



November 20, 2018

The Honorable Sonny Perdue
United States Secretary of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250

Dear Secretary Perdue,

On behalf of the New England Anti-Vivisection Society (NEAVS), I am writing regarding the September 18, 2018 offer NEAVS made to your office about the adoption of cats and kittens that are otherwise being killed unnecessarily after experiments taking place at the USDA Animal Research Service (ARS) facility in Beltsville, Maryland.

Federal Law Allows States to Set Additional Animal Welfare Standards

The Animal Welfare Act (AWA), which governs the care of animals used in research, states plainly that if states set higher standards for animal care than the AWA does, that the federal government will follow state law in that state unless a federal law conflicts.¹

The only exception to this is if the animal, at the end of the experiment, was determined to be in “*severe or chronic pain or distress that cannot be relieved.*”² That is not the case in these experiments, in which the kittens are only exposed to an extremely common parasite,³ for which antibiotics are used as treatment. Most cats recover upon receiving a complete course of the antibiotics.⁴ Considering that this parasite is widespread in cats and most cats can be effectively treated with antibiotics, the cats in these particular experiments fall outside the explicit euthanasia exception in the AWA. Moreover, some of these kittens are in a control group and are never exposed to the virus. Therefore, Maryland law applies.

Maryland Law Now Mandates Adoption Efforts

As you may know, since we last wrote your office regarding this matter, a new law⁵ has taken effect in the state of Maryland that obligates research facilities doing business within Maryland to try to adopt out cats or dogs after experiments have concluded.

¹ Animal Welfare Act of 1966, 7 U.S.C. § 2143(1) (2018) (stating the “Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors”); *id.* § 2143(8) (stating further that “Paragraph (1) shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1)”).

² Animal Welfare Regulations, 9 C.F.R. § 2.31(d)(1)(v) (2018).

³ Arnold Plotnick, MS, DMV, ACVIM, *Toxoplasmosis*, Manhattan Cat Specialists, <https://www.manhattancats.com/article-archive/infectious-diseases/toxoplasmosis/> (last visited Nov. 20, 2018).

⁴ *Toxoplasmosis in Cats*, Feline Friends, <http://www.feline-friends.org.uk/topics/toxoplasmosis-in-cats/> (last visited Nov. 20, 2018).

⁵ Research Facilities that Use Dogs or Cats, Code of Md. tit 15, § 15-101 (requiring research facilities in Maryland to “take reasonable steps to provide for the adoption of a dog or cat that, in the determination of the research facility, is no longer needed for scientific research purposes by:” establishing a private placement process, creating a list of animal rescue organizations to be used for adoptions, *and* using the animal rescue organizations on the list in the event that the private placement process does not lead to adoption).



Thanks to Delegate Ben Kramer, Senator Michael Hough, and Governor Larry Hogan, the Humane Adoption of Companion Animals Used in Research Act of 2018 passed both chambers unanimously⁶ and took effect on October 1, 2018. The purpose of this new law is to require: *“certain scientific research purposes to take certain steps to provide for the adoption of a certain dog or cat under certain circumstances; authorizing certain research facilities to enter into certain agreements with certain animal rescue organizations for certain purposes.”*

The Maryland law stipulates that if research facilities are unable to place these cats and kittens into adopted homes through a private placement process, the facility must offer *“the dog or cat to the animal rescue organizations...if the research facility is unable to place the dog or cat through its private placement process.”*

U.S. Congress Explicitly Encourages Adoption

The most recent federal guidance issued on this topic is consistent with Maryland’s new law. The United States Congress recently encouraged USDA to explore adoption in these situations in the FY19 appropriations process.

We see no compelling reason why the USDA should consider itself exempt from the Maryland law, and we hope the USDA will work to accommodate the spirit and intent of the Maryland law. We remain steadfast in our commitment to helping get these cats and kittens adopted out. Your partnering with us, or any other rescue organization like ours, would also ensure that the USDA remains compliant with Maryland state law.

Please Respond Before the Next Round of Euthanasia

Given that it is unclear to us exactly when the newest group of cats and kittens are scheduled to be euthanized and incinerated at the Beltsville, MD facility, we urge you to contact us before the next round of unnecessary euthanasia takes place. We have the capacity and resources to ensure that these adoptions take place without any cost to the government.

Thank you for your attention to this matter.

Sincerely,

Mike Ryan
Director, Policy & Government Affairs
New England Anti-Vivisection Society (NEAVS)

CC: Chavonda Jacobs-Young, Administrator, ARS, USDA

⁶ SB 675/CH 236, Humane Adoption of Companion Animals Used in Research Act of 2018.