



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Agriculture and Environment and
Commerce, Consumer Protection, and Health
Monday, February 12, 2018 at 1:20 p.m.

by

Vassilis L. Syrmos, Vice President for Research and Innovation
University of Hawai'i System

SB 2113 – RELATING TO ANIMALS

Chairs Gabbard and Baker, Vice Chairs Riviere and Tokuda, and members of the Committees:

The University of Hawai'i (UH) opposes SB 2113 and finds that the opening paragraph of the measure troubling as it leads to a general public misconception that UH uses animals for cosmetic or household product testing. While UH is authorized to conduct research on animals for the purpose of science, medicine and education, it has not ever, and does not intend to use vertebrate animals for cosmetic or household product testing.

In addition, the measure duplicates federal requirements already in place on a national level for the protection of research subjects and the safety of those working with them. For more than 30 years UH has been required by law to comply with the USDA *Animal Welfare Regulations (AWR)* and the *Public Health Service (PHS) Policy on Humane Care and Use of Animals*, and the *U.S Government Principles for Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training*.

Proposals to use animals are reviewed and approved by the federally mandated UH Institutional Animal Care and Use Committee (IACUC) before commencement of activities, to ensure that investigators have appropriately considered alternatives to procedures that can cause more than slight or momentary pain or distress in animals, consistent with sound research design. If it is demonstrated that there is no *in vitro* alternative or better models to replace the use of animals, the UH IACUC ensures that fewest number of animals are used, and that elimination or reduction of unnecessary pain and distress in animals, is consistent with sound scientific practice and the goals of the study.

The language of the proposed bill reads that the states of California and New Jersey enacted similar bills to mandate the use of alternate test methods in lieu of traditional animal test methods; however, the law practiced in these states apply to only manufacturers and contract testing facilities, and the regulation does not apply to research facilities such as a University of Hawai'i.

Lastly, UH uses diverse species for non-medical activities. The broad language of SB 2113 intended to protect animals from cosmetic or household chemical testing, may instead inadvertently impact animal studies intended to help the people of Hawai'i and to advance scientific knowledge. Examples of these studies include, but are not limited to controlling rat lung worm and eradicating the coqui frog and other invasive species. Additionally, the measure could disrupt the academic endeavors conducted by UH investigators who conduct animal studies for non-medical purposes.

The University of Hawai'i appreciates the opportunity to comment on this measure.



The Senate
Committee on Agriculture and Environment
Committee on Commerce, Consumer Protection, and Health
February 12, 2017
1:20 p.m., Conference Room 224

Testimony in Opposition to SB 2113

Aloha Chairs Gabbard and Baker, Vice Chairs Riviere and Tokuda, and Members of the Committees,

The Coordinating Group on Alien Pest Species (CGAPS) appreciates the intent of SB 2113, *Relating to Animals*. However, we must voice our **opposition to this bill**. As drafted, we believe the language can be interpreted to include environmental and public health-related research on the control of invasive vertebrate species such as coqui frogs.

One underlying concern is the lack of clear parameters under which the proposed language would apply, only stating, “No manufacturer, contract testing facility, or research facility shall use *an animal test method* in this State if an alternative method is available...”. HDOA’s authority under Chapter 142 does not appear to relate to chemical testing on animals, which also gives no guidance to parameters.

In addition, some other areas of concern include the following:

- 1) The language would apply to “Research facilities”, which is defined as *a facility of an institution of higher education that receives public money...a facility that provides research in collaboration with an institution of higher education; or a facility that uses animal test methods for science, testing, education, or research purposes.*
- 2) The definition for “Animal test method” is defined as *a process or procedure using animals to obtain information on the characteristics of a chemical or agent, or the biological effect of exposure to a chemical or agent under specified conditions.* It is unclear what “specified conditions” means.

Together, these two definitions would include the work of the University of Hawai‘i and its research on control methods for invasive species such as coqui frogs. The University of Hawai‘i is bound by federal requirements and the rules of the Institutional Animal Care & Use Committee (IACUC), which is responsible for the oversight and evaluation of vertebrate animal care and use, in the lab and in the environment. As part of this process, researchers must get the approval of this committee to conduct any research involving the control of vertebrates. Although not as clear, we believe it would also apply to all other research facilities operating in the State, including the USGS National Wildlife Research Center, who is working to identify control methods for mongoose on Kaua‘i, among other projects.

