

It also sounds as if they are experiencing some arthritis, as they “had some trouble moving around”. Unlike the cobbler’s children being the worst shod, as the saying goes, I hope the dogs are receiving treatment for their condition, because poor health is a major source of poor welfare. Their condition is probably treatable, and one could consider it negligent for these animals not to be treated and to be left in such discomfort. It is interesting to speculate whether institutions per se can be guilty of unethical behavior, such as negligence, and if so who should bear responsibility. I believe that they can and that a culture of care comes down from the top and should apply to all of those involved with the care of these dogs. This list would include the dean of the veterinary school and the members of the IACUC, the head of anatomy, the teacher(s) using them for living anatomy, the students who recently handled the dogs, and the facility manager, Sam Holton, who already has overlooked the needs of these animals. Holton obviously ‘knows his animals’, because he noted that “they seem very much to enjoy each other’s company”, and he seems to think that that observation matters enough to mention it—and it does.

There seems to be a lack of will to do anything here. Were the local newspaper or TV station to be informed, a new caregiver for the two dogs would quickly surface, but the resultant publicity might call into question the caring nature of the veterinary school and its staff. Notably, it would also highlight whether the size of the pen mattered more than the quality of the lives of Ping and Pong. Engineering standards should be guides, and deviation from them should require justification. In this case there is no problem, because the animals would suffer greater harm if those standards were rigidly enforced. If the USDA inspector insisted on engineering standards, she should be made to account for her decision, and ‘blind or blinkered compliance’ does not amount to a good decision. Single caging of social animals that have lived together for so long would be a cause of substantial distress. I would sug-

A Word from USDA
In response to the questions posed in this scenario, the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care (USDA-APHIS-AC) offers the following clarification and guidance:

While the nature of the respondents’ replies is essentially correct, we believe there should be some clarification regarding USDA authority. We recognize that the use of animals is instrumental in certain research and education for advancing knowledge. Our inspectors may ask questions during the course of an inspection relating to whether a project is being conducted in the best interest of the animals. We are not implying authority over the design, outline, or performance of the actual research. It is done merely to point out a matter the IACUC may want to take under consideration during its review of the facility’s program of humane care and use of animals.

We cannot provide such a courtesy when applying the regulations and standards promulgated under the AWA. The USDA has been charged by Congress to enforce the law. Remember, these are the minimum standards necessary to ensure the public that laboratory animals are receiving humane care and treatment in the research facility, and the required floor space for a dog is only six inches longer than the length of the dog (not including the tail), squared. Section 3.6(d) does allow the use of innovative primary enclosures not precisely meeting the floor area and height requirements if the dogs are given a sufficient volume of space and the opportunity to express species-typical behavior, and the enclosures have been approved by the IACUC.

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gest that the harms done by separating these two animals and putting them singly in cages, together with their reduced use, are so great that the dogs would, in all probability, be better off dead. Perhaps the IACUC (and others) should have foreseen this problem and made arrangements for their retirement at the outset. Were two laboratory dogs actually necessary in the first place? As an alternative, the veterinary school staff could have used their own companion animals for such work, because many dogs enjoy social interactions with humans.

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Separate to Ensure Compliance

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Ping and Pong have lived together for 8 years, and it is a shame that they cannot be retired and live out their lives together. Perhaps this issue is what prompted the students to bring the inadequate cage space to the attention of the IACUC. One could

consider what would be the ethical cost/benefit for the continued use of these two dogs. If other animals have been purchased for the same use in the required coursework, what is the value of using these two foxhound crosses for the advancement of knowledge or for the good of society? The dogs are compatible but are becoming less enthusiastic about student manipulations.

Because the research facility is not compliant in the provision of adequate caging for the dogs, we wonder what the purpose would be in contacting the USDA inspector. The USDA inspector might cite the institution for noncompliance, because the dogs are not living in enclosures that meet the requirement of Section 3.6(c)(i). The Animal Welfare Act also has requirements for exercising individually housed dogs, which are defined in Section 3.8(a) and 3.8(c). The *Guide* states that “wherever it is appropriate, social animals should be housed in pairs or groups, rather than individually, provided that such housing is not contraindicated by the protocol in question and does not pose an undue risk to the animals.” Because the required space cannot be provided to house the dogs together, the research facility must provide adequate primary housing and exercise for the dogs as long as they remain at the facility. The animal facility manager identified