

Pound Seizure:

A Dead Issue for Some, Still Costing the Lives of Many



History of Pound Seizure Laws

Pound seizure and the use of shelter animals in research have been controversial and explosive issues in the animal welfare and research communities since the 1940s. After World War II, as the use of animals in research began to boom, and the biomedical research community acquired more power, laboratories began to scramble to obtain animals to use as research subjects. Scientists first turned to pounds and shelters, which were places full of “surplus” animals that were cheaply obtained for research. The argument was made, and continues to be made today, that these animals were unwanted and were going to be euthanized anyway. Therefore, their use in biomedical research was not only justified, but was also essential for the progress of modern medicine. Purpose-bred dogs and cats were almost unheard of at that time.

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According to the book *Animals and their Legal Rights*, the majority of laws passed regarding laboratory animals between 1945-1960 were generated by the National Society for Medical Research, which eventually evolved into the National Association for Biomedical Research (NABR). Beginning in the 1940s, laws were passed that would require pounds and shelters to release dogs and cats to research laboratories.

Minnesota, Wisconsin, and New York were among the first states to enact laws that would require the release of shelter animals to research. Minnesota enacted a forced surrender law in 1949. This law required any pound or shelter to relinquish animals upon the request of a research facility, if the pound or shelter received funds from taxes. Wisconsin was not far behind in passing its own seizure law. In 1949, Wisconsin enacted legislation that would require the surrender of any stray to the request of a scientific institution. This Wisconsin law bound even shelters that received only private funds to supply animals to the biomedical research community.

The Hatch-Metcalf Act was passed in 1952 in New York. The law required the surrender of animals to scientific institutions from all humane societies and pounds that received public funds. An amendment to the Hatch-Metcalf Act that would have authorized the inspection of a research facility by a representative of the New York State Humane Association was defeated. The powerful biomedical research community had won another victory against animals and the groups striving to protect them. Though these laws were enacted in the 1940s and 1950s, some of them still exist today. Others, like the Hatch-Metcalf Act, which was repealed in 1979, have been repealed or amended, as reformation within the animal welfare movement has demanded tougher protections for companion animals.

Today in the United States, only 13 states prohibit pound seizure (Maine, New Hampshire, Vermont, New York, New Jersey, Rhode Island, Connecticut, Pennsylvania, Massachusetts, Delaware, West Virginia, South Carolina, and Hawaii), and only one of those states,

Massachusetts, prohibits the import of shelter-seized animals from other states. Three states, Utah, Minnesota, and Oklahoma, require seizure from publicly-funded animal shelters, while the other states in the country do not have specific laws prohibiting or requiring seizure. This is a concern to animal advocates, as many states lack regulations that would protect shelter animals from painful experiments conducted in the name of science.

Proponents of pound seizure laws claimed that these laws were needed to protect companion animals from theft. Claims were also made that the dealing of stolen 'pets' would discontinue if researchers could procure subjects from pounds and shelters. However, the familiar story of Pepper, the Dalmatian dog that was stolen, sold to a research facility, and killed, became a focal point for the Resnick Bill. In July of 1965, Congressman Joseph Y. Resnick introduced a bill that would regulate dealers who sold dogs and cats to laboratories. This, along with a 1966 *Life Magazine* expose entitled "Concentration Camps for Dogs," played an important role in the creation of the 1966 Laboratory Animal Welfare Act, now known as the Animal Welfare Act. This was the first federal American legislation that established humane standards of care for the acquisition of laboratory animals and their transport, regulating dealers who sold animals to research institutions.

