



March 22, 2021

The Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave. S.W.
Washington, DC 20250

Via e-mail: agsec@usda.gov; Tom.Vilsack@osec.usda.gov

Dear Mr. Secretary:

Thank you in advance for your time. I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 6.5 million members and supporters worldwide to follow up on an issue that we brought to your predecessor's attention in 2020. **We again request that the U.S. Department of Agriculture (USDA) use its regulatory authority (pursuant to the Commodity Promotion, Research, and Information Act of 1996)¹ to prohibit assessment fees—established and overseen by the agency's Agricultural Marketing Service (AMS) and paid by agricultural producers, handlers, processors, importers, and others—from being used for animal experiments funded by research and promotion (R&P) boards for the marketing of agricultural commodities.**

PETA and U.S. Rep. Dina Titus (D-Nev.) both sent letters to then-USDA Secretary Sonny Perdue regarding this issue on September 8, 2020,² and October 26, 2020,³ respectively. While PETA has yet to receive a reply from the USDA, Titus did receive one on November 19, 2020.⁴ Below is our response to the USDA's reply to her.

The USDA acknowledges in its November 19, 2020, letter that "AMS ensures all projects conducted by the R&P boards are in accordance with the appropriate Act, Order, and the AMS Guidelines." However, the animal tests funded by the R&P boards appear to violate the act's congressional intent and federal provisions regarding the use of animals in experimentation. Specifically, please note the following:

- The animal tests funded by these assessment fees are not "vital to the welfare of persons engaged in the production, marketing, and consumption of such commodities, as well as to the general economy of the United States," which is the congressional intent of the Commodity Promotion, Research, and

¹Commodity Promotion, Research, and Information Act of 1996, 7 U.S.C. §§ 7411-7425. https://www.nodpa.com/files/checkoff_Generic_regulations_on_check-off.pdf

²Frances Cheng, letter to Sonny Perdue, September 8, 2020. <https://www.peta.org/wp-content/uploads/2020/09/PETA-to-USDA-re-AMS-animal-testing.pdf>

³Rep. Dina Titus, letter to Sonny Perdue, October 26, 2020. https://www.peta.org/wp-content/uploads/2020/10/10.26.20-Letter-from-Rep.-Titus-to-Secretary-Perdue-re-ag-checkoff-animal-testing_FINAL.pdf

⁴Greg Ibach, letter to Rep. Dina Titus, November 19, 2020. <https://www.peta.org/wp-content/uploads/2021/03/11.19.20-USDA-response-re-animal-testing-checkoff-boards.pdf>

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Information Act of 1996, according to Section 7411 (a)(3),⁵ to which the USDA is claiming adherence.

- The decisions by R&P boards—with oversight from the AMS—to fund animal experiments are at odds with the U.S. Public Health Service’s *Guide for the Care and Use of Laboratory Animals*, which includes the principle of “consideration of alternatives (in vitro systems, computer simulations, and/or mathematical models) to reduce or replace the use of animals,”⁶ and with the *U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training*, which state that “animals selected for a procedure should be of an appropriate species and quality and the minimum number required to obtain valid results.”⁷ If these standards are adhered to, the number of animals used in such experiments funded by R&P boards should be zero, since none of these animal tests is required by law and all can be safely conducted using exclusively non-animal methods, as we explained in our September 8, 2020, letter to Perdue.

In addition, the USDA writes in its November 19, 2020, letter that “R&P boards decide what research projects to fund, subject to AMS approval.” However, the AMS supposedly “provides oversight, paid for by industry assessments, which helps ensure fiscal accountability and program integrity.”⁸ Animal testing wastes these farmer-paid assessment funds, given that animals are scientifically unfit “models” for human food research, as explained in our September 8, 2020, letter to Perdue. R&P boards shouldn’t be allowed to waste funds like this under the watch of the AMS, which has the supervisory authority to establish controls in order to curb waste, such as by having R&P boards fund only non-animal and/or human-based studies.

PETA has exposed several of the 21 R&P boards using a portion of farmers’ mandatory assessment fees to conduct and/or fund animal tests not required by law.⁹ After more than 85,000 consumers called and e-mailed the Hass Avocado Board and asked it to end its animal testing, it adopted a new public policy stating that it “does not support, fund, or conduct animal research.”¹⁰ Previously, it had conducted and funded several animal tests. In one example, experimenters repeatedly force-fed mice an avocado ingredient, starved them, injected them with glucose and insulin, bled them from their tails, killed them by suffocation, and then drained their blood and dissected them.¹¹

We want to emphasize again that America’s farmers deserve better than to be ripped off by an exorbitant assessment fee, part of which is used by R&P boards to fund crude, wasteful, and misleading experiments on animals that don’t yield useful results for

⁵ United States Code, 2018 Edition, Sec. 7411—Findings and purpose.

<https://www.govinfo.gov/content/pkg/USCODE-2018-title7/html/USCODE-2018-title7-chap101-subchapII-sec7411.htm>.

⁶ Albus, U. (2012). *Guide for the care and use of laboratory animals* (8th edition). The National Academies Press.

⁷ NIH OLA W. U.S. (2018, March 30) *U.S. government principles for the utilization and care of vertebrate animals used in testing, research, and training*. <https://olaw.nih.gov/policies-laws/gov-principles.htm>

⁸ USDA AMS. (n.d.) *Research & promotion programs*. <https://www.ams.usda.gov/rules-regulations/research-promotion>

⁹ PETA. (2021, January 28) *Animals beheaded for blueberries? USDA farmer ‘tax’ funds cruel tests*. Retrieved March 16, 2021. <https://support.peta.org/page/22117/action/1>

¹⁰ Hass Avocado Board. (n.d.) *Research grant program*. <https://research.loveonetoday.com/research-grant-program/>

¹¹ Ahmed, N., Tchong, M., Roma, A., Buraczynski, M., Jayanth, P., Rea, K., Akhtar, T. A., & Spagnuolo, P. A. (2019). Avocatin B protects against lipotoxicity and improves insulin sensitivity in diet-induced obesity. *Molecular Nutrition & Food Research*, 63(24), 1900688.

humans. The AMS should use its statutory authority to prohibit the use of agricultural commodity assessments to fund animal tests and instead redirect them to support more effective, ethical, and economical animal-free research that would better promote R&P boards' agricultural products.

May I please hear from you by April 22 regarding this important matter? Please refer to our September 8, 2020, letter to the USDA for more specific details regarding our request. You can contact me at FrancesC@peta.org. Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Frances Cheng', written in a cursive style.

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