

REPORTING A POSSIBLE ANIMAL WELFARE ACT VIOLATION

Why report?

Reporting potentially illegal laboratory conditions may result in a change in conditions for those individuals directly affected by the illegal activity. On the other hand, reporting illegal conditions may not immediately change conditions for the individuals in your care, but may serve to establish a pattern of behavior by your lab; a series of violations could eventually result in serious repercussions for your facility, which in turn could benefit a great number of research subjects. Finally, conditions which are found to be in violation of welfare laws become public knowledge; a public who believes laboratories to be treating subjects humanely may come to realize that conditions in research laboratories do not benefit research subjects.

You are a voice for the animals and will help to create an atmosphere where it is safe and comfortable to discuss issues – silence does not help laboratory primates. If you speak up, it is possible that your courage will inspire one of your co-workers to do the same one day and the more people inside who refuse to accept inhumane practices, the less likely these practices are to be allowed to continue.

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Useful abbreviations:

- 9CFR - Code of Federal Regulations (the ninth one specifically applies to the AWA)
- AAALAC - Association for Assessment and Accreditation of Laboratory Animal Care
- APHIS - Animal and Plant Health Services, responsible for administering the AWA
- AWA - Animal Welfare Act
- IACUC - Institutional Animal Care and Use Committee
- NIH - National Institutes of Health
- PHS - Public Health Services, oversees NIH
- USDA - United States Department of Agriculture

Your Right to Report Without Repercussions

Title 9CFR protects your legal right to report suspected violations of the Animal Welfare Act without repercussions from your employer. If you are also a federal government employee, there is further protection for you under the Federal Whistleblowers Protection Act. The Public Health Service funds a great deal of animal research activity and their guidelines comply with 9CFR. PHS policy covers humane treatment of "warm-blooded" research animals.

See:

<http://oacu.od.nih.gov/regs>
www.whistleblowers.org

What Constitutes a Violation?

This can be tricky. If you suspect a violation, check the actual text of the Animal Welfare Act before taking any action. Some violations may seem obvious but it is always possible that a situation which you personally feel is cruel, may unfortunately be legal. There are also circumstances that may be allowed as being necessary for research. Don't be discouraged though; there are many, many regulations governing the use of nonhuman primates in research and while these regulations are not nearly comprehensive enough, (see article at this site about AWA shortcomings) they do offer a degree of protection for research animals. If an animal is to be exempted from the laws due to research needs, the researchers must convince IACUC that such a procedure is absolutely necessary to the study and sometimes IACUC does reject such requests.

If your lab is AAALAC certified, further rules may apply that if broken could lead to loss of accreditation, something that most certified labs are not willing to lose. The Guide to the Care and Use of Laboratory Animals and Good Laboratory Practices are standards that AAALAC typically follows, and while they do not have the force of law, again, AAALAC uses the standards to evaluate laboratories for accreditation.

If you have checked the laws and regulations and either do not understand the laws or if you still feel uncomfortable with a situation that is occurring in your lab, you still have the legal right to discuss your concerns with a supervisor and/or a clinical veterinarian. Don't be afraid to speak up if something is really bothering you. You may be pleasantly surprised to find your concerns validated and if you are able to make even the smallest difference in the life of one animal, it is worth it. You will have accomplished something and also provided a good example for your co-workers.

Sites to check out for further information:

www.aphis.usda.gov/ac/

Exactly How Do You Report a Possible Violation and to Whom Do You Report?

