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Pound Seizure When

By Liz Hecht, Director, Citizens for Alternatives to Animal Labs

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David Flagler,
Director,
Salt Lake County
Animal Services



Photo by Eric Minald

Pound animals often wind up in research laboratories in states where pound seizure is legal.

“Pound seizure” is the practice of taking lost, stray or abandoned dogs and cats from municipally funded animal “shelters” for use in research, testing and teaching. Currently, Utah and Minnesota are the only two states with laws requiring animals in municipally funded facilities to be turned over to research institutions.

Fourteen states have laws that explicitly prohibit pound seizure: Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont and West Virginia. The remaining states either have a law allowing researchers access to animals from publicly funded shelters under certain conditions or have no law at all, leaving the matter to local discretion. In 1997, for example, Oklahoma added a provision to its pound seizure mandate stating that animals must go to research “except as otherwise provided by a municipal ordinance,” enabling communities to enact a ban on pound seizure.

England, Denmark, Sweden and Holland have banned pound seizure, while The World Health Organization and the Council of Europe publicly advise against the use of “random source animals” (animals not bred explicitly for research, including animals from shelters and other sources).

According to the Humane Society of the United States, “thousands of dogs and cats taken from shelters are used every year in painful or long-term experiments by researchers studying everything from the effects of radiation to behavioral abnormalities.” The University of Utah used 137 dogs and 21 cats for research in 1998. More than half of these animals, says Dr. Jack L. Taylor, Director of Animal Resources at the University, came from shelters.

While some dogs and cats used for research at the University are ultimately placed in good homes, not all can be so fortunate. Utah state cruelty codes, says John Fox, Chief Investigator for the Humane Society of Utah, do not protect animals involved in “bona fide scientific research.” Dr. Taylor tells me that University of Utah research on animals includes drug therapy and vision studies.

Will it End?

A Law That is Not Enforced

The state-mandated pound seizure law in Utah does not appear to be rigorously enforced; that is, shelters that are willing to comply do and those that are not willing to comply don't. Salt Lake County Animal Services, one of the largest animal control organizations in Utah, refuses to comply with the law as does the Ogden Animal Shelter. "We have philosophical problems making animals available to research. Some of our neighboring brethren do not have those same problems," says David Flagler, Director of Salt Lake County Animal Services. "We don't believe it is right," says Emily Braegger, Animal Services Technician at the Ogden shelter. Shelters that do allow pound seizure include those located in Utah County (Provo), Sandy City, Davis County and West Valley.

Mr. Flagler, who has been Director of Salt Lake County Animal Services since 1997, says that no institution has approached the shelter during his tenure requesting live animals for use in research. Both Dr. Taylor and Dr. David Carrier, Faculty Chair of the Institutional Animal Care and Use Committee, confirm that the University of Utah does not receive animals from shelters that are unwilling to participate.

This laissez faire enforcement policy, according to local animal rescue groups, has not always been in effect. Mike McFarland, the Director of Salt Lake County Animal Services from 1982-1987, recalls being under intense pressure from government officials "when we put our foot down and refused to release animals for research." Mr. McFarland left Utah for a position at the Humane Society of the United States in large part because of his role in the pound seizure debate. "I wasn't asked to leave," he says, "but I was smart enough to see the writing on the wall."

The current unwillingness to force the issue may represent a greater understanding of the negative publicity associated with using shelter animals for research. Past efforts by research institutions to secure public support of pound seizure in Utah have backfired. "They won the war," says Patricia VonKhrum, a local animal advocate who founded Citizens Against Mandatory Pound Seizure, "but we won a couple of major public relations battles along the way." Says Peggy Raddon, Community Relations Coordinator at Salt Lake County Animal Services, "The law never did change, but the negative publicity was disconcerting for local research institutions."

