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OF THE UNITED STATES**

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May 24, 2011

Dr. Harry Fineberg
President, Institute of Medicine
The National Academies
Keck Center
500 Fifth St, NW
Washington, DC 20001

Dear Dr. Fineberg,

I am writing on behalf of The Humane Society of the United States (HSUS) and our 11 million constituents in regards to the Institute of Medicine's (IOM's) Committee on The Use of Chimpanzees in Biomedical and Behavioral Research.

The HSUS has significant concerns about the composition of the proposed committee. We view the committee as being significantly imbalanced as regards the opinions and viewpoints of its members on the value of animal research and, in particular, on the value of research involving chimpanzees. We request that IOM add additional members to the committee to produce a body that encompasses a wider range of views and that is more likely to consider arguments and views that are critical of the need for chimpanzees in research.

As an initial matter, the Federal Advisory Committee Act (FACA) requires the National Academy of Sciences (NAS), including IOM, to ensure that the committee is free from unnecessary bias that could adversely impact the objective outcome of the committee's report. To that end, the FACA mandates that IOM "shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. . . ." 5 U.S.C. App. 2 § 15(b)(1).

The NAS' own Policy on Committee Composition and Balance and Conflicts of Interest (May 12, 2003, available at http://www.nationalacademies.org/coi/bi-coi_form-0.pdf) recognizes that "if a report is to be not only sound but also effective as measured by its acceptance in quarters where it should be influential, the report must be, and must be perceived to be, not only highly

competent but also the result of a process that is fairly balanced in terms of the knowledge, experience, and perspectives utilized to produce it and free of any significant conflict of interest. Conclusions by fully competent committees can be undermined by allegations of conflict of interest or lack of balance and objectivity.” That Policy also states that “the term ‘conflict of interest’ means any financial or other interest which conflicts with the service of the individual because it (1) could significantly impair the individual’s objectivity or (2) could create an unfair competitive advantage for any person or organization.”

We realize that the National Institutes of Health, the sponsor of the study, has requested a short timeline for production of a report on a rather narrow statement of task, which fails to address aspects of chimpanzee research that simply cannot be ignored, such as ethical, welfare, and economic considerations. Nonetheless, the rapid turnaround does not negate the FACA’s committee composition requirements, and a committee that avoids relevant expertise and perspectives is not in compliance with NAS’ statutory duties. IOM’s proposed committee appears to be designed to deliver a quick report supporting a future need for chimpanzee research, and not to produce an accurate and objective assessment of the issue.

Our concerns specific to the composition of the chimpanzee research committee (15 members) relate to the following issues:

1. A number of members are leaders in organizations that actively support chimpanzee research and that have publicly opposed any efforts to phase out invasive chimpanzee research; these include Americans for Medical Progress, National Association for Biomedical Research, and American Association for the Advancement of Science.

At least two of these organizations consistently oppose any steps that they consider as placing restriction on any type of animal use, regardless of whether the outcome would result in better science and improved biomedical progress.

In addition, five of the committee members are constituents of one of more Federation of American Societies for Experimental Biology (FASEB) societies, and FASEB has openly opposed any action that would further curb access to chimpanzees for biomedical research.

2. Despite previous comments by IOM that no members of the committee would have any interest in chimpanzee research, there are at least two committee members who have ties to laboratories engaged in chimpanzee research that have a major stake (including financial) in the results of this pending report. For example, the committee includes a senior veterinarian at Abbott Laboratories, a pharmaceutical company that uses chimpanzees for research purposes, as well as someone who is employed by the University of Texas system, which houses a chimpanzee laboratory.
3. Essential experts that would ensure a fair balance of views and encourage robust debate have not been included in the proposed committee composition. For example:

- a. Medical and scientific experts affiliated with organizations that do not support the continuation of invasive chimpanzee experiments have been omitted.
- b. Experts in chimpanzee biology, behavior and non-invasive research projects outside of the laboratory setting have been overlooked.
- c. Experts who can speak to the issue of alternative, non-chimpanzee research methods (such as *in vitro* work, including on Hepatitis C) have not been included on this committee.

In light of the above, The HSUS strongly objects to the proposed committee composition, as it is not capable of adequately addressing the merits of the scientific need for chimpanzees in biomedical and behavioral research or the merits of potential alternatives.

We urge the IOM to change the composition of the committee to comply with the requirements of the FACA and ensure proper balance by appointing no less than three additional members to the committee who meet at least one of the following qualifications:

- Scientific expertise regarding non-animal alternatives to the use of chimpanzees in research;
- Scientific expertise regarding current and historical use of chimpanzees and who has challenged the use of chimpanzees in invasive research;
- Scientific expertise in chimpanzee biology, behavior, and non-invasive research projects conducted outside of the laboratory setting.

Appendix A includes the names and biographical information for three people who meet these qualifications and would help balance the committee's composition and should be considered for appointment to the panel. In the event that IOM proceeds with the committee as currently constituted, The HSUS will consider whether to pursue judicial review.

Sincerely,



Andrew Rowan, D. Phil
Chief Scientific Officer

Appendix A: Individuals for Consideration

The Humane Society of the United States urges NAS to consider appointment of the following people to the Institute of Medicine Committee on The Use of Chimpanzees in Biomedical and Behavioral Research. These individuals, through their particular knowledge and experience, are vital to achieving an informed, comprehensive, and authoritative understanding and analysis of the specific problems and solutions to be considered by the committee.

Jarrod Bailey, PhD is a scientist with a PhD in viral genetics and has extensive knowledge regarding the use of chimpanzees for various areas of research as well as the availability of effective alternatives. He has exhaustively reviewed the literature and authored several publications on this topic, including the use of chimpanzees for hepatitis C, HIV, cancer and other areas of research. Dr. Bailey has already been invited to give remarks to the committee at the first meeting, to be held on May 26th and, thus, appears to have information of interest to the committee.

More information on Dr. Bailey can be found at <http://www.alttox.org/ttrc/toxicity-tests/repro-dev-tox/way-forward/bailey/biography.html>.

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William Warren, PhD was the founder and CEO of VaxDesign Corporation, which has been acquired by Sanofi Pasteur. Dr. Warren, who is widely published, developed (among many other things) the MIMIC system, an *in vitro* system which could be used to study many areas of research for which chimpanzees are currently used. More information about Dr. Warren can be found at

<http://www.vaxdesign.com/about/management/william-warren>

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William McGrew has a Ph.D. in Anthropology from the University of Stirling, Scotland, a Ph.D. from the University of Cambridge, England, and a D.Phil. in Psychology from the University of Oxford, England. He is a Fellow of the Royal Society of Edinburgh (FRSE), and is currently a Professor in Evolutionary Primatology in the Department of Biological Anthropology, University of Cambridge. Dr. McGrew has conducted extensive field work related to chimpanzees since 1972 and has experience working in U.S. government-funded facilities (Tulane National Primate Research Center, Chimp Haven). His research interests include primate socio-ecology, evolution of material culture, chimpanzee technology, laterality of function, and ape rehabilitation. His current main interest is chimpanzee culture and his most recent book is co-authored with Japanese primatologists such as Toshisada Nishida and is titled: *Chimpanzee Behavior in the Wild: an Audio-Visual Encyclopedia* (Springer, 2010).

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