

NEW YORK
CITY BAR

June 20, 2007

Richard Fine, M.D., Dean
Stony Brook University Health Sciences Center
School of Medicine
Nicholls Rd.
Stony Brook, NY 11790

Dear Dean Fine:

We strongly urge you to discontinue the use of live dogs in your physiology and surgery laboratories on legal, scientific, and ethical grounds. Your medical school is one of two in New York State and thirteen in the entire country, out of a total of approximately one hundred and twenty-five, that still use live animals in laboratories for educational purposes. One must question the educational value of using a live animal when most medical schools, including highly-regarded ones such as Harvard, Yale, Columbia, University of Pennsylvania and, more recently, Duke University (the curriculum change having officially taken place in October 2006, as it did with seven other medical school in 2006), have determined the use of live animals in their laboratories to be unnecessary.

In 2001, the American College of Surgeons approved the use of simulators that met certain standards in its Advanced Trauma Life Support Training Program in lieu of cadavers or live animals. As early as 1986, physicians from the United States Military recommended using computer-based interactive videodiscs to teach combat trauma life support.¹ Presently, there are interactive computer models used as educational tools in medical school physiology classes whereby students effectively study heart rate, blood pressure, the effect of medications, urine output, etc.²

In 2007, the American Medical Student Association ("AMSA") passed a resolution amending its "Principles Regarding Vivisection in Medical Education", which resolution strongly encouraged the replacement of animal laboratories with non-animal alternatives in

¹ This information was obtained from the Physicians Committee for Responsible Medicine (PCRM), a nonprofit health organization founded in 1985 that promotes preventative medicine, with an emphasis on nutrition. PCRM also conducts clinical research studies, opposes unethical human experimentation, and promotes alternatives to animal research.

² "Sacred Cows and Golden Geese: The Human Cost of Experiments on Animals", Dr. C. Ray Greek, M. D., former animal researcher and medical school professor and Dr. Jane S. Greek, DVM, veterinarian, p. 107 (Continuum International Publishing Group, 2000, paperback edition).

medical education. In addition, the resolution condemned the use of household pets from pounds, shelters, and random source "Class B" dealers.³ There is now explicit, national recognition of the problem of the use of stolen pets for laboratories, to which medical schools and research laboratories contribute. In February 2007, The Pet Safety and Protection Act was reintroduced in both the U.S. Senate (S. 714) and the U.S. House of Representatives (H.R. 1280) and it would, among other things, penalize such Class B dealers.

The Congressional policy statements that accompanied the 1985 amendment to the Federal Animal Welfare Act, 7 U.S.C. Sec. 2131 *et seq.* ("AWA"), acknowledged that "(2) methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing; [and] (3) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds." Pub. L. 99-198, Title XVII, Sec. 1751, Dec. 23, 1985, 99 Stat. 1645.

A medical school is included in the definition of "research facility" in the AWA Sec. 2132 (e)⁴. Further, the live animals used by your institution's laboratories come within the protection of that statute, which expressly defines protected "animals" to include "any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal...or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet". The Federal statute requires minimization of pain and distress to the subject animal and the use where possible of non-animal alternatives (AWA Sec. 2143).⁵ In light of the availability of superior, non-animal alternative technologies in medical school education, the use of animals would violate the spirit and letter of the AWA.

³ The AMSA's website cites a membership of over 68,000, which includes medical students, premedical students, interns, residents and practicing physicians, and indicates that the AMSA is the oldest and largest independent association of physicians-in-training in the United States. More than a decade ago, in 1986, the AMSA passed a resolution to the effect that alternative educational materials, such as films, videotapes and computer simulations be provided for students who do not choose to attend animal laboratories.

⁴ (e) The term "research facility" means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department or agency or instrumentality of the United States, provided that the Secretary may exempt, by regulation, any such school, institution, organization or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals, the principal function of which schools, institutions, organizations, or persons is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this chapter.

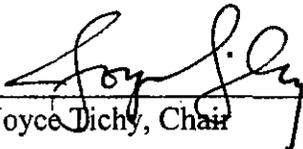
⁵ Sec. 2143 (3)(B) provides that the principal investigator, *i.e.*, course instructor at a medical school, consider alternatives to any procedure likely to produce pain or distress in an experimental animal. Sec. 2143 (7)(B) requires that records be kept documenting that alternatives to painful and distressing procedures were considered and records were kept concerning the nature of such procedures.

Use of live animals results in the suffering of sentient beings. Some Courts have become increasingly aware of such ethical issues. Recently, a Federal District Court ruled that a college psychology student had constitutional standing to challenge the exclusion of laboratory rats, birds and mice from the protection of the AWA, because she asserted emotional and aesthetic injury observing their inhumane living conditions and she had spent her own resources to obtain adequate nutrition for them in order to rectify the inhuman treatment of such animals. *Alternatives Research & Development Foundation, et al. v. Glickman*, 101 F. Supp. 2d. 7 (D.D.C. 2000).

We strongly urge you to comply with the terms of the AWA, to modernize your curricula, and to be responsive to the mission and sentiments of the very students who you train and, therefore, to immediately cease using live animals as teaching tools.

Yours truly,

Health Law Committee


Joyce Tichy, Chair

Legal Issues Pertaining to Animals
Committee


Jane E. Hoffman, Chair