Based on interviews with shelter officials, the number of animals used for research originating in Utah shelters has diminished

over the past few years. The research laboratories, says DeAnne Hess, Director of Davis County Animal Control, "used to pick up several times a week. Now we go for months at a time with no requests." According to Ms. Hess, in 1989 Davis County relinquished 461 dogs and cats to animal researchers while in 1998 the county relinquished 37 dogs and cats. Lieutenant Grant Ferre of Utah County Animal Control in Provo says that approximately 35 animals were relinquished to research over the past year (25 to Brigham Young University and 10 to the University of Utah), stating that some were used by Brigham Young University's veterinary technician program to demonstrate spay/neuter then put up for adoption in good homes (a fact confirmed by Faith Maloney, Director of Best Friends Animal Sanctuary in Kanab, Utah, which helped to place the dogs). Celia Georgi, Shelter Manager at West Valley City Animal Control, says that 4 cats and 1 dog were sent to research institutions over the past year, and Sandy City Animal Services Director Rich Bergan estimates that approximately 10-12 animals have been sent from Sandy City to research institutions annually over the past four years.

Are the shelters that do participate in pound seizure always giving these animals a reasonable chance to be found by their "owners?" All shelter officials contacted for this article assured me that they scan for microchip I.D., but apparently not as carefully as they might in all cases. One rescue worker, Khris Harrold of Citizens for Animal Management and Protection Society (CAMPS), recalls being contacted by a research lab when a dog with microchip I.D. arrived at the laboratory from a local shelter. Thanks to the lab worker's diligence and the microchip I.D., the dog was returned to CAMPS. Another rescue worker reports reuniting a dog from a shelter with his "owners" after discovering his microchip I.D. The I.D. was discovered while the dog was at PetSmart being shown to potential new guardians!

What about Utah pet "owners" who turn their animals in to a shelter because they can no longer keep them? Do the shelters make every effort to inform these people that their dog or cat may end her days in a research laboratory? According to Utah's pound seizure law, "Owners of animals who voluntarily provide their animals to an establishment may, by signature, determine whether or not the animal may be provided to an institution or used for research or educational purposes." Yet not all Utah shelters make an effort to define this option clearly for "owners." The West Valley shelter, according to Celia Georgi, has a sign posted in the foyer stating that animals relinquished to the shelter may be placed up for adoption, euthanized or used for

“We do participate [in pound seizure programs]. We have to cooperate because it is a state law.”

DeAnne Hess, Director, Davis County Animal Control

research. When I ask if West Valley makes this completely clear to pet “owners,” Ms. Georgi responds, “If they ask, but it’s not something I go out of my way to tell them.” Some shelters provide a form that explicitly asks the owner to check yes or no in response to “Do you want this animal used for research?” Other shelters, Utah County for example, merely ask the “owner” to sign a form that states, “I hereby request that this animal be disposed of in accordance with applicable provisions of the law...I hereby release the County of Utah...from any and all liability arising from the acceptance, disposal or euthanasia of this animal.”

Why Does Pound Seizure Persist in Utah?

If the law is infrequently enforced and only in situations where shelters are willing to abide by it, then why bother keeping it on the books? Why hasn’t Utah gone the way of other states where the use of shelter animals for research is banned? The answer lies in a mix of rural state politics, histrionics on the part of medical researchers, acceptance of the status quo by many shelters and a lack of public awareness.

Rural State Politics. Animal rights activists in Utah have fought hard to put an end to pound seizure, but have proven unsuccessful in a state where many legislators also happen to be cattlemen or sheep ranchers or sensitive to those constituencies. Says Mr. Fox of the Humane Society of Utah, “We are about 30 or 40 years behind more progressive areas of the country. We are a conservative, rural state and most of the population does not want to be told by Salt Lake what to do with their animals.” After an unsuccessful fight to repeal pound seizure in the mid-1980s, Citizens Against Mandatory Pound Seizure was rechristened Citizens Animal Management and Protection Society and

shifted its focus from political action to finding homes for strays.

CAMPS founder Patricia VonKhrum, recalls the medical research lobby raining small cutout hearts on the Utah senate floor; part of a publicity stunt to protest passage of legislation that might limit the supply of pound animals to heart research. The legislation CAMPS sought would have changed the word “shall” to “may” in the law mandating pound seizure:

“The governing body of the county or municipality in which an establishment is located shall make available to an authorized institution as many impounded animals as the institution may request...”

“We just wanted to change that one word,” says Ms. VonKhrum. “We have tried to challenge the law several times,” says Mr. Fox. “But when we do, they [the medical research lobby] bring out the little old ladies in wheel chairs and tiny children and say, “These people will die if we don’t have animal research.”