There is an exemption in this bill language for medical research. If this bill moves forward, please consider the inclusion of clarifying language and an exemption for research related to the control of vertebrate pest species and invasive species. Mahalo for your consideration.

Aloha,
Christy Martin
CGAPS

Presented before the Senate Committees on Agriculture and the Environment and Commerce, Consumer Protection and Health Monday, February 12 at 1:20 pm

Jinzeng Yang, Ph.D. Professor

SB 2113 Relating to Animals

Chairs Gabbard and Baker and Vice Chairs Riviere and Tokuda and members of the committees

Fiscal Impact:

Thank you for this opportunity to provide my testimony. I am strongly against SB 2113, Relating to Animals. It did not make sense to have this bill. The federal law on Animal Welfare Act already approved to use animal for biomedical and research purpose with the consideration of alternative methods when reviewing animal use protocol. All the animals used for testing and biomedical/agricultural research purposes or any other experiments must be proposed by the user, and the animal care use protocol must pass the Institutional Animal Care and Use Committee and be justified for alternative methods.

Let me state from the onset of this testimony that, as a member of the faculty at the University of Hawaii at Manoa, it is important to note that the use of animal for biomedical research and agriculture are not cruel to animals, caretakers and researchers are care for their animals' wellbeing and welfare, importantly they do make a lot efforts and contributions to the advancement of the sciences of animal biology and biomedical science, food production. Without scientific approaches and studies on animals, we have no ways to care for and protect the health and welfare of all animals on the planet.

Non Fiscal Measures:

My name is Jinzeng Yang . I am the Interim Associate Dean for Research at the College of Tropical Agriculture and Human Resources at UH Mānoa. However, today, I am providing personal testimony.

Personal Testimony Presented before the House Committees on Agriculture and Environment



February 5, 2018

Senator Rosalyn H. Baker, Chair
Committee on Commerce, Consumer Protection, and Health

RE: Support for SB 2113 – An Act concerning the use of animals in product testing.

Dear Senator Baker;

On behalf of Cruelty Free International, a leading organization working to promote the use of modern non-animal testing methods around the world, I write in support of SB 2113. This bill will prohibit the use of animals in nonmedical testing when modern non-animal methods are available. As such, it will provide clear state guidance to any manufacturers or contract testing facilities in the state now or in the future that modern non-animal tests are to be given priority thus ensuring that animals are not harmed in outdated tests in Hawaii.

Historically, animals have been used in painful tests to assess the safety of certain chemicals used in products such as cosmetics and household cleaners. However, in the past 35 years, due to innovations in science, animal tests are increasingly being replaced with non-animal approaches that use engineered three-dimensional human skin tissues or other types of cells and sophisticated computer models.

Modern approaches that are cheaper, faster and better able to predict human reactions are now widely available. For example, the alternative test for eye irritation can be conducted in a day, whereas the corresponding rabbit tests take two to three weeks. Similarly, one of the skin sensitization tests can be conducted in one day, whereas the corresponding animal test takes at least six times that. The availability and options are growing. Internationally, the in-vitro toxicology testing market is expected to reach \$8.74 billion (USD) by 2022 – up from an estimated \$6.34 billion (USD) in 2017 with the US expected to hold the largest share.

Moreover, modern alternatives are required to go through a rigorous process to demonstrate that they are as or more effective than the animal tests they replace. SB 2113 requires the use of alternatives that have been approved for use by regulatory agencies or validated for use by bodies such as the U.S. Inter-Agency Coordinating Committee for the Validation of Alternative Methods (ICCVAM), or the Organization for Economic Co-operation and Development (OECD) which publishes international test guidelines relevant for safety testing of chemicals. In contrast, most traditional animal tests have never been validated for their use in reliably predicting human response, instead their validity is assumed only, based on a history of their use. This is not adequate for today's high safety standards.

Unfortunately, there is no US law that requires that available non-animal tests be used in favor of animal tests. In contrast, the European Union has required that available scientifically satisfactory non-animal tests be used ahead of animal tests since 1986. Inaction at the federal level compels states like Hawaii to lead the way in ensuring that animals are not needlessly harmed in outdated tests.

