



ASSOCIATION OF AMERICAN UNIVERSITIES

March 22, 2013

We appreciate the opportunity to comment on the report of the National Institutes of Health (NIH) Working Group (WG) on the Use of Chimpanzees in NIH-Supported Research (NOT-OD-13-026). The Association of American Universities (AAU) is a non-profit association of 60 U.S. and two Canadian preeminent research universities. Our institutions collectively receive nearly 60 percent of all federal research funds provided to colleges and universities, including more than 60 percent of all NIH awards.¹ While chimpanzees rate among the rarest of animal models used by our institutions, they are committed to ensuring that research involving any animal species not only conforms with ethical, legal, and safety regulations but also maintains the highest standards of animal care and health.

AAU applauds NIH for adopting the recommendations of the Institute of Medicine's (IOM) report *The Use of Chimpanzees in Biomedical and Behavioral Research: Assessing the Necessity* and for establishing a thoughtful and serious process for implementing the report's recommendations. We believe that appropriate use and care of research animals should be determined by those with the scientific, veterinary, and ethical expertise to make such determinations, and that this is preferable to recently introduced bills which would eliminate the use of chimpanzees in research based on political, rather than scientific, motivations. We note that both the IOM report and the NIH WG continue to see value in using chimpanzees in life-saving biomedical research, albeit in a more limited capacity.

While we support much of the work of the WG and its report recommendations, AAU has concerns related to three major areas: ethologically appropriate housing and retirement facilities for chimpanzees; the maintenance of a research colony of chimpanzees; and how the implementation of the report recommendations will impact the use of other non-human primates (NHP) in NIH-supported research. Our comments below reflect these areas of concern.

Flexibility to retire research chimpanzees in place: The WG strongly recommends the retirement of most NIH-supported chimpanzees into the federally funded sanctuary system (Recommendation SP1), which is located at Chimp Haven, in the state of Louisiana. This is an unrealistic recommendation and AAU urges NIH to reject it. There are currently numerous retired research chimps waiting for a place in

¹ AAU Facts and Figures, prior to 2012 admission of Boston University:
<http://www.aau.edu/WorkArea/DownloadAsset.aspx?id=13460>

the sanctuary and some have been waiting for many years. Put simply, Chimp Haven has neither the space nor the resources to accommodate the large influx of retiring animals as recommended by the WG. Private sanctuaries, such as Save the Chimps, in Florida, are also at capacity and limited in funding.²

Nor is that situations likely to change, given the funding constraints placed on NIH by the CHIMP Act of 2000, limiting the agency's ability to support chimpanzee sanctuaries. Given the current federal budget situation, it seems unlikely Congress would agree to dedicate funding to expand the sanctuary, particularly given the enormous cost of such an undertaking were NIH to adopt the housing standards recommended by the committee (see section below for more on this issue). AAU also notes that even were Congress to lift the cap on funding chimpanzee sanctuary support, such support would come at the expense of critical biomedical research, at a fiscally constrained time when the agency is already struggling to maintain research capacity, and would thereby directly and negatively impact the primary mission of NIH. AAU is also troubled by the service of Dr. Stephen Ross on the WG and his influence on the recommendation to retire the majority of NIH-supported chimpanzees to the federal sanctuary. Given that Dr. Ross served as chair of Chimp Haven during his service on the WG, and stood to directly benefit from such a recommendation, we are concerned that such a recommendation is tainted by a blatant conflict of interest.

AAU recommends NIH consider allowing chimpanzees to retire in place at current research facilities. The WG put a strong emphasis on the relationships chimpanzees develop with their human caretakers (Recommendations EA-8 and EA-9), and we believe this is further justification for allowing research chimpanzees, many of whom have known their caretakers for years if not decades, to remain in current facilities for the remainder of their retirement. This would mitigate the potential of animals held in temporary situations for long period of time, as well as the trauma of relocating chimpanzees to completely new environments, with new social groups and human caretakers.

Infeasible and prescriptive housing requirements: AAU embraces the principles (a-g) for ethologically appropriate environments the WG outlined for housing chimpanzees on page 25 of their report. These are consistent with the principles in the IOM report which further recommends that:

“[Ethologically appropriate physical environments can be achieved by maintaining animals on protocols either in their natural habitats, or by consistently maintaining with conspecifics in facilities accredited by the Association for Assessment and Accreditation of Laboratory Animal Care International. Examples of appropriate physical and social environments currently accredited by [AAALAC] include primadomes or corrals with environmental enrichment, outdoor caging with access to shelter, and indoor caging.” (p.27)³

² <http://www.npr.org/2013/01/18/169656920/figuring-how-to-pay-for-chimp-retirement>

³ IOM and NRC. (2011) Chimpanzees in Biomedical and Behavioral Research: Assessing the Necessity: <http://iom.edu/Reports/2011/Chimpanzees-in-Biomedical-and-Behavioral-Research-Assessing-the-Necessity.aspx>

Such a recommendation is in keeping with an underlying tenet of AAALAC accreditation: that animal care and housing should be based on performance-based standards based on the professional expertise of the veterinarians, behaviorists, and enrichment specialists assigned to their care. In addition, AAALAC standards themselves are based on scientific evidence and recently published data in consultation with experts. While the WG has made recommendations to ensure that professional judgment is in place (Recommendations EA-8 and EA-9), and claims to “promote a holistic and performance-based approach,” the prescriptive, engineering standards for size of physical environments and social grouping (Recommendations EA-1, EA-2, and EA-4) are in stark contrast to this approach. Such engineering standards also seem to violate the spirit of the IOM report’s recommendation, and AAU strongly recommends that NIH does not adopt these standards for NIH-supported chimpanzees.