Histrionics on the part of medical researchers. At issue is not the future of medical progress putatively dependent on animal research but the future of animal research using animals taken from public shelters funded by taxpayer dollars. Prominent physicians such as heart surgeon Michael E. DeBakey have asserted that stopping the use of pound animals will “prevent or slow” medical research and that the “future of biomedical research; and ultimately human health” will be compromised.

The notion that medical progress will be retarded without a supply of shelter animals is spurious. Biomedical research continues in European countries where pound seizure has been banned, and in Massachusetts, which has the most comprehensive state law banning pound seizure. Prestigious institutions such as Harvard continue to pursue medical research using animals without resorting to raids on local shelters.

Acceptance of the status quo by many shelters. When I mention the organization that used to be called Citizens Against Mandatory Pound Seizure to Dr. Carrier of the University of Utah, he takes care to assure me that pound seizure is not “mandatory,” that shelters participate voluntarily. The University of Utah no longer approaches Salt Lake County Animal Services, he explains, because it is known that they are unwilling to provide shelter animals for research. When I ask officials at other shelters why they participate when they don’t have to, answers range from “because it is the law” to assurances that the animals are not harmed in any way to statements of support for the benefits of animal research to human health.

Lack of public awareness. It is unlikely that the average man or woman on the street knows what “vivisection” or “pound seizure” means. Many Utah shelter workers contacted for this article, in fact, requested a definition of the term, and one official at one of the smaller Salt Lake City-area shelters questioned the existence of such a law in the state of Utah (I faxed her a copy of the law). Some of the shelter directors who state with conviction that the animals are treated well in laboratories at the same time cannot answer questions regarding the nature of the experiments the animals are used in, and cannot remember the last time they visited a lab to observe the living conditions there.

Given this lack of awareness, how can Utah shelter workers be certain that some animal experiments have not in fact retarded progress toward human health by diverting the focus of research away from clinical research on naturally occurring human cases? As to claims of confidence by shelter staff that the animals they have

surrendered are not harmed in any way, such statements appear not only ignorant but disingenuous in light of laws that permit animals to be used in painful experiments without any form of anesthesia.

Faulty Arithmetic and Random Results

There are several arguments for using shelter animals versus purpose-bred animals for research. One relies on arithmetic: Why kill two animals instead of one; the purpose-bred animal used for research and the pound animal that will be euthanized anyway? Another is based on cost. The actual purchase price of shelter animals is significantly less than the purchase price for purpose-bred animals. (Shelter animals typically are sold for \$5-\$20 whereas purpose-bred animals can cost five to ten times as much.) Perhaps most important, shelter animals are easier to handle. Unlike purpose-bred animals, which have been raised in cages and have little or no experience with humans, animals originating at the pound are more likely to be comfortable with people.

The arguments against using pound animals are ethical, pragmatic and scientific. Using shelters to supply medical research labs, especially when the most basic legal protections against cruelty are suspended for animals in research laboratories, completely perverts the purpose of these publicly funded facilities. In areas where pound seizure is legal, the Humane Society of the United States (HSUS) reports, people sometimes abandon animals across state lines in a non-pound seizure state or municipality to avoid pound seizure, thereby potentially overtaxing animal control resources in neighboring areas. According to a 1982 survey by HSUS, of 2,200 shelters and animal control agencies, 93% of those responding agreed with the statement "The release of animals for research undermines effective animal control programs."

Many scientists believe that random source animals generate random research results. During the 1983-1984 campaign to ban pound seizure in California, the following statement was signed by more than 700 physicians, veterinarians and research scientists:

"Pound seizure is an ill-conceived practice damaging to the good name of science and to its quality. The use of animals from shelters for experimentation is not only unnecessary and unethical, but it is detrimental to sound research. Strays are of undetermined genetic, environmental and medical background. They react unpredictably and inconsistently, making questionable the reliability of most research in which they are used."

