

**Hearing on S.810**  
**The Great Ape Protection and Cost Savings Act**  
**A bill to phase out the use of chimpanzees in invasive research, retire them to appropriate sanctuaries and end the breeding of chimpanzees for invasive research purposes.**

**U.S. Senate**  
**Committee on Environment and Public Works**  
**Subcommittee on Water and Wildlife**

**Testimony of**  
**The Humane Society of the United States**  
**April 24, 2012**

The Humane Society of the United States would like to thank Chairman Cardin, Ranking Member Sessions and members of the Water and Wildlife Subcommittee for the opportunity to submit testimony in support of the Great Ape Protection and Cost Savings Act, S. 810, a bill which would phase out the use of chimpanzees in invasive research over three years, end breeding of chimpanzees for invasive research purposes and retire government-owned chimpanzees to appropriate sanctuaries. We would also like to take this opportunity to thank Senators Cantwell, Collins and Sanders for their leadership on this bill.

On behalf of The Humane Society of the United States, the nation's largest animal protection organization, and our more than 11 million supporters nationwide, we strongly support this legislation, which would not only protect chimpanzees but would save taxpayers an estimated \$300 million over the next 10 years. We urge the Subcommittee to support this bill.

Summary

Approximately 950 chimpanzees—some who were captured from the wild more than 40 years ago, used by the entertainment industry or kept as pets—currently live in six biomedical research and testing laboratories in the United States. Despite extensive knowledge of their rich social and emotional lives and their ineffectiveness as models for human diseases, some chimpanzees continue to be subjected to invasive experiments. However, at any given time, 80-90% of chimpanzees are not being used in active research protocols and have, instead, languished in laboratories for decades, wasting millions of taxpayer dollars.

An Institute of Medicine committee recently concluded that nearly all biomedical research using chimpanzees is unnecessary. Further, the IOM committee could not identify a single area of research for which the use of chimpanzees is critical.

The Great Ape Protection and Cost Savings Act is needed to ensure that taxpayer money is no longer wasted on costly and ineffective research approaches—and to, instead, provide the opportunity to invest in alternatives that will translate into human health benefits. Importantly,

this legislation will also provide government-owned chimpanzees with the sanctuary they deserve after spending their lives in laboratories—which is also significantly less expensive than maintaining them in laboratories. While this legislation is a phase out of invasive research, it still allows for noninvasive research to be carried out on chimpanzees and other great apes.

### Scientific Debate Put to Rest: Scientists Lend Their Support

In 2010, the National Institutes of Health (NIH) announced plans to transfer the approximately 200 chimpanzees at the Alamogordo Primate Facility in New Mexico—who had not been used in research for almost a decade—to the Southwest National Primate Research Center in Texas (also known as the Texas Biomedical Research Institute) where they would once again be available for invasive research. Following the initial transfer of 15 chimpanzees, there was a massive public outcry in response to these plans. In response, Senators Udall, Bingaman and Harkin urged NIH to halt the transfer and commission a study by the National Academy of Sciences. The NIH commissioned the study and the Institute of Medicine (IOM) examined the necessity of chimpanzees in biomedical and behavioral research.

In December 2011, the IOM released its final report entitled: *Chimpanzees in Biomedical and Behavioral Research: Assessing the Necessity*. The IOM committee looked at several areas of NIH-supported research involving chimpanzees and concluded that chimpanzees are “largely unnecessary” for most current research and, further, laid out criteria for how NIH should decide if current and future studies using chimpanzees should be pursued. Importantly, the committee could not identify any area of current biomedical research for which chimpanzees are essential and pointed to several available alternatives to the use of chimpanzees. Finally, the report recommended that NIH invest more resources into the further development of alternatives to chimpanzee use.<sup>1</sup>

It’s also important to note that the U.S. Food and Drug Administration does not require the use of chimpanzees to test new drugs, vaccines or biologics, and further, the Center for Drug Evaluation and Research (under FDA) actually discourages the use of chimpanzees.<sup>1</sup> Additionally, there are pharmaceutical companies, such as GlaxoSmithKline<sup>2</sup>, Abbott Laboratories<sup>3</sup> and Idenix Pharmaceuticals<sup>4</sup>, that have publicly adopted policies that have completely ended or strictly limited the use of chimpanzees in invasive research. Major scientific journals have pointed out the serious ethical issues surrounding chimpanzee research

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<sup>1</sup> Institute of Medicine and National Research Council of the National Academies. (2011). *Chimpanzees in Biomedical and Behavioral Research: Assessing the Necessity*. Washington, DC: National Academies Press.