While we recognize the WG consulted with experts, as described in Appendix E of the report, we question whether wild-chimpanzee populations are an appropriate baseline of physical environments for NIH-supported research or retired chimpanzees. Particularly since wild chimpanzees actually live in a variety of habitats and face challenges, such as limited food resources and habitat encroachment, not experienced by captive chimpanzees. As noted in this appendix, there is general agreement that chimpanzees need to “be maintained within large, complex, outdoor primary living spaces with abundant vertical and horizontal dimensions for climbing and other forms of exploration, foraging, and ranging.” However, we are concerned that the size of the facilities, specifically, is so narrowly defined based and based on scant scientific evidence. For comparison’s sake, it should be recognized that the standards for the physical and social environments for fostering of human children, who arguably have complex social, cognitive, emotional, and physical needs on par with those of chimpanzees, are significantly less stringent at both the federal and state levels.⁴

To the best of our knowledge, no research facility, including the federal sanctuary, currently meets the 140,000 ft³ standard recommended by the WG report. While AAU recognizes that to meet the performance-based approach recommended by both the IOM and the WG, current research facilities may need to invest in significant physical improvements, we believe that the requirement to build entirely new facilities to meet the space requirements recommended by the WG is infeasible and impractical and should be summarily rejected.

The cost of building such environments will be prohibitive for research institutions and NIH, both of which are facing extreme financial pressures in the current fiscal environment. While cost should never be the primary consideration is issues of animal care, realistically, it is a practical consideration that cannot be ignored. Not only will this be funding diverted away from the primary mission of both the agency and research institutions, but if the WG’s prediction that the use of chimpanzees in research will be obsolete over the next few decades, such facilities will no longer be necessary after the natural lifespan of the current population. While it may be possible to retrofit the facilities for other species, this

⁴ Child Welfare Information Gateway:
https://www.childwelfare.gov/systemwide/laws_policies/statutes/homestudyreqs.pdf

would be a costly endeavor. Spending what would easily be hundreds of millions of dollars on the construction of new facilities that will be abandoned or need significant renovation within a few decades, with perhaps little commensurate improvement in the care of the animals, is a poor use of federal and university resources, which could be better spent on meeting the personnel and enrichment recommendations of the WG or on other, critical medical research priorities.

Maintenance of a colony of research chimpanzees: AAU supports both IOM and the WG's finding that the need for chimpanzees in research has significantly diminished, but that there is still important scientific value in maintaining an active population of chimpanzees for research. However, there are some issues within and questions raised by the recommendations (SP-1 through SP-9) that need to be addressed before implementation. We suggest NIH carefully consider the practical issues raised by maintaining such a colony within the limitations suggested by the WG. Without breeding, and with the necessity of half the animals naïve to infectious disease, how will the colony be kept at 50 chimpanzees? If a chimpanzee dies or is involved in an infectious disease study, will his or her number be replenished to keep the colony size at 50? How will the animals that age to the point that they are no longer useful in research be replaced? To assemble the ideal colony recommended by the WG, in terms of age, gender distribution, diseases status, etc., it would seem necessary to break up existing social groups of chimpanzees, which seems at odds with the entire thrust of the WG report.

Recommendation SP-2 suggests a regular review of colony size, which we support, but suggests such a review only examine whether the animals are "overused" and whether the colony is necessary? Would colony replenishment or expansion be part of that review if the science warranted an increased need for chimpanzees in particular areas of research, as decided by the WG's criteria for review of future research (Recommendations RP-1 through RP-9)? Given that BSL-2 or higher level containment facilities are required for the types of research most common in new, emerging, and re-emerging disease, how will NIH reconcile the need to fund a meritorious and critical study using chimpanzees in this area, as identified by the recommended review process, while implementing the WG's recommendation (SP-6) to disallow these facilities for chimpanzee research?

AAU is concerned that while both the WG and IOM have endorsed a continued need for the use of chimpanzees in NIH funded research, the collective implementation of the recommendations of the report would effectively end this use. We strongly urge NIH to avoid this de facto ban on chimpanzee research as you decide whether and how to implement the WG's recommendations.

Impact of report on the use of other NHP in NIH-supported research: While recognizing that the WG's task was limited to the use of chimpanzees in NIH-supported research, AAU has concerns over the precedent this process and ultimate implementation of these recommendations sets for the use of other animal species in NIH-supported research. While on one hand, it is hard to dispute the complex cognitive and social needs of great apes may grant them a unique status as a species used as an animal model, the idea of setting up a separate review system and unique environments for an individual species gives us pause. While there may be a diminished use for the use of chimpanzees in biomedical

and behavioral research, this is not true of other non-human primate species which remain critical in the pursuit of basic understanding of disease and use of that knowledge to improve human health. It is our hope that as NIH moves forward with its consideration of the WG's recommendations, the agency will reaffirm the vital role of the use of animal models, including non-human primates, in biomedical research and the robust regulatory system that exists to ensure their appropriate use and well-being.

Thank you again for the opportunity to comment and should we be of further assistance, please do not hesitate to contact the AAU.