Three other states, CA, NY and NJ, enacted similar legislation over ten years ago, and have demonstrated that giving priority to non-animal tests is possible and does not negatively impact

scientific advancement. For example, California is home to the largest number [143] of USDA regulated laboratories in the nation and passed a similar law requiring the use of alternatives in non-medical testing in 2000. In addition, Massachusetts, Virginia and Vermont have legislation pending that would adopt the same standard.

By setting forth a clear regulatory mandate to implement modern non-animal methods whenever they are available SB 2113 can prevent animal suffering and ensure that the best available scientific tests are utilized in Hawaii now and in the future.

Thank you for your consideration.

Sincerely

A handwritten signature in black ink, reading "Monica Engebretson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Monica Engebretson
North America Campaign Manager
Cruelty Free International
(916) 800 5735 : Monica.Engebretson@crueltyfreeinternational.org

SB-2113

Submitted on: 2/2/2018 10:05:34 AM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Parra	Keiko Conservation	Support	No

Comments:



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair | Senator Gil Riviere, Vice Chair

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair | Senator Jill N. Tokuda, Vice Chair

DATE: Monday, February 12, 2018
TIME: 1:20 p.m.
PLACE: Conference Room 224

SB 2113 – RELATING TO ANIMALS.

Prohibits manufacturers, contract testing facilities, and research facilities in Hawaii from using animal test methods for which an alternative test method is available. Imposes a civil fine and authorizes the attorney general to seek injunctive relief and any other recovery of damages.

Chairs, Vice Chairs, and Members of the Respective Committees:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the four county level Cattlemen's Associations. Our 150+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **opposes** SB 2113 in its current form as it could limit the potential for some research breakthroughs within the livestock industry.

The animal's health and well-being is considered the utmost priority in all livestock research and is often done in the consultation with a veterinarian's counsel and oversight. When performing research within the livestock industry, there are few options for alternative research methods that provide the same insights. The ability to replicate some research tests within our industry can become very cost-prohibitive and could discourage further research.

Therefore, we recommend adding a provision to allow an exemption for agricultural research to the language of the bill.

While we can appreciate and agree that animal health and well-being should be protected, we believe that research concerning livestock should be allowed when in consultation with a veterinarian. We respectfully ask for this exemption be included in the bill's language and we appreciate the opportunity to testify on this important matter.



SB-2113

Submitted on: 2/1/2018 3:35:57 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lindsey whitcomb		Support	No

Comments:

SB-2113

Submitted on: 2/6/2018 9:43:22 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Markl	citizen	Support	No

Comments:

Hello Committee Chairs And Members:

Please support this bill to stop all animal testing on all levels if that information is already available or if there is a compassionate alternative method that does not cause suffering to these innocent feeling creatures. So much cruel unnecessary painful testing has been done and needs to stop now. Thank you.

SB-2113

Submitted on: 2/10/2018 7:18:13 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Moran		Support	Yes

Comments:

Mike Moran testifying in support of this bill. It is both inhumane and archaic to conduct tests on living sentient beings, when there reasonable safe advanced other choices easily used to acquire scientific results. Insure financial penalties are set so violation of the law can not be a simple minimal cost of doing business when caught violating the law. Mahalo, Mike Moran. Kihei

SB-2113

Submitted on: 2/10/2018 7:18:57 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary James	individual	Support	No

Comments:

SB-2113

Submitted on: 2/10/2018 7:53:42 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexis Thomas		Support	No

Comments:

I support this bill and urge the Senate Committee to support this bill moving forward.

Many people are becoming aware of the inherent cruelty involved in animal testing. Technology is evolving rapidly in the development of more accurate testing than that of the outdated methods used on animals who do not share all similarities to human physiology which are needed to conduct an accurate assessment. With so many superior alternatives available, it is in the very best interest of humans and non-human animals to adapt to the newest technologies available such as In Vitro and computer modeling which are already being used by various universities and companies.

I read in an August 2017 report from Stop Animal Exploitation NOW! (SAEN) regarding University of Hawaii stating federal reports obtained reveal that in roughly two years failures to comply with federal regulations were connected to deaths of over 800 animals and the suspension/termination of nine separate research protocols.

UH reports disclose staff caused deaths when one Principal Investigator continued to administer a synthetic compound to research animals despite a veterinary order to "cease and desist." UH investigators performed unapproved experiments, failed to complete required biosafety training, continuing to perform experiments for which approval had expired, etc.