<sup>2</sup> GlaxoSmithKline. (2011). *Use of Non-human Primates (NHPs) in the Discovery and Development of Medicines and Vaccines*. <http://www.gsk.com/policies/GSK-public-position-on-NHP.pdf> (Accessed March 9, 2012).

<sup>3</sup> Abbott Laboratories. (2012). *Policy on the Use of Chimpanzees in Biomedical Research*. <http://abbott.com/citizenship/priorities/innovate/animal-welfare.htm#abr>. (Accessed March 9, 2012)

<sup>4</sup> Idenix Pharmaceuticals. (2012). *Use of Non-Human Primates (NHPs) in the Discovery and Development of Medicines*. <http://www.idenix.com/hcv/Use%20of%20Chimp%20Policy.pdf>. (Accessed March 9, 2012)

and Scientific American published an editorial urging an end to invasive chimpanzee research.<sup>5</sup> Finally, more than 800 scientists with higher-level degrees have signed in support of ending chimpanzee use.

### Significant Taxpayer Savings

The majority of the taxpayer savings that would result from passage of this bill, for a total of \$300 million over the next ten years, are related to ending the use of chimpanzees in harmful experiments that have been deemed unnecessary by the Institute of Medicine. However, there is also a cost savings related to sending the nearly 500 federally-owned chimpanzees to sanctuary and ending the subsidy of privately owned chimpanzees currently in laboratories. Their large size, long lives and complex psychological needs make chimpanzees the most expensive animal used in research. Each federally owned chimpanzee born into the laboratory costs the government over \$1 million to maintain over his or her lifetime. Thankfully, there is a more cost effective solution for the hundreds of chimpanzees currently being warehoused in laboratories: retire them to sanctuary.

Sanctuaries are able to provide chimpanzees with superior care at a fraction of the cost of laboratories. The amount of money the government spends to simply maintain one chimpanzee in a laboratory is as much as \$24,000 per year while sanctuaries of a comparable population size provide care for approximately \$15,500 per year. Additionally, the government currently pays the federal sanctuary system \$16,700 per chimpanzee per year. Increasing the population size at the federal sanctuary will result in additional cost savings.

Finally, this bill would ensure additional cost savings in the future by preventing the breeding of chimpanzees for the purposes of invasive research. In a 2007 report of the NIH Chimpanzee Management Plan Working Group, it was estimated that maintaining a population of about 1,000 chimpanzees in laboratories would require 59 births per year and costs to sustain them would be \$9.5 million per year.<sup>6</sup> While NIH currently has a moratorium on the breeding of federally-owned and federally-supported chimpanzees in place<sup>7</sup>, it is important to ensure it remains in place. It is simply unwise to use limited research dollars on maintaining a population of chimpanzees which has proven to be unnecessary and ethically problematic. This bill would help to ensure the proper use of these important research funds.

### Ethics and Public Opinion

What we have learned about the mental and emotional capabilities of chimpanzees since Dr. Jane Goodall first began observing wild chimpanzees 50 years ago is remarkable. Research has

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<sup>5</sup> The Editors. (2011), Ban Chimp Testing. *Scientific American*: <http://www.scientificamerican.com/article.cfm?id=ban-chimp-testing> (Accessed on March 21, 2012)

<sup>6</sup> National Institutes of Health. (2007). *Report of the Chimpanzee Management Plan Working Group*. [http://www.ncrr.nih.gov/comparative\\_medicine/chimpanzee\\_management\\_program/ChimP05-22-2007.asp](http://www.ncrr.nih.gov/comparative_medicine/chimpanzee_management_program/ChimP05-22-2007.asp) (Accessed March 9, 2012).

<sup>7</sup> National Institutes of Health. (2012). *Chimpanzee Management Program*. [http://www.ncrr.nih.gov/comparative\\_medicine/chimpanzee\\_management\\_program/](http://www.ncrr.nih.gov/comparative_medicine/chimpanzee_management_program/). (Accessed March 9, 2012).

shown that chimpanzees have complex social and emotional lives; they express a range of emotions, including pleasure, sympathy, fear, depression. Their incredible intelligence is evidenced by problem solving, tool use, numerical skills, and even the ability to communicate in American Sign Language.