THE ROLE OF POUNDS & SHELTERS

Polarized opinions regarding the release of shelter animals still exist. The argument continues to rage over the use of animals and the use of purpose-bred animals. Shelters continue to present an ethical argument to the release of animals in their care to research institutions. By definition, a shelter is a place of protection and sanctuary. Surrendering companion animals to research institutions where they will undeniably experience fear, stress, and pain is not ethically sound. Annually, shelters throughout the country euthanize millions of homeless animals. Overpopulation of the companion animal is still prevalent in our society. Scientists employ the overpopulation crisis in this

country to justify the surrender of animals to research. Animal shelters are burdened not only with the responsibility for finding an adoptive home for an animal; they are also burdened with providing a humane death for the animal if a home cannot be found. Many shelter workers believe that dignity and respect for fellow beings require the protection of the animals in their care. Releasing shelter animals to research is contrary to these beliefs. Though shelters must contend with overpopulation issues and, subsequently, euthanasia, they strive to care for their animals humanely. Though shelters may be ethically unwilling to relinquish their animals to laboratories, state law may supercede the wishes of individual shelters.

Though the terms 'pound' and 'shelter' have been used interchangeably, there is a distinction between the two. The word 'pound' is usually attributed a negative connotation by shelter workers and the public. Pounds are traditionally funded by state or local municipalities, and are employed in the service of animal control for strays or surrendered companion animals. Though shelters provide the same general services, they are often funded by private sources. Shelters provide education, behavioral, spay/neuter, and adoption programs to assist not only the public but animals as well. Shelters fear that pound seizure laws erode the confidence and trust of the public. They face a public relations dilemma daily as they try to assert their positive attributes and progressive programs. The public has become more comfortable and trusting of its local shelters to care for stray and abandoned animals. Pound seizure laws strip away the confidence and trust that has been laboriously attained. Former Propets Coalition Director Dr. Michael Giannelli commented on the issue, stating that the seizure of shelter animals for research "is a direct invasion of the heart of the animal protection movement, a breach in the wall of what were intended to be places of last refuge and protective sanctuary for animals."

Scientists have presented a schizophrenic viewpoint of the use of seized animals in research. Some scientists argue that shelter animals are representa-



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tive of the human population as they are heterogeneous. Being from different backgrounds and genetic constitutions, they provide the best simulation of the human population. This is refuted not only by the animal welfare and rights communities but also by other scientists, who argue that because of their heterogeneous constitution, shelter animals make poor research subjects.

One study, which involved heart valve replacements in dogs, was found to be more successful, with a lower mortality rate, in purebred Labrador Retrievers than in a duplicated study using mix-breed dogs of unknown genetic origin. This study has created one of the supporting arguments for using only purpose-bred animals in research. Questionable health and breeding backgrounds create added variables that must be accounted for in any experiment. Former director of Division of Research Resources, Dr. T. Bowery of the National Institutes of Health (NIH), states “The house pet is not a good or desirable research animal.” During an experiment, scientists must account for variability. Recently ‘stray’ companion animals and unwanted ‘pets’ suffer immeasurable stress and fear. From a scientific point of view, stress and fear create variables, and can nullify the results of a well-designed experiment. Shelter animals show greater individual variation in their responses to stress. The laboratory environment creates a number of stresses for animals. These include, but are not limited to, cage size, the experiment being performed, the duration of the experiment,

and the animal’s overall health. According to NIH standards, laboratory cages are required to be only six inches longer than the animal housed in the cage. The size of the cage can especially induce stress for shelter animals. As former companion animals, these dogs are denied the affection and comforts to which they are accustomed. For example, they are unable to relieve themselves in an area away from their living space. Most companion animals, which are housebroken, are undeniably stressed by being required to live in confined situations.

Animals acquired through shelters make up a small percentage of actual animals in research. The biomedical research community has claimed that without access to shelter animals, life-saving research would be crippled. Yet in 1998, according to the United States Department of Agriculture (USDA), 100,783 dogs and cats were used in research. FBR reports that nearly 70 percent of these animals were purpose-bred animals. The other 30 percent were acquired through Class B dealers or shelters. Since the majority of animals used were purpose-bred, this negates the argument that shelter animals are necessary for the progression of modern medicine.