On the USDA APHIS website I found inspection reports for UH. In a September 2015 USDA APHIS inspection report, UH was cited under section 2.33 ATTENDING VETERANARIAN AND ADEQUATE VETERANARY CARE under the circumstance of a ram at a sheep flock under a holding protocol was found to be unable to stand and was treated for three days without consulting the attending veterinarian. The animal did not improve, and was subsequently euthanized. Inspector wrote, "In this case the animal

clearly needed prompt veterinary attention, and it was not received. Failure to communicate problems and provide adequate care can result in unnecessary suffering."

In a September 2015 USDA APHIS report, UH was cited under section 2.31 INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE as well as section 2.33 ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE. Under section 2.31 UH was cited for violating protocol of animals being subjected to no more than 10 X-Rays - Two dogs had 18 X-Rays taken each and a third dog had 23 X-Rays taken. Inspector wrote, "significant changes to the protocol cannot be carried out unless approved by the IACUC. The IACUC is responsible for reviewing all components of proposed animal use, and ensuring that the animals are treated in the most humane manner possible, that protects their well-being. Unapproved changes to protocol specifications, such as excessive xrays, could be detrimental to the animals."

Under section 2.33 a dog under anesthesia used for testing was given expired ketamine. Additionally the anesthesia machines were past due for service. Inspector wrote, "this facility should ensure that appropriate methods are employed when administering anesthesia, and this includes ensuring that drugs are not expired, and that anesthesia machines are maintained in optimal condition. Failure to maintain such standards could result in adverse effects for animals undergoing procedures at the facility."

In a March 2017 USDA APHIS inspection report, UH was cited under section 3.101 FACILITIES, due to defects observed inside the monk seal pool. Inspector wrote, "failure to maintain the surfaces in good repair could result in ingestion of materials coming off of the pool walls and floor, and inability to adequately clean and disinfect the surfaces, roughened pool bottom that could cause abrasions, especially when the pool is drained, and / or the possibility of contaminants leaching through the unsealed, deteriorated areas in the pool surface, which could affect water quality. Any of these could be detrimental to the health and well-being of the animals."

Please support this, for the animals and for the progression of research and development in Hawaii.

Mahalo

SB-2113

Submitted on: 2/10/2018 7:55:25 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaunette Itsuno		Support	No

Comments:

I support SB 2113 because the excessive use of animals in research is outdated and unscientific in the face of modern technology. There exist alternatives that are more cost efficient as well as more predictive of human responses. Some of these methods are microdosing in human volunteers, fMRI and CT scans, computational methods such as QSARs, and *in vitro* models using human cells and tissues such as "organ on a chip" developed by the Wyss Institute.

SB-2113

Submitted on: 2/11/2018 10:21:31 AM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ellen jackson		Support	No

Comments:

Please support this important bill which prompts humane animal policy.

SB-2113

Submitted on: 2/11/2018 1:11:09 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Jisa		Support	No

Comments:

I strongly support SB 2113. Let's reduce the amount of animal suffering in Hawaii and the world.

SB-2113

Submitted on: 2/11/2018 1:35:02 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mackenna Cady		Support	No

Comments:

Aloha. I support SB 2113 because this will help prevent unnecessary animal cruelty. When there's an alternative that doesn't hurt living beings, why not use that alternative instead? Please help pass this bill and help Hawaii phase out pointless animal suffering. Thank you so much for your consideration.

SB-2113

Submitted on: 2/11/2018 7:43:01 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Garris	Self	Support	No

Comments:

strong support

SB-2113

Submitted on: 2/11/2018 7:58:45 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mader	Hawai'i resident	Support	No

Comments:

Aloha Chairs Gabbard, Baker and Committeess,

I am in full support of SB2113 prohibiting the animal test method in Hawai'i. There are alternative methods and I believe experiments on animals is abuse and morally wrong. Mahalo for the opportunity to voice my mana'o.

Deborah Mader
Kihei, HI

SB-2113

Submitted on: 2/11/2018 10:02:25 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erika Lechuga Disalvo		Support	No

Comments:

SB-2113

Submitted on: 2/11/2018 10:30:12 PM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina		Support	No

Comments:

SB-2113

Submitted on: 2/12/2018 3:02:29 AM

Testimony for AEN on 2/12/2018 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph		Support	No

Comments:

Support