Some Animals are More Equal than Others: Implications of the Exclusion of Mice and Rats from the U.S. Animal Welfare Act

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INTRODUCTION

In its definition of the word "animal," the AWA explicitly excludes mice of the genus Mus, rats of the genus Rattus, birds bred for experimentation, fishes, reptiles, amphibians, and agricultural animals used in agricultural experiments.

WHO COUNTS AND WHO DOESN’T?

In the U.S., mice of the genus Mus and rats of the genus Rattus are excluded from the Animal Welfare Act (AWA), the single federal law with legally enforceable regulations stipulating basic standards of care for animals. However, institutions that receive federal funding from the National Institutes of Health (NIH) must comply with federal animal welfare guidelines in their treatment of all vertebrate animals.

Does the exclusion from the AWA of mice and rats—who make up the majority of animals used in U.S. laboratories—impact their welfare? Through Freedom of Information Act (FOIA) requests, we obtained copies of violations reports submitted to the NIH by the top 20 institutional recipients of NIH grants. For the period from January 1, 2015, to April 1, 2017, these reports documented 430 violations of federal animal welfare guidelines related to the treatment of mice and rats—including incidents in which they suffered pain, injury, and death as a result of neglect, incompetence, and disregard.

METHODS

We grouped the animal welfare violations in the reports obtained via FOIA into eight categories. 

PHOTOS OF PAIN, INJURY, AND DEATH

The exclusion of mice and rats from the AWA fosters systemic negligence. Experimenters repeatedly violate basic federal animal welfare guidelines in their treatment of vulnerable mice and rats who suffer and die even at top institutions in the U.S.

TOP 20 NIH GRANTEES IN FY 2016

Inadequate Pain Relief

Unapproved Procedures

Failure to Use Established Veterinary Practices

Problems with Housing

Personnel, Recordkeeping

TOTAL NUMBER OF VIOLATIONS INVOLVING MICE & RATS

Inadequate Pain Relief

The percentage of violations attributed to inadequate pain relief, which includes the death of a conscious animal, inadequate anesthesia, or failure to use established veterinary practices, was 10% or higher at 13 of the 20 top NIH grantees.

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CONCLUSION

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