Though biomedical giants like NIH use only purpose-bred animals, and utilize animals from their own breeding colony, researchers assert pure economics as reasoning for the need for shelter animals. Shelter animals are traditionally cheaper than purchasing purpose-bred animals. Comparatively, in 1996, shelter animals were purchased for an average of \$15 each

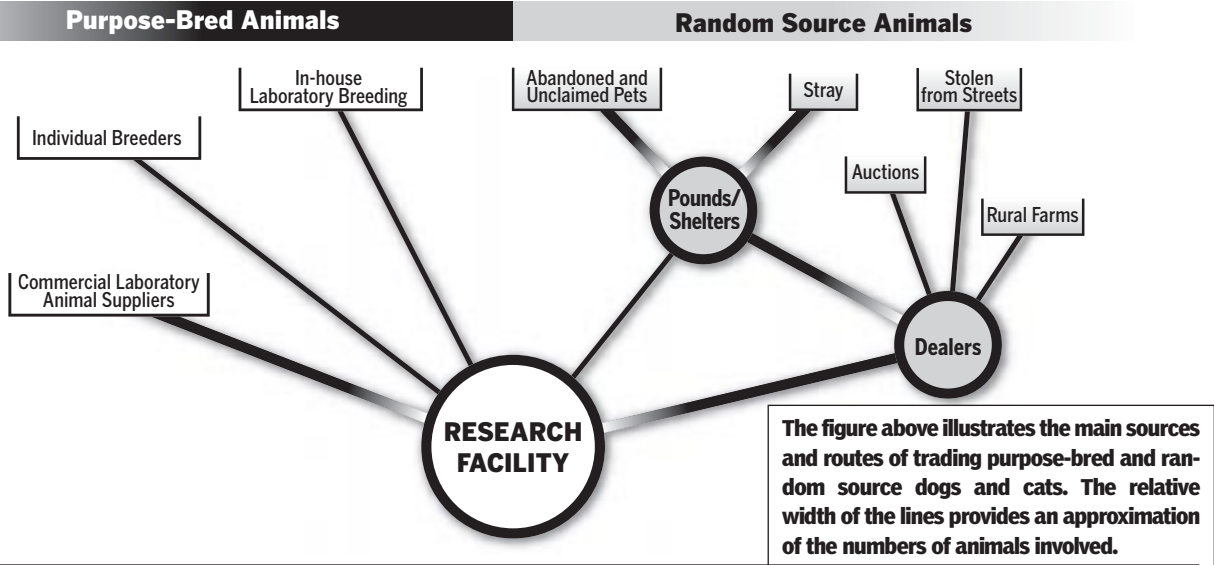
for research. Purpose-bred animals were purchased for approximately \$260-\$995, depending on the breed of the animal. NABR has estimated that without access to shelter animals, research costs would increase to between 70-90 million dollars per year. These figures are disputable, since less than 30 percent of research animals come from pounds and shelters.

Ethical and financial costs are high on both sides of the debate. When shelter animals are used in research, the total number of animals used is higher than in studies that use only purpose-bred animals. The average stress per shelter animal is greater than that of the purpose-bred animal; the scientific cost is higher due to duplication of experiments; and the results may not be valid.

SOURCES OF ANIMALS USED IN RESEARCH

Research institutions obtain their animals from various sources: Class A and B dealers, shelters, and in-house breeding colonies. The USDA, under the Animal Welfare Act, regulates and licenses both Class A and B dealers. Class A dealers sell only purpose-bred animals, animals that they breed or raise, to research facilities. Class B dealers, or random source dealers, procure the animals they sell from a variety of sources. USDA regulations require that a Class B dealer may obtain animals only from: other USDA licensed dealers, pounds and shelters (where state law allows), “humane groups and contract pounds organized as legal entities under the laws of their State,” and from private persons who

SOURCE & TRADING ROUTE OF LABORATORY DOGS AND CATS



The figure above illustrates the main sources and routes of trading purpose-bred and random source dogs and cats. The relative width of the lines provides an approximation of the numbers of animals involved.

have raised and bred the animals on their own premises. USDA regulations also stipulate holding periods for random source animals. This is to give animal guardians ample time to find lost or stolen animals. For example, a licensed B dealer is required to hold an animal obtained from a pound or shelter for ten full days, not including the day of acquisition, before selling the animal.

