

Fact Sheet

Support the Animal Welfare Accountability Improvement Act (H.R. 2193)

Representatives Steve Israel (D-NY) and Mark Kirk (R-IL) have introduced the Animal Welfare Accountability Improvement Act (H.R. 2193) to prohibit the use of animals for sales/marketing of medical devices and products, increase maximum penalties for animal research facilities, and require the U.S. Department of Agriculture to submit an annual report to Congress regarding enforcement activities.

Harming Animals in Sales Demonstrations

The recent death of a dog following a sales demonstration at an Ohio medical center highlighted the fact that the Animal Welfare Act (AWA) does not bar the use of live animals in sales demonstrations for products such as medical devices. The HSUS is calling on Congress to amend the AWA to prohibit the use of animals for mere sales pitches.

What happened at the Cleveland Clinic?

An individual artificially created an aneurysm in the brain of an anesthetized dog in an attempt to demonstrate a medical device used to treat such aneurysms. The demonstration was for the benefit of salespeople from the device's manufacturer, about two-dozen of whom watched and at least some of whom participated in the hands-on exercise. According to news reports, the surgeon thought it would be "fun" for the sales representatives to use the device; the exercise had nothing to do with the advancement of medical science. The procedure was repeated several times on the dog, who was later killed.

Why should the use of live animals in sales demonstrations be prohibited?

Many people have concerns about animal experimentation even when conducted for the most compelling medical purposes. However, in this case, a dog was operated on, manipulated repeatedly by non-medically trained salespeople, and later killed, all for marketing of a device and for the financial gain of a for-profit corporation. The Cleveland Clinic took swift action in the matter, and has stated that the exercise was not approved and it does not allow procedures with animals for the sole purpose of sales training. However, this is not a decision that should be left up to individual research facilities; this use of animals should be prohibited by law altogether.

How many animals are used for sales demonstrations each year?

While the exact number cannot be determined, the use of live animals in sales demonstrations is increasingly coming to light. In the 1980's, a company that sold surgical staples used over 1,000 dogs per year in sales demonstrations. The company eventually stopped but only after years of public pressure.

How does H.R. 2193 solve the problem of the use of live animals in sales demonstrations?

This legislation would specifically bar the use of live animals for demonstrations of medical devices or products for the purpose of marketing. This amendment will not prohibit the training of physicians as to how to use a device or product if the training is for purposes other than marketing a device or product.

Increased Penalties for Violations by Animal Research Facilities

The proposed amendments increase the current maximum penalty for research institutions under the AWA from \$2,500 to \$10,000 per violation. The maximum penalty has not changed since 1985. It would also require that penalties be calculated per animal affected per day per violation.



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Why should financial penalties be increased for research facilities?

- The Office of Inspector General (OIG) of the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) conducted an audit of APHIS Animal Welfare Act enforcement activities and found that the current fine of \$2,500 is inadequate to deter violations by research facilities.
- The OIG specifically recommended that APHIS seek “a legislative change to increase fines up to \$10,000 for research facilities” and “calculate fines based on the number of animals affected per violation when appropriate.”¹
- While APHIS can revoke licenses for breeders and exhibitors, the AWA currently prohibits the USDA from interfering with the conduct of research; therefore the USDA does not have the authority to close a research facility. The only tool that APHIS has to enforce the AWA with regard to research facilities is through financial penalties.

Aren't penalties already calculated according to the number of animals affected?

No. While the AWA does not prohibit calculation of fines based on number of animals affected, APHIS currently bases fines solely on the number of violations, according to the OIG report. OIG indicated that a calculation of fines based on number of animals affected would further deter AWA violations.

Annual Report to Congress Regarding AWA Enforcement

What information would the annual report include?

The annual report submitted by the USDA to Congress would provide such information as:

- Identification of all entities or persons licensed or registered with the USDA (including animal research facilities, exhibitors, dealers, carriers and others) and information regarding the nature and place of investigations conducted by the USDA in regards to these entities;
- Information reported annually to the USDA by research facilities, including procedures likely to produce animal pain or distress; and
- Legislative recommendations for improving administration of the AWA.

What is the value of an annual report from APHIS to Congress?

An annual report would increase public accountability, improve enforcement, and refine alternatives development. The public is concerned about animal welfare, particularly the welfare of animals used in harmful experiments. An annual report from the USDA to Congress would:

- Provide the public with information on the number of animals used for research, testing and education and whether or not the animals experienced unrelieved pain and/or distress;
- Inform Congress of APHIS's AWA enforcement activities; and
- Provide information on what areas of research cause animal suffering and thus should be the focus of alternatives development.

¹ U.S. Department of Agriculture Office of Inspector General, Western Region (2005, September) Audit report: APHIS Animal Care Program Inspection and Enforcement Activities. Report No. 33002-3-SF