You can report to any animal care supervisor, any clinical veterinarian, director of animal resources, laboratory director, IACUC, and USDA. LPAG advises that you begin with an animal care supervisor, preferably someone that you think may be sympathetic. You can verbally notify the person you choose but it is absolutely necessary to submit the specifics of your complaint in writing. Try to be calm and reasonable – appearing emotional and out-of-control will make you easier to discredit and thereby unfortunately easier to dismiss. Remember that you are dealing with scientists! Stick to the facts and remain firm in your convictions, even while allowing them time to make an appropriate change. If you do not get satisfaction from an animal care supervisor, continue through the chain of command until you get some action. Your last recourse is USDA. You have a right to lodge a complaint with them. You can do so anonymously, although by giving your name and contact information, you will receive follow-up information from the USDA. The USDA will keep your identity and personal information confidential, although we recommend that you clearly state in your letter of complaint that you do not want your identity or personal information revealed. However, please consider whether the nature of the complaint itself could reveal your identity. If you are one of few individuals in your lab aware of a particular situation, the lab may guess your identity, and you may be putting your job at risk. Despite whistleblower protection laws, labs may retaliate against employees who file complaints. You alone can decide if you are willing to risk your job security.

What Not to Do if You Choose to Remain Within the Accepted Guidelines for Reporting a Possible Violation – These Can Get You into Trouble

- Do not discuss it with co-workers who aren't directly involved in the reporting process
- Do not call the press
- Do not call animal-rights or animal welfare organizations
- Do not jump the chain of command

Some Helpful Tips

First and foremost, if you have reached the point where you are prepared to take action, then it is likely that you have already experienced some hostility or at least disbelief regarding your attitude about animal care issues. If you take formal action, be prepared for more of the same, possibly even from your own peers. You may be ostracized. Try to maintain a good emotional support system outside of work with understanding family members and friends. Don't be ashamed to see a counselor if you are having a lot of emotional difficulty dealing with work problems. LPAG is dedicated to providing this same kind of support through mutual sharing, empathy,

and positive action, so please contact us if you need help, or if you just want to tell a story. Anonymity is guaranteed and you don't have to join to share with us.

Second, be patient with your employer. Give them time to make necessary changes. Some labs may have violations that exist primarily because no one is being conscientious. You are the watchdog agency. It is tremendously important that all concerned animal research laboratory staff educate themselves about the proper care of animals and the laws pertaining to animal research because doing so ensures better care for all research animals. Don't simply rely on laboratory-approved information. Peruse zoological literature on nonhuman primates and examine publications and websites about proper animal care.

Check out these sites:

www.awionline.org

www.aazk.org

www.aaza.org

www.primite-enrichment.net

Document everything in writing and make sure that you keep copies of all correspondence. Make notes of everything that occurs in relation to the possible violation and date your notes.

Realize that while you have the legal right to make a formal complaint, your employer may actively seek to dismiss your complaint in other ways. Again, it is helpful to maintain outside interests and loving relationships outside of the lab. Try to be a model employee, remembering that any possible transgressions could and may be brought to light in the course of things. You have the legal right to your own employee records and if things get rough, you may want to request them for your own protection. Being a good employee in terms of punctuality, attendance, work habits, efficiency, production and responsibility not only benefits you as a person but greatly increases the likelihood that you will be taken seriously and also that your complaint will be effective. This is not entirely fair but unfortunately it is the reality of the situation.

Don't be discouraged! These guidelines are merely to prepare you for all of the possibilities involved in the filing of a formal complaint. Hopefully most of you won't experience the worst-case scenario. Do be aware that it is possible to file a complaint and have the complaint acted upon appropriately without much hassle. The likelihood of success increases greatly if you educate yourself and are a good, valued employee. And if you are not successful in terms of actually changing the problem, take heart in knowing that you have still succeeded in making your supervisors aware that you are watching, that you do care, and you will not hesitate to take appropriate action if necessary.

Sample Complaint Letter

Supervisor's (or veterinarian, etc.) name and title
Institution
Address of institution
City, state, zip

Dear Dr./Ms./Mr.

I am submitting a formal complaint regarding an animal welfare issue that is of great concern to me. After doing some research, I have also discovered that it is a possible violation of the federal Animal Welfare Act. The situation of which I am writing is as follows: (describe concern as clearly as possible, without offering any emotional reactions or judgments)

(In this paragraph you may briefly offer some suggestions to solve the problem; it is usually best to at least offer some sort of solution when you are calling attention to a problem)

I understand that I have the right to make this complaint without fear of any repercussions, including the loss of my job.

Sincerely,

(Your name and title)