Regulation of Class B, or random source, dealers is arduous. Though the USDA licenses B dealers, they have been targeted by animal welfare and rights groups regarding unscrupulous means of obtaining animals to be sold for research. Class B dealers also participate in animal auctions, which have become a growing source of stolen pets. Thousands of illegally obtained dogs and cats are bought, sold, traded, and trafficked at auctions and trade days. Animals are peddled to the highest bidder at these events.

In 1993, the USDA commenced a program designed to track the origin of dogs obtained by Class B dealers. The traceback program has focused its efforts on ensuring that Class B dealers keep accurate and complete records of the acquisition of their animals. Since its inception in 1993, the USDA has improved the traceback success rating from 40 percent to 95 percent. The number of random source dealers has also decreased from 100 to less than 35 who sell animals to research. In 1999, the number of Class B dealers, under investigation by the USDA, has decreased to fewer than five.

In an attempt to address the stolen pet trade, Congressman Charles Canady (R-FL) and Senator Daniel Akaka (D-HI)

introduced the Pet Safety and Protection Act of 1999. The legislation was designed to amend the Animal Welfare Act to ensure that the dogs and cats used in research and education were not obtained by duplicitous means. The legislation would also provide monetary penalties for violations of the Act. The Act would prohibit the sale of dogs and cats by Class B dealers and unlicensed individuals to research institutions. Stray animals would also be prohibited from being sold to laboratories. According to Dr. Jerry DePoyster, DVM, of the USDA Animal and Plant Health Inspection Service Animal Care Unit, "Labs don't want to take in stolen pets, that's the last thing they want on their hands—it's the touch of death."

The pound seizure debate is usually coupled with discussion of purpose-bred animals. These animals, bred specifically for research, have become multi-million dollar commodities in biomedical research. Companies like Charles River have developed breeding colonies that produce in excess of 7,000 animals for research per month, according to a 1989 survey. Biomedical budgets are expected to increase in the new presidential administration. Before his election into office, President Bush expressed his intentions to double the budget of the research and development branch of NIH. NIH has purpose-bred beagles and foxhounds since the late 1960s. Although the animal rights community does not support the use of animals in research, purpose-bred animals are considered to be one of the three Rs, a refinement technique.

CONCLUSION

Despite the progress of the animal protection movement since the inception of pound seizure laws, the debate has not lessened in complexity. Rather, it seems to have become a more highly-charged issue as the animal welfare/rights and biomedical research communities continue to battle over the use of animals in research. Ethical questions regarding pain and suffering, the use of purpose-bred animals versus shelter animals, alternatives, and the advancement of modern medicine in order to save human lives are frontal issues. Dogs and cats, whether purpose-bred or obtained from shelters, continue to be trapped in the center of the debate. Their lives, and the quality of those lives, hang in the balance. As long as states continue to deny protection to shelter animals, we as humans continue to fail companion animals. We are deficient as a society in our protection of sentient beings that in one situation are our beloved 'pets' and companions, but in another are merely means to a human end. In our selfishness, we have failed to recognize the cost of animal life for our own gain, whether the excuse be a new life-saving medicine or the latest personal-care product.

The work of the animal welfare and rights community is far from complete regarding the issue of pound seizure. Currently, 34 states do not have laws regulating the use of shelter animals in research. Discretion is dispensed to local and municipal governments and humane societies. Although perceived by some to be a dead issue, as long as laws do not exist that protect these animals, we will not progress towards refinement, alternatives, and, finally, the end of the use of animals in research. **AV**