

Ferrets Not Included in Petition to U.S.D.A.

The U.S. Department of Agriculture (U.S.D.A.) acknowledged receipt of a petition to regulate rats, mice, and birds under the Animal Welfare Act (A.W.A.) on January 28, 1999, according to the U.S.D.A. Animal Plant and Health Inspection Service's *Animal Care Report*, Winter 1999. The petition, submitted by the Alternative Research and Development Foundation, a group affiliated with the American Antivivisection Society, would include these additional animals under the protective oversight of the A.W.A. The A.W.A. currently defines "animal" as "any live or dead dog, cats, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet."

As written, the A.W.A. currently excludes mice, rats, birds, horses not used for research purposes, and other farm animals. Ferrets are not directly mentioned in the law. The A.W.A. describes and defines the living conditions and handling necessary to maximize the quality of life of those animals covered by the Act that are used in laboratory or exhibition settings. The petition would amend the definition of "animal" in the A.W.A. enforcement regulations to remove the exclusion of birds, mice, and rats, which has been in effect since the passage of the Act in 1970.

History of the Act

In 1966, Congress enacted the Federal Laboratory Animal Welfare Act, which is the only federal statute designed to protect animals used in all research facilities. Amendments enacted in 1970 covered a broad definition of "warm-blooded" animals, although the U.S.D.A. has excluded birds, mice, and



Most ferret owners think of their pets simply as cuddly, affectionate creatures, at home in a hammock or lounging on the couch. Each year, however, many ferrets are used in medical research and are not protected by the same laws that govern the humane treatment of other animals, such as dogs, cats, and rabbits. Photo by Patty Asheuer.

rats from its regulation defining "animal" [U.S.C. 2132(g) (1994)]. As a result of this exclusion, most animals used in research are excluded from the U.S.D.A.'s oversight. In addition, a review of the types and numbers of animals used in research since the original enactment of the A.W.A. shows that the use of animals not specifically covered by the Act is increasing steadily, while the use of animals covered by the Act is decreasing with time.

Lawsuit Filed

On February 2, the Scientists Center for Animal Welfare and the Institute for Laboratory Animal Welfare hosted a forum in Washington, D.C., to discuss the effect the petition would have on research activities. On March 9, the petitioners filed a suit against U.S.D.A. in Federal court in Washington, D.C. If the U.S.D.A. approves the petition, the law suit will be moot.

If, however, U.S.D.A. maintains the exclusion, "it will have to tell a judge why for 29 years it has act[ed] contrary to the clear intent of Congress, which

amended the 1966 Federal Animal Welfare Act in 1970 to cover all 'warm-blooded animals...used or intended for use, for research, testing, experimentation or exhibition purposes.'"

Ferrets Not Included

The American Ferret Association has contacted U.S.D.A. on numerous occasions regarding the inclusion of ferrets among the animals covered by the A.W.A. A.F.A. has been told that inclusion of another animal requires the submission of a formal Citizens' Petition to A.P.H.I.S.

A.F.A. has responded by publishing the A.F.A. Shelter Guidelines, which incorporate language of the A.W.A. tailored to the needs of the ferret. The A.F.A. Shelter Guidelines may be obtained by contacting the A.F.A. office.

The Rats, Mice and Birds petition (Docket #98-106-1, Regulatory Analysis & Development, PPD) can be found on the Internet at <http://comments.aphis.usda.gov>, where public comments may be read.