In its fact sheet on pound seizure, HSUS notes that commercial concerns such as pharmaceutical and toxicology laboratories will not even entertain the idea of using random source animals and have used purpose-bred animals and alternative technology for many years. In discussing the arguments for and against the use of pound animals by other scientists, F. Barbara Orlans, Ph.D., a physiologist and author of *In the Name of Science: Issues in Responsible Animal*

Experimentation, notes that "spurious scientific results could occur because pound animals can be stressed animals, lacking physiological normality, and may even exhibit long-term pathological damage." Further, notes Professor Orlans, "Purpose breeding, according to its proponents, offers higher-quality animals whose health status, age and genetic background are known, thus helping to make the experimental sample more uniform." She also points to research indicating that "random source animals may be a poor economy. Not only may the validity of the research results be compromised, but also the uncertain and often inferior health status of random source animals means that more of them are likely to die than purpose-bred animals. These sicknesses and deaths add to the cost of using pound animals because greater numbers have to be used."



Photo by Eric Mindel

The Calculus of Suffering: Purpose-Bred Versus Random Source?

Conventional wisdom supports the notion that purpose-bred animals suffer less than animals from shelters and that it is therefore more ethically acceptable, somehow, to use purpose-bred animals in research. Anecdotal evidence and common sense, however, suggest that purpose-bred animals suffer just as much but for different reasons. Dr. Carrier of the University of Utah tells me that some of the purpose-bred dogs he has worked with have been "traumatized animals who are socially and psychologically scarred." He explains that the purpose-bred dogs are raised in cages and have very little contact with humans before they enter a laboratory. While they eventually become accustomed to people and are placed in good homes upon completion of his research, Dr. Carrier views the initial state of

Webster's Dictionary defines "shelter" as a place or structure giving protection; that which covers or defends; a place of refuge; asylum.



Photo by Eric Mizdel

the purpose-bred animals he has worked with as a rationale for using dogs obtained from shelters. Professor Orlans, by contrast, paints a vivid picture of the way in which an animal seized from a shelter is more likely to suffer in a lab: "In general, pet animals are used to considerable freedom of movement; they have probably never lived in cage alone. Their life is rich in stimulus...and they have known affection from humans. When they enter a laboratory, most of this is lost."

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What Can You Do Now?

How have other states succeeded in banning pound seizure? Elinor Molbegott, an attorney specializing in animal rights issues who as a lawyer for the A.S.P.C.A. was part of the successful 1979 campaign to repeal the Metcalf-Hatch Act mandating pound seizure in New York State, points to three factors that made it possible to repeal Metcalf-Hatch: (1) the A.S.P.C.A. refusing to comply with the law; (2) the diminishing reliance of research institutions on New York pound animals; and (3) the focused, dedicated work of many New York animal rights activists. At least two of these factors apply in Utah, but currently Utah humane agencies are not involved in an active campaign to end pound seizure. They see it as a losing battle. "Our legislature is not open to it [changing the law]," says Peggy Raddon. Many legislators, she says, are ranchers who, unsurprisingly, "just don't see it as an issue."

There are still plenty of things that you can do right now to help end mandatory pound seizure in Utah and other states where it is allowed:

1 Raise awareness by writing a story for your school or local newspaper. Find out exactly what the law is in your state. Contact research institutions and animal shelters and ask about their participation in pound seizure. The USDA Web site (http://foia.aphis.usda.gov/read_room/animal_welfare/index) provides access to annual reports from research institutions by state indicating how many dogs, cats and other animals were used for research by each institution in a given year.

2 Raise awareness of the ultimate culprit in the tragedy of pound seizure; dog and cat overpopulation. Work with your local shelter to support spay/neuter programs.

3 Contact your legislators. Make them aware of the ethical and scientific issues associated with pound seizure. In Utah, write or call:

Senator Orrin Hatch
8402 Federal Building
Salt Lake City, UT 84138
801-524-4380

Senator Bob Bennett
125 South State Street, Suite 4225
Salt Lake City, UT 84138
801-524-5933

4 Stop or limit consumption of meat and dairy products. It is no accident that Utah, a largely rural state, should be one of the last states in the country to mandate pound seizure. Wherever humans feel that it is normal and acceptable to use non-human animals for their own benefit; be it for food or as medical research tools; legislation to protect basic animal rights requires a bigger fight. To paraphrase the late animal rights activist Henry Spira (who was instrumental in the New York campaign to repeal Metcalf-Hatch), positive change will be difficult to achieve "as long as animals are edibles."

5 To protect your own animals, be sure they have microchip I.D. Many pounds, shelters and laboratories now routinely scan for microchip I.D. Covering this simple base can spare you from losing a cherished companion. ■