



March 7, 2023

The Honorable Glenn Youngkin
Governor of the Commonwealth of Virginia

Dear Gov. Youngkin:

We are writing on behalf of a coalition of national, statewide, and local animal protection organizations, animal control officers, releasing agencies, and public as well as private animal sheltering facilities. Our organizations represent hundreds of thousands of Virginians who are proud of the work so many did to shutter the Envigo facility in Cumberland, and they expect that moving forward, the Commonwealth will ensure that animal testing facilities are held to the highest of standards.

Specifically, we respectfully request that you amend [House Bill \(HB\) 2348](#) (Webert) and [Senate Bill \(SB\) 1271](#) (Boysko) so as to require publicly funded animal testing facilities to make publicly available on an annual basis the total number of animals used for experimental purposes, with such animals identified and grouped according to species. (Suggested language is included below.)

HB 2348 and SB 1271 were introduced to implement transparency and accountability at facilities that use animals in experiments and prevent another situation like the one at Envigo. As we saw from the overwhelming public support for last year's "Beagle Bills," this is an issue that Virginians care deeply about—and they are not alone. The bipartisan FDA Modernization Act 2.0, cosponsored by Sens. Rand Paul and Cory Booker, was recently signed into law, ending a 1938 government mandate that pharmaceutical companies test new drugs on animals before performing human trials and aiming to, in the words of Dr. Paul, "accelerate innovation and get safer, more effective drugs to market more quickly by cutting red tape that is not supported by current science." This year's federal budget also includes \$5 million for a program aimed at reducing animal testing by helping to develop and encourage industry to adopt new testing methods.

Most facilities that use animals in experiments, including our state's public universities, claim a decades-long commitment to the "[3Rs](#)": replacing, reducing, and refining the use of animals in experiments. However, there is currently no mechanism in place to measure what, if any, action is taken by a facility to achieve this universally accepted goal. HB 2348 and SB 1271 sought to establish a baseline and lay the groundwork for the Commonwealth to encourage innovation and development of approaches in accord with modern science and consistent with Congress' recent action on this issue.

We addressed concerns related to the potential impact of SB 1271 on the Virginia Department of Agriculture and Consumer Services (VDACS) by providing language that eliminated VDACS from the bill altogether and instead required taxpayer-funded animal testing facilities to make

publicly available, on an annual basis, the total number of animals used, identified and grouped by species.

Our organizations worked hard this session to reach a compromise with public institutions of higher education and address their concerns while balancing the need for some measure of transparency. We met with representatives of these institutions about HB 2348 on January 19 and about SB 1271 on January 27 and agreed to amend both bills significantly. During our discussions, representatives indicated that universities already keep the numbers that SB 1271 required reporting. Additionally, the impact statement for all iterations of SB 1271 states, “The University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University anticipate additional reporting requirements that **can be absorbed with current resources**” [*emphasis added*]. In follow-up conversations and correspondence, university representatives confirmed that the compromise reached on SB 1271 was palatable and that they were neutral with regard to this legislation.

Despite our good-faith efforts to address all concerns, and as [The Virginian-Pilot](#) recently reported, the legislation was amended at the last minute to replace the annual report of the “total number of animals” with a limited, already [publicly available](#) annual report (APHIS Form 7023). This form includes only species covered by the federal Animal Welfare Act—an estimated 5% of the animals used in experiments—instead of all species defined as animals in the Code of Virginia.

Requiring transparency at publicly funded animal testing facilities is consistent with current Virginia law, which requires various types of facilities that confine and handle animals to submit to the state reports on the number, species, and disposition of animals they possessed. For example, any person or entity that [breeds dogs and cats for experimental purposes](#) must submit—on a *quarterly* basis—a summary of such records to VDACS. [Animal shelters](#)—public and private—must also submit a summary of such records annually to VDACS. (Those numbers are publicly posted on VDACS’ website [here](#).) Other facilities that confine animals, e.g., [wildlife rehabilitators](#), must also submit annual reports to the state, which are publicly available upon request.

Virginia’s publicly funded universities that still use animals in experiments should strive for similar transparency and accountability. In 2021, publicly funded universities received from the Commonwealth and its localities more than \$130 million for (animal and non-animal) research, and that amount is [expected](#) to increase. The lack of transparency by these facilities presents a barrier to the universally accepted goal of the 3Rs and undermines the public trust.

Our coalition respectfully requests that the administration offer an amendment to replace Section B of [SB 1271 and HB 2348 as passed](#), with the following:

B. Any animal testing facility, contract testing facility, or manufacturer that uses an animal test method shall make publicly available, on or before December 1 for the preceding federal fiscal year, the total number of animals used for research, education, testing, or experimental, scientific, or biomedical purposes with such animals identified and grouped according to species (i) by displaying a link to

access such information on the home page or landing page of the animal testing facility's website or (ii) if such animal testing facility does not have a website, make such information available by means of a news release or other similar publication.

We would welcome the opportunity to meet about this request, if that would be helpful. Thank you for your time and consideration and for all you do for the Commonwealth.

Most respectfully,

Molly Armus, The Humane Society of the United States
Daphna Nachminovitch, People for the Ethical Treatment of Animals
Sharon Adams, Virginia Alliance for Animal Shelters
Holly Hazard, Virginia Coalition for Beagle Protection
Heidi Meinzer, Virginia Federation of Humane Societies

cc: Sen. Jennifer Barton Boysko
Del. Michael J. Webert
Sen. William M. Stanley Jr.
Matthew Lohr, Secretary of Agriculture and Forestry
Parker Slaybaugh, Chief Deputy Secretary of Agriculture and Forestry
Jesse Lynch, Director of Policy
Ali Ahmad, Director of Policy and Legislative Affairs
Nicole Bunce Ogburn, Director of Legislative Affairs