

Office of Laboratory Animal Welfare Statement on Oversight of NIH-owned Chimpanzees

The Director, Office of Laboratory Animal Welfare (OLAW) has the delegated authority from the NIH Director under [Section 495 of the Public Health Service \(PHS\) Act](#), as added by the Health Research Extension Act of 1985, for overseeing compliance with the [PHS Policy on Humane Care and Use of Laboratory Animals](#) (Policy) in PHS-conducted or supported activities. The Policy, [Section II](#) requires that all PHS-conducted or supported activities involving animals are required to comply, as applicable, with the [Animal Welfare Act](#) (AWA), and other Federal statutes and regulations relating to animals.

All facilities that house, care for, or are engaged in the transport of NIH-owned chimpanzees are subject to the AWA and implementing regulations, the Health Research Extension Act of 1985, and the PHS Policy. Moreover, the Alamogordo Primate Facility is a government-owned, contractor-operated federal research facility, conducting non-invasive sample collection and observational behavioral studies. As such, under § 2143(c) of the AWA, “In the case of Federal research facilities...[the] head of the Federal agency conducting the research shall be responsible for (1) all corrective action to be taken at the facility; and (2) the granting of all exceptions to inspection protocol.” See also 9 CFR § 2.37.

The Animal Welfare Regulations at 9 CFR § 2.38(h) prohibit a research facility, including a Federal research facility, from delivering a nonhuman primate to any intermediate handler or carrier for transportation unless the nonhuman primate is accompanied by a health certificate executed and issued by a licensed veterinarian. Prior to issuing the health certificate, the licensed veterinarian must have inspected the animal and “when so inspected, the... nonhuman primate [must have] appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health.” Additionally, 9 CFR § 3.90(c) states that “If a nonhuman primate is obviously ill, injured, or in physical distress, it must not be transported...” As such, the Director, OLAW has determined that transporting chimpanzees assessed by the facility veterinarian and the [NIH Veterinary Panel](#) to be significantly compromised by disease or exhibiting difficulty maintaining quality of life would be a violation of the AWA regulations, and therefore, the PHS Policy.

It is the OLAW Director’s further determination that the frailest chimpanzees must remain in their current location in keeping with the regulatory requirements of the AWA and the PHS Policy, and in the interest of each animal’s welfare, health, and social grouping.

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