There is overwhelming evidence that life in a laboratory has a significant physical and psychological impact on chimpanzees. In 2008, an unprecedented undercover investigation by The Humane Society of the United States (HSUS) at the world's largest chimpanzee laboratory, the New Iberia Research Center (NIRC), revealed what life is like for chimpanzees in laboratories.<sup>8</sup> The investigator documented chimpanzees isolated in small, steel cages for months at a time; chimpanzees screaming when chased with dart guns; and baby chimpanzees taken away from their mothers. The HSUS also documented the lives of individual chimpanzees like Sterling—a chimpanzee with severe psychological problems who self-mutilated—and Karen, who was 53 years old at the time of the investigation. Thankfully, Karen has now been retired to Chimp Haven—the federally-supported sanctuary system in Louisiana. Sadly, Sterling never reached sanctuary. He died in the laboratory in 2010.

Following the release of our investigation results, the United States Department of Agriculture (USDA) opened an investigation and subsequently cited NIRC for several Animal Welfare Act violations. NIRC eventually paid a stipulation of \$18,000 to resolve the matter with USDA.

To add to the troubling findings of our investigation, two recent peer-reviewed publications show the long-term effects of laboratory life on chimpanzees. Both papers profile chimpanzees who were formerly used in research and are now suffering from symptoms similar to post-traumatic stress disorder (PTSD).<sup>9,10</sup>

Public opinion is clearly on the side of chimpanzees and public support continues to increase. For example, 71% believe that chimpanzees in the laboratory for over 10 years should be sent to sanctuary for retirement,<sup>11</sup> which represents the vast majority of chimpanzees in laboratories today. According to a 2001 Zogby poll, 54% of Americans believe it is unacceptable for chimpanzees to “undergo research which causes them to suffer for human benefit.”<sup>12</sup> Similarly 52% of U.S. adults in 2001<sup>13</sup> were opposed to research that causes pain and injury to

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<sup>8</sup> The Humane Society of the United States. (2009). Undercover Investigation Reveals Cruelty to Chimps at Research Lab.

[http://www.humanesociety.org/news/news/2009/03/undercover\\_investigation\\_chimpanzee\\_abuse.html](http://www.humanesociety.org/news/news/2009/03/undercover_investigation_chimpanzee_abuse.html).

(Accessed March 9, 2012).

<sup>9</sup> Bradshaw, G.A., Capaldo, T., Lindner, L. Grow, G. (2008). Building an Inner Building an Inner Sanctuary: Complex PTSD in Chimpanzees. *Journal of Trauma & Dissociation*, 9(1), 9-34.

<sup>10</sup> Ferdowsian H.R., Durham D.L., Kimwele C., Kranendonk G., Otali E., et al. (2011) Signs of Mood and Anxiety Disorders in Chimpanzees. *PLoS ONE* 6(6): e19855. doi:10.1371/journal.pone.0019855

<sup>11</sup> 2006 poll conducted by the Humane Research Council

<sup>12</sup> 2001 poll conducted by Zogby International for the Chimpanzee Collaboratory

<sup>13</sup> 2001 poll conducted by the National Science Board

chimpanzee or dogs, even if it produces new information about human health--this is up from 30% in 1985.<sup>14</sup>

### Endangered Species Act considerations

The plight of the chimpanzee as a species and the impact of using chimpanzees for research purposes on the species are important factors to take into account when considering this legislation. Wild chimpanzees, for example, have declined in number by two-thirds in the last 30 years, and the prospects are becoming even more dire for them.

Currently, captive chimpanzees in the U.S. are deprived of protection under the Endangered Species Act even though their wild counterparts are fully protected. The lack of protection for captive chimpanzees not only doesn't help conservation efforts, as required by the ESA, but actually fuels poaching and trafficking of wild chimpanzees, therefore undermining conservation efforts.

In order to address this problem, a legal petition was filed by The HSUS and several other co-petitioners, including the Jane Goodall Institute, Association of Zoos and Aquariums and Wildlife Conservation Society, which urged the agency to list all chimpanzees as endangered under the ESA. The petition provides compelling scientific and legal evidence that the current regulation facilitates exploitation of chimpanzees and has a significant negative impact on both wild and captive chimpanzees.

For example, Dr. Richard Wrangham, a well-known primatologist, offers the following in an expert declaration submitted as part of the legal petition: "Commercial exploitation of chimpanzees in the U.S. not only directly threatens wild populations, but it also threatens the species indirectly by damaging the relationships and credibility essential for successful conservation efforts. In my experience, people in Africa are shocked to discover that in America it is legal to buy and sell chimpanzees, while it is illegal in African range countries. This perceived inequity creates a substantial obstacle for western conservationists such as myself when we approach countries where the species survives in the wild, teetering in many cases on the edge of extinction, and ask communities and government officials to do even more to protect chimpanzees....The problem of moral consistency is a very real one."

