

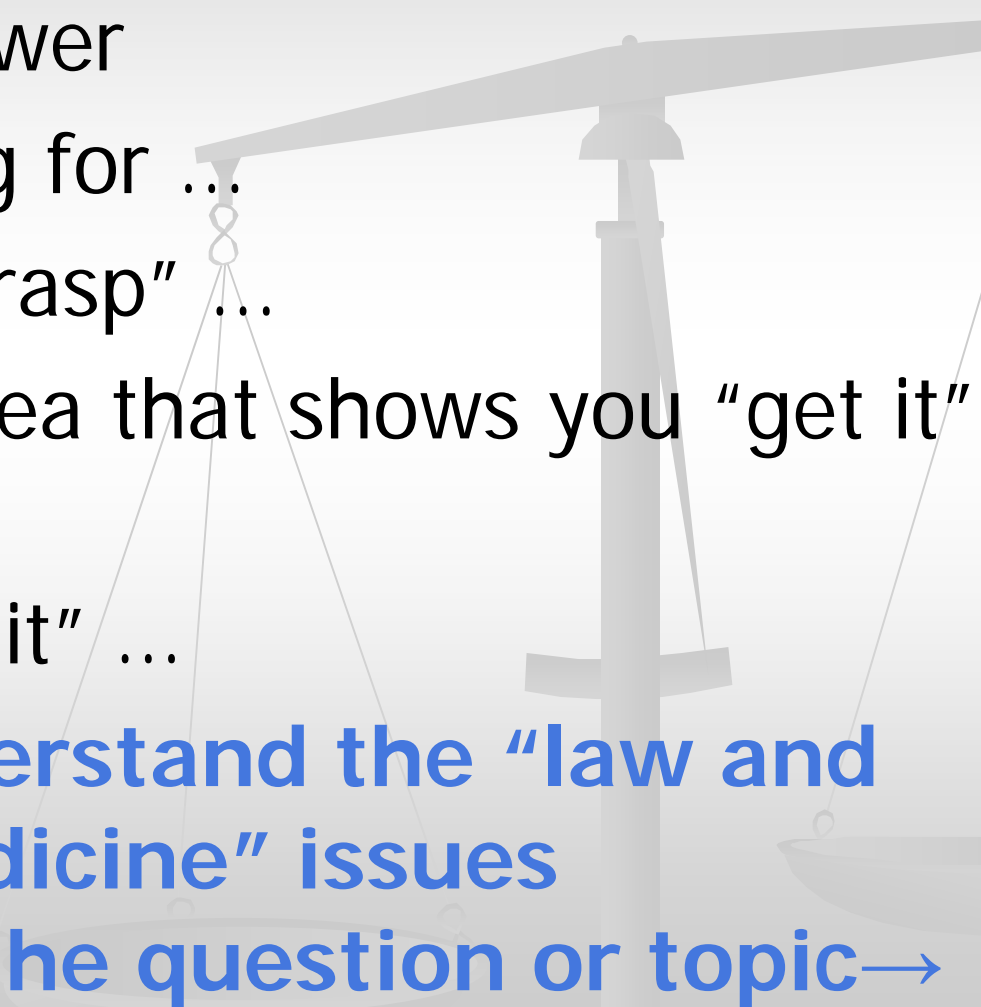
Jurisprudence and Ethics



Research Animals and Law
Dec 4, 2006—Second Hour

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Business

- Test – short answer
 - What I'm looking for ...
 - ... "conceptual grasp" ...
 - ... the general idea that shows you "get it" ...
 - Translating "get it" ...
 - **Show you understand the "law and veterinary medicine" issues suggested by the question or topic→**
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Sample questions



