. 9.6 (3)**

If chimpanzees from the donating institution had been housed together they should be quarantined together.

#### **F. Observation, diagnosis, prevention and treatment of illness Sec. 9.6 (6)**

Staff should be required to report directly to the attending veterinarian or other appropriate parties any concerns or observations about the health and well-being of individual(s). Staff working with the chimpanzees on a daily basis often notice subtle changes that could be critical to the chimpanzee's well being. If the attending veterinarian or supervisor does not address the issue in a timely manner then the staff member should have a prescribed course of action to take to report their concerns without fear of reprisal.

#### **G. Post-surgical Care Sec. 9.6 (8)**

Though chimpanzees need to be separated from cage/group mates during recovery from anesthetics they should recover in an adjacent or nearby cage that allows visual contact whenever possible.

### **III. Recommendations regarding Sec. 9.4 Physical Facility Policies and Design**

We support the proposed regulations as set forth in this section. The emphasis on daily observation with minimal disturbance is important (clause (2)) and the inclusion of large outdoor compounds, corrals or other ranging areas is optimal. We would like to offer that chimpanzees should be provided as much freedom as possible, within the limitations imposed by safety precautions. We support the regulations which call for safe, secure areas which protect chimpanzees from disturbances as well as prevent escape.

Visual barriers, either natural (e.g. trees or berms) or artificial (e.g. wall panels) within both the indoor and outdoor enclosures are important. They have been shown to aid in diffusion of aggressive episodes by providing quick refuge or a chance to reduce visual stimulation.

We make the following recommendations in the area of housing and facility design:

#### **A. Heating, ventilation and air-conditioning Sec. 9.4 Physical Facility Policies and Design Heating, ventilation and air-conditioning**

The regulations state:

*In general, the design of the Sanctuary facility can be such that the mechanical systems may not be required, except in tightly closed areas. (ix) Heating, ventilation, and air-conditioning (HVAC) must comply with the standards of the Guide when chimpanzees must be confined to closed, indoor quarters for isolation, treatment or other situations on*

*a short-term basis. It is critical to provide ventilation that allows chimpanzees to seek a thermo-neutral zone that fits their needs. In general, the design of the Sanctuary facility can be such that the mechanical systems may not be required, except in tightly closed areas. The use of shelters, nesting materials, circulating fans, and space heaters are examples of means that address the comfort needs of the chimpanzees.*

We do not support this regulation without the temperature qualifications and remedies we suggest.

The regulations should adhere to a range of temperatures appropriate for and comfortable to chimpanzees. Once this range is established, the internal enclosures must be maintained within that range. Outdoor temperatures which naturally vary from this range will be provided with natural and manmade shelters which the chimpanzees can select for greater warmth or cooling. A centralized heating and/or cooling system (fans or air conditioning) must be in place if this temperature range cannot be maintained in indoor enclosures.

Chimpanzees should not be left outside without means to freely re-enter during inclement weather. Internal temperatures must be checked regularly to assure faults in the system be detected. If employed, automatic timers on lighting devices should be adjusted to allow for seasonal fluctuations and to permit normal diurnal cycles to remain undisturbed.

**B. Use of Space heaters** as discussed in **Sec. 9.4 (a) (2) (ix)** refers to using space heaters as implements which may address the comfort of chimpanzees. The use of space heaters in any areas should be prohibited. Space heaters are very prone to fires and their use in the sanctuary system should not be allowed. There have been numerous instances of tragic fires occurring and heavy tolls in animal life when space heaters have been used in captive animal settings.

In the event of a fire, the ability to evacuate the chimpanzees would be difficult if at all possible. As such, all caution must be taken to avoid the likelihood of a life-threatening event from which evacuation is not an option.

### **C. Sec. 9.6 (2) (iv) Bedding**

The regulations offer the following about nesting in Sec 9.6 (Animal care... well-being)

*(iv) Nesting, sleeping, and resting. The Sanctuary must contain sufficient outdoor or ranging space and structures (natural or artificial) for the chimpanzees to build nesting areas for sleeping and resting. The site shall not be located in an area where it is noisy or frequently interrupted by human activity;*

The site should have enough areas/structures to provide refuge and shade for all group members so that less dominant members will have equal access.

And also from Sec 9.6:

*An environmental enrichment program must be in place to encourage the expression of natural behavior such as social interaction, locomotion, climbing, foraging, resting, playing, manipulating objects, and nest building.*

Bedding and nesting materials are extremely important for chimpanzee well-being. The proposed regulations indicate that nesting materials will be made available (Sec 9.6 (2) (ii) and Sec 9.6 (2) (iv)). However, in Sec. 9.6 (1) it states: “Chimpanzees must have access to food, water and bedding (if appropriate) at all times.” We believe there are no instances when bedding would not be appropriate. Should there be post surgical wounds or sutured injuries for which a material such as natural hay bedding could be harmful, the chimpanzee should be provided clean blankets.

The words “adequate and appropriate” bedding should be inserted in Sec 9.6 (1) and the words “if appropriate” should be deleted. Sample materials that meet the requirement for “adequate and appropriate” should be listed, such as dry natural hay or grasses or branches of sufficient quantity; or washable or disposable blankets. Old and arthritic chimpanzees should be provided with whatever additional materials are needed to minimize their discomfort.

Fresh bedding must be provided daily. Finally, sufficient amounts of bedding must be provided to each group to assure that no chimpanzee is left without bedding.

#### **D. Transfer Doors**

Laterally sliding transfer doors are safer and should be used wherever possible.

### **IV. Comments on specific regulations**

#### **A. Sec. 9.6 (2) (v) Feeding**

The proposed regulations Sec. 9.6(2) (v) Feeding indicate that “Diets will be supplemented with natural foods” in addition to a commercially prepared diet. We believe this statement must be reversed: The majority of the nutrition should come from natural food diets supplemented with commercially prepared food, such as monkey chow. Chimpanzees should have a variety of fresh foods available to them in sufficient quantity in a large distribution area to assure access for everyone.

“Enrichment” must be provided a minimum of twice daily in a manner that engages their interest, occupies their time and elicits foraging behaviors. Old food or chow should be removed from the enclosures and not used as subsequent meal portions.

#### **B. Prohibit contact with the public**