In September of 2011, USFWS published its initial finding in response to the petition, noting that the petition provides substantial information indicating that listing all chimpanzees as endangered may be warranted. The agency initiated a formal review of the status of the chimpanzee under the ESA, which is currently underway.

### Concerns About National Institutes of Health Oversight of Chimpanzee Colony

As the subcommittee may be aware, NIH announced that it has accepted the IOM report findings and has created a working group to advise them on how to implement those findings.

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<sup>14</sup> 1985 poll conducted by the National Science Board

We would like to express our concern about continuing to allow NIH to make decisions for these chimpanzees. There is a long history of mismanagement of chimpanzees with strong evidence that NIH has had close relationships with the laboratories and, further has not had the best interests of these chimpanzees, or the taxpayers, at heart. We have enclosed a letter that we have submitted to the Health and Human Services Office of Inspector General which provides additional details about the concerns cited below.

NIH's mismanagement of chimpanzees dates back to the debacle of The Coulston Foundation (TCF), a facility notorious for violations of the Animal Welfare Act, Public Health Service Policy and FDA regulations. While NIH funding to TCF was eventually cut off in 2001, NIH provided the facility large amounts of funding over several years despite clear indications that there were major issues at the lab--including deaths of chimpanzees and primates as a result of Animal Welfare Act violations. NIH actually took title to 288 of the Coulston chimpanzees and awarded an expensive 10 year, \$42.8 million contract to Charles River Laboratories to manage the population at Alamogordo Primate Facility, which continues today.

Despite their tragic history and the fact that many of the chimpanzees at Alamogordo are elderly and infected with diseases--making them poor potential research subjects--NIH has never indicated a willingness to send these chimpanzees to sanctuary, even though it would clearly save money. Instead, NIH attempted to transfer the chimpanzees to the Southwest National Primate Research Center through a grant that would actually cost more money than the current Charles River contract. In addition, the NIH grant awarded to Southwest for the care of federally-owned chimpanzees includes funds for a public awareness program to promote the use of chimpanzees in research, despite IOM report findings that chimpanzees aren't necessary for research.

Disappointingly, the situation with the Alamogordo chimpanzees is not the only one in which NIH appears to be circumventing the intent of the Chimpanzee Health Improvement Maintenance and Protection Act (P.L. 106-551)--which called for the retirement of "surplus" chimpanzees determined as no longer needed for research. Shortly after the bill's passage, NIH awarded a \$2 million construction grant to New Iberia Research Center to construct "holding facilities" for 80-100 chimpanzees so that NIRC could avoid sending chimpanzees to sanctuary.<sup>15</sup> Additionally, in the 2011 Request for Proposal for renewal of the chimpanzee sanctuary system contract, NIH indicated that there would be no further construction grants awarded to the sanctuary and no expansion of the system beyond 130 chimpanzees (there are approximately 120 federally-owned chimpanzees at the sanctuary now).<sup>16</sup>

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<sup>15</sup> NIH RePORTER database. (2002). Expansion of Chimpanzee Holding Fac. Grant to New Iberia Research Center. [http://projectreporter.nih.gov/project\\_info\\_description.cfm?aid=6415562&icde=11721333&ddparam=&ddvalue=&ddsub=&cr=13&csb=default&cs=ASC](http://projectreporter.nih.gov/project_info_description.cfm?aid=6415562&icde=11721333&ddparam=&ddvalue=&ddsub=&cr=13&csb=default&cs=ASC) (Accessed March 9, 2012).

<sup>16</sup> Federal Business Opportunities. (2011). *Operation and Maintenance of a Chimpanzee Sanctuary System of Retired Chimpanzees*. Solicitation Number: NHLBI-CSB-RR-2012-4-KEC. [https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=f98737d68d7670518fe7d8cc36890cf2&\\_cv\\_iw=0](https://www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=f98737d68d7670518fe7d8cc36890cf2&_cv_iw=0). (Accessed on March 9, 2012).

The HSUS has learned that NIH also fails to keep track of the chimpanzees owned by the government--except at Alamogordo Primate Facility and Chimp Haven. Responses to repeated Freedom of Information Act Requests by the HSUS show that NIH does not keep records of all of the chimpanzees the government owns, despite federal requirements to do so. (Please see attached FOIA response from NIH FOIA office).

