

SENATE OF VIRGINIA



February 1, 2023

Timothy D. Sands, Ph.D.
President, Virginia Polytechnic Institute and State University (Virginia Tech)
President@VT.edu

Brian O. Hemphill, Ph.D.
President, Old Dominion University
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Alfred Z. Abuhamad, M.D.
President, Provost, and Dean of the School of Medicine
Eastern Virginia Medical School
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Dear Dr. Sands, Dr. Hemphill and Dr. Abuhamad:

We write to follow up on recent conversations with members of the Virginia General Assembly, interested stakeholders, and representatives of your institutions regarding SB1230 (Stanley). As amended and presented in the Senate Agriculture Subcommittee on Companion Animals on January 26, this legislation would have established penalties for animal testing facilities in Virginia that violate the federal Animal Welfare Act (AWA). In 2020 and in 2022, the General Assembly unanimously passed bipartisan legislation to hold commercial dog and cat breeders and animal dealers (including those who sell animals for experimental purposes) accountable for violations of the AWA.

Virginia is home to dozens of institutions that still use animals in experiments, and taxpayer dollars fund a significant number of them, including your facilities: In 2021, your facilities collectively received for research and development more than \$257 million from the federal government and almost \$78.5 million from Virginia and its localities.

SB1230 sought to ensure compliance with and reduce/eliminate violations of *existing* federal law by putting in place meaningful consequences for repeat violators. The General Assembly was compelled to act on a related issue last year after legislators learned about chronic AWA violations at Envigo, which underwent five USDA inspections over the course of 11 months and was cited for more than 70 violations—many of them critical—but *never penalized or fined*. Virginians made clear—and legislators agreed—that compliance with animal welfare laws was an important issue for our Commonwealth.

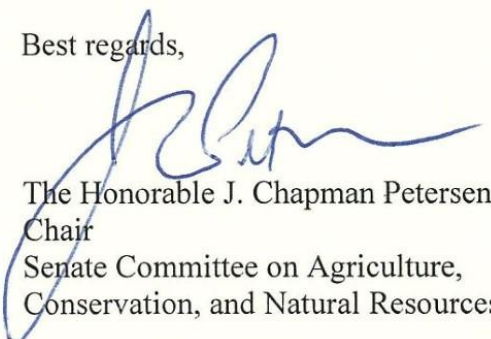
As a gesture of good faith, and in an effort to understand your concerns about improving compliance with the AWA, the patron agreed to pass SB1230 by this session and bring stakeholders together to collaborate on crafting effective legislation that your and other Virginia institutions of higher education would support next session. Sen. Stanley agreed to pull SB1230 only with the understanding that questions and concerns raised by **all** stakeholders would be addressed prior to the 2024 General Assembly Session.

Accordingly, please provide members of the Senate Committee on Agriculture, Conservation, and Natural Resources with the following information by May 1, 2023:

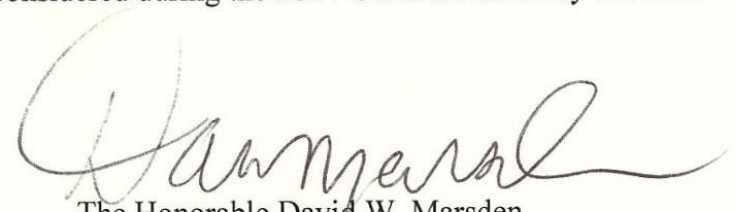
- A detailed explanation for the cause of the AWA violations for which your institutions have been cited by the USDA in the last two years (2021-2023):
 - Virginia Polytechnic Institute and State University (Virginia Tech): 12, including two critical violations
 - Eastern Virginia Medical School (EVMS): two critical violations
 - Old Dominion University (ODU): three, including two critical violations
- Information detailing if and how individuals responsible for these violations were disciplined and/or held accountable for their failures.
- Information detailing whether these violations were associated with protocols for which your institutions received public monies, and if so, the source of those monies.
- Information detailing if the Principal Investigator or their designee reported these violations to the entities funding the research associated with these violations.
- Information detailing any action taken by your institution to address the publishing of data from the protocols associated with these violations.
- Information detailing actions your institutions have taken to prevent such violations from occurring in the future.
- Information detailing your institution's plan to ensure ongoing and consistent compliance with federal laws and regulations about the welfare of animals used for experimental purposes.

Your institutions carry Virginia's name. So we respectfully request your commitment to working with stakeholders and legislators to address this important issue and assist in the development of effective legislation to be considered during the 2024 General Assembly Session.

Best regards,



The Honorable J. Chapman Petersen
Chair
Senate Committee on Agriculture,
Conservation, and Natural Resources



The Honorable David W. Marsden
Chair
Senate Subcommittee on Companion Animals

CC: The Honorable Jennifer B. Boysko, Chief Co-Patron, SB1230