

October 11, 2012

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Secretary Sebelius,

On behalf of the Alternatives Research & Development Foundation (ARDF) and the American Anti-Vivisection Society (AAVS) and our over 25,000 members and supporters, we are writing to express our strong support of a petition for rulemaking submitted by the New England Anti-Vivisection Society, North American Primate Sanctuary Alliance, Save the Chimps, Fauna Foundation, Animal Protection of New Mexico, Kerulos Center, and Senator Bob Smith that urges the Department of Health and Human Services (HHS) to establish criteria for sending chimpanzees not needed for research to sanctuary, as required by the Chimpanzee Health, Improvement, Maintenance, and Protection Act (CHIMP Act). (Pub. L. No. 106-551, 42 U.S.C. § 283m)

The CHIMP Act, signed into law in 2000, specifically mandates that the Secretary of HHS should create a system of lifetime care for chimpanzees who were used or bred for use in research and for “which it has been determined by the Secretary that the chimpanzees are not needed for such research,” referred to as surplus chimpanzees (42 U.S.C. § 283m(a)). Clearly, Congress intended for the Secretary to make decisions about when chimpanzees are ready to be sent to sanctuary; however, the implementing regulations establish no such criteria and instead, laboratories have been entrusted with making these determinations. Unfortunately, research laboratories have a conflict of interest in this process because they receive federal funding to care for the chimpanzees. It is not surprising, therefore, that only 161 chimpanzees have been sent to sanctuaries since the passage of the CHIMP Act, even though many more are languishing in labs.

AAVS encourages HHS to amend its implementing regulations to provide for specific criteria that govern the retirement of surplus chimpanzees. As described in the petition for rulemaking, consideration should be given to: (1) chimpanzees who are held for research that has been deemed unnecessary; (2) chimpanzees who have not been assigned to research in 10 years; and (3) chimpanzees who are unfit research models due to physical or psychological illness, age, or incomplete medical histories. A December 2011 Institute of Medicine (IOM) report, *Chimpanzees in Biomedical and Behavioral Research: Assessing the Necessity*, found that most research using chimpanzees today is unnecessary and encourages NIH support to develop alternative models. This recent assessment makes it imperative that HHS begin the process of moving the over 900 chimpanzees currently housed in research facilities into sanctuaries.

Ensuring that surplus chimpanzees are sent to sanctuaries in compliance with the CHIMP Act will not only provide for the humane treatment these animals deserve, but also save

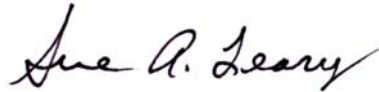
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taxpayer funds because it costs more money to warehouse chimpanzees in research laboratories for years than is needed to pay for their care in the sanctuary system. ARDF and AAVS urge HHS to take immediate steps to determine, according to the criteria in the rulemaking petition, those chimpanzees who are no longer needed for research, and begin moving them into the sanctuary system as required by the CHIMP Act.

Sincerely,



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