Finally, NIH has obviously failed to ensure compliance with the breeding moratorium on federally-owned chimpanzees which has been in place since 1995. Following our investigation at New Iberia Research Center, The HSUS found evidence that government-supported breeding continues there. In 2011, our organization filed legal petitions with the Departments of Justice and Health and Human Services asking them to investigate the breeding of federally-owned chimpanzees at NIRC which has produced over 120 infant chimpanzees. It was later revealed in an article in *Nature* that NIRC admitted they are breeding federally-owned chimpanzees, which has resulted in the birth of 123 chimpanzees.<sup>17</sup> *Nature* also published an editorial in the same issue condemning NIH for not being open about the breeding and suggested that NIH actions were damaging their credibility with a public that is increasingly concerned with the treatment of animals in laboratories.<sup>18</sup>

#### Sanctuary Capacity in the U.S.

In the 1980's and 90's, NIH initiated a massive chimpanzee breeding program to produce a chimpanzee model of HIV/AIDS. However, it was eventually determined that chimpanzees are not a good model for the disease. This left laboratories with a "surplus" of chimpanzees and an increased need for high-quality, chimpanzee sanctuaries in the United States. In 2000, the passage of the Chimpanzee Health Improvement, Maintenance and Protection (CHIMP) Act established the national sanctuary system. In 2002, Chimp Haven in Louisiana was awarded the contract to run the national system and began taking in federally owned chimpanzees from laboratories. Chimp Haven currently provides sanctuary for approximately 120 federally-owned chimpanzees and, in response to the IOM report results, has stated a willingness to develop plans to expand their capacity to as many as 900 chimpanzees.<sup>19</sup>

Around the same time period, New Mexico's infamous Coulston Foundation--which had close to 600 chimpanzees--lost significant government and private funding after years of troubling issues and eventually went bankrupt. NIH took ownership of half the chimpanzees and awarded a contract to Charles River Laboratories to maintain the chimpanzees at the Alamogordo Primate Facility on Holloman Air Force Base in New Mexico. The other half of the chimpanzees were rescued by Save the Chimps, a sanctuary organization based in Florida, which continues to provide excellent care to its nearly 300 chimpanzee residents—all of who have been moved to

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<sup>17</sup> Wadman, Meredith. (2011). *Lab bred chimps despite ban*. *Nature*, Vol.479, Pages: 453–454. DOI: doi:10.1038/479453a. <http://www.nature.com/news/lab-bred-chimps-despite-ban-1.9408#auth-1>

<sup>18</sup> Editors. (2011), *Breeding Contempt*. *Nature*, Vol. 479, Page: 445, DOI:doi:10.1038/479445a <http://www.nature.com/nature/journal/v479/n7374/full/479445a.html>

<sup>19</sup> Chimp Haven. (2011). Report Assessing Use of Chimpanzees Released. <http://www.chimphaven.org/government-report-assessing-the-use-of-chimpanzees-in-research-released/> (Accessed March 9, 2012).

Florida. Save the Chimps took on a financial responsibility that should have been addressed by the government and today is run entirely on private donations.

In 2010, sensing a growing need for collaboration, increased sanctuary capacity and professionalization of the movement, several chimpanzee sanctuaries--including Chimp Haven and Save the Chimps--came together to form the North American Primate Sanctuary Alliance (NAPSA). NAPSA's mission is to "advance the welfare of captive primates through exceptional sanctuary care, collaboration, and outreach." NAPSA has stated that it supports legislative and advocacy efforts that seek to end chimpanzee research and retire chimpanzees. The sanctuaries' missions are to provide for the lifetime care and welfare of captive animals by providing professional care and housing. Each NAPSA member facility in the US is licensed and inspected by the U.S. Department of Agriculture.

#### Bill amendment consideration: emergency clause

It is important to note that The HSUS will continue to support this bill if it is amended to allow for the use of chimpanzees in the unlikely case of a new, life-threatening clinical condition in humans for which there are no alternatives (including other species) to the chimpanzee available and for which there is scientific evidence that the use of the chimpanzee is warranted. Our support, however, would depend on a transparent process should such an emergency use be pursued.

#### Conclusion

The Great Ape Protection and Cost Savings Act (S.810) is common sense legislation that is needed to ensure the protection of chimpanzees and the judicious use of taxpayer dollars. The science, economics and ethics all point toward the need to end harmful research on chimpanzees and to retire these long-lived animals to appropriate sanctuaries. We strongly urge the Subcommittee to report the bill favorably and urge the Senate to pass this important measure.

Thank you again for the opportunity to provide testimony in support of the Great Ape Protection and Cost Savings Act. Please feel free to contact The HSUS for further information.