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Regulatory Analysis and Development  
Program Planning and Development  
Animal and Plant Health Inspection Service (APHIS)  
U.S. Department of Agriculture (USDA)  
Station 3A-03.8  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

**RE: Docket No. APHIS-2014-0098**  
**Petition to Develop Specific Ethologically Appropriate Standards for Nonhuman Primates in Research**

*Submitted online at <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0098>.*

The American Psychological Association (APA) appreciates the opportunity to comment on the petition to develop specific ethologically appropriate standards for nonhuman primates in research (Docket No. APHIS-2014-0098). The APA Committee on Animal Research and Ethics (CARE) has reviewed the petition and assessed the impact of the proposed amendments to the animal welfare regulations (AWRs) on psychological research with nonhuman primates (NHPs). CARE is a governance committee of the APA, representing a membership of more than 122,500 researchers, educators, clinicians, consultants, and students. CARE takes the lead in developing and regularly updating APA's guidelines for the humane care and treatment of nonhuman animals in research. APA considers humanely conducted research with nonhuman animals to be an integral component of the science of behavior.

APA appreciates the United States Department of Agriculture Animal and Plant Health Inspection Service's (APHIS) continued efforts to ensure the humane care and treatment of nonhuman animals in research, but has serious concerns about amending the AWRs as proposed by the petitioners. The petitioners have not provided a valid rationale for the amendments. Hence, APA strongly recommends that the USDA **not** initiate rulemaking, as requested by the petitioners.

APA challenges the petitioners' assertion that current regulatory requirements are vague and ambiguous and thereby afford research facilities overly broad discretion regarding the actual environment provided to NHPs at their facilities. The petitioners further contend that current regulations allow facilities to meet the requirements specified in 9 CFR, Part 3, Subpart D § 3.81 without actually meeting the intent of the regulations. Contrary to the petitioners' statements, APA believes that the regulations are sufficiently detailed to make them applicable to a wide range of species, physical, and scientific settings (types of research). Furthermore, the petitioners' recommendation that the

National Institutes of Health (NIH) standards for chimpanzees in research serve as the basis for amending § 3.81, such that species-specific modifications are made to the regulations, is not only unwieldy and impractical, but also ignores the fact that regulations cannot be overly detailed and specific or else they will be useless or ineffective in practice. Thus, promulgating species-specific standards through regulations is inappropriate and counterproductive. A more beneficial solution would be to retain performance standards that are outcome-based and predicated on professional judgment. In addition, such performance standards allow for assessment and the ability to incorporate evolving information regarding welfare of captive animals, a point recognized by the petitioners when they refer to “the overwhelming body of scientific evidence that has been amassed over the last 30 years as to the psychological capabilities and needs of primates, our ethical responsibilities towards them, and the implications of psychological well-being for scientifically valid research results.”

The petitioners equate the concept of an “ethologically appropriate environment” with one that maintains patterns of behavior exhibited by the NHPs in their natural habitat. However, promulgating regulations that can accommodate the unique patterns of behavior demonstrated by diverse species of NHPs is impractical. In the wild, NHPs vary in respect to overall schedule of activity (nocturnal vs. diurnal, and the amount of time spent foraging, feeding, climbing, and sleeping), diet, locomotor activity, breeding patterns, and composition of social groups. Moreover, developing a regulatory definition of “nature” is next to impossible, given that the natural environments of many monkey species can include forests, cities, and rural settings, with attendant differences in group size, organization, and even temperament of individual animals.<sup>1,2</sup> Furthermore, unlike NHPs in their natural environment, most NHPs in research are held in captivity, which calls for special measures to ensure the animals’ welfare, and these measures would not apply to free-ranging situations. Therefore, entities with the relevant training and expertise in the welfare of captive NHPs at the local level should be authorized to make decisions about the housing and environmental needs of NHPs at their facilities. By allowing flexibility, facilities can continue to meet the goals of promoting well-being through localized behavioral management programs, which have incorporated positive reinforcement training in daily activities, allowing animals to voluntarily provide blood and urine samples, move to different caging areas, and participate in health examinations. Therefore, we emphasize the point that well-being can be attained in many ways and is not necessarily predicated on mimicking natural conditions.

APA contends that it is in the best interest of the research animals that determinations and decisions about the most appropriate housing of NHPs in research be made at the local institutional level. Given not only inter-species differences, but also intra-species differences in temperament and personality, especially in the case of NHPs, it is the behavioral management unit at each facility that is best equipped to make recommendations regarding the care and housing for each individual animal. Thus, as the official local oversight entity, the Institutional Animal Care and Use Committee (IACUC), in consultation

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<sup>1</sup> Singh, S. D. (1968). Social interactions between the rural and urban monkeys, *Macaca mulatta*. *Primates*, 9(1-2), 69-74.

<sup>2</sup> Southwick, C. H., Beg, M. A., & Siddiqi, M. R. (1961). A population survey of rhesus monkeys in villages, towns and temples of northern India. *Ecology*, 538-547.

with the attending laboratory animal veterinarian, as well as the behavioral management and research teams, should make the determination on a case-by-case basis.

### ***Responses to the Questions Posed by the Notice of Petition***

1. Should APHIS amend § 3.81 of the AWA regulations to require research facilities to construct and maintain an ethologically appropriate environment for nonhuman primates, and specify the minimum standards that must be met for an environment to be considered ethologically appropriate?

**No.** APHIS should not amend § 3.81 of the AWA regulations to require ethologically appropriate environmental standards for captive NHPs in research. Given both inter- and intra-species variability in NHPs, standards should not be codified in regulations. Regulations need to be flexible enough to accommodate species and individual differences, which the current regulations successfully accomplish.

2. What constitutes an ethologically appropriate environment for a nonhuman primate? Does this differ among species of nonhuman primates? If so, how does it differ?

The environments occupied by a species in the wild can be extremely varied; as just one example, rhesus monkeys can be found in urban areas, rural areas, and temple areas. Importantly, the characteristics of the groups (e.g., group size) and the individuals (e.g., temperament) living in these various areas are quite different, largely because of habitat differences in food availability and resource competition (with both conspecifics and humans). It is this very adaptability and flexibility that makes the common laboratory species so successful in captivity. Thus, it is impossible to designate one of these habitats as the exemplar to be mimicked in captivity.

So-called ethologically appropriate environments for NHPs differ not only inter-specifically but also intra-specifically regarding group size and use of habitat (both vertical and horizontal space), and can change seasonally. For these reasons, it is impossible to define a rigid standard for any given species, let alone all NHPs.

3. Are there any environmental conditions that make an environment ethologically inappropriate for a nonhuman primate? If so, what are they? Do they differ among species of nonhuman primates?

In captivity, it is necessary to have NHPs housed in enclosures, to provision them with food and water, to protect them against potential predators, and to provide them with health care. None of these obtain in the natural environment. It would seem that to truly mimic an “ethologically appropriate environment” one would have to forego these advantages of captivity. Doing so would, of course, lead to increased rates of disease and death. In short, the natural environment is a dangerous place, and a critical feature of captivity is to minimize danger.

4. Does an ethologically appropriate environment for nonhuman primates used in research differ from an ethologically appropriate environment for nonhuman primates that are sold or exhibited? If so, in what ways does it differ?

One of the fundamental obligations of people responsible for NHPs in captive housing is to promote their psychological well-being. Consequently, the same standards should apply across

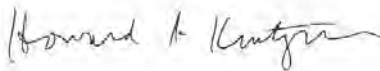
environments. The implementation of procedures designed to facilitate well-being, however, will be dependent on the specific goals of a facility. For animals housed in research facilities, for example, procedures for well-being must be implemented with consideration given to the aims and structure of research protocols. In contrast, in zoological gardens, a critical feature may be the appearance and visibility of the animals; consequently, some procedures may need to be performed when animals are off-exhibit (i.e., at specific times of day). Flexibility, which would be lost if the proposed changes are implemented, is what ensures that the needs of the NHPs are adequately addressed.

5. Who should make the determination regarding the ethological appropriateness of the environment for nonhuman primates at a particular research facility: The attending veterinarian for the facility, APHIS, or both parties? If both parties should jointly make such a determination, which responsibilities should fall to the attending veterinarian and which to APHIS?

Determinations regarding appropriateness of the environment for NHPs should be made by the attending veterinarian in collaboration with the behavioral management unit at the facility. APHIS should not be involved in making local decisions.

In conclusion, APA strongly recommends that the USDA not initiate rulemaking as proposed by the petitioners. APA wholly supports the need for humane care and treatment of nonhuman animals in research. However, we are also concerned that the proposed amendments would impose a significant regulatory and administrative burden on the research enterprise and would restrict new forms of research, thus hindering the advancement of knowledge and the improvement of both human and animal welfare. Thus, APA strongly recommends that USDA **not** make the proposed amendments to the AWRs. If you have any questions, or if APA can provide any further information, please feel free to contact me at 202-336-6000 or by email at [researchethics@apa.org](mailto:researchethics@apa.org).

Sincerely,



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Acting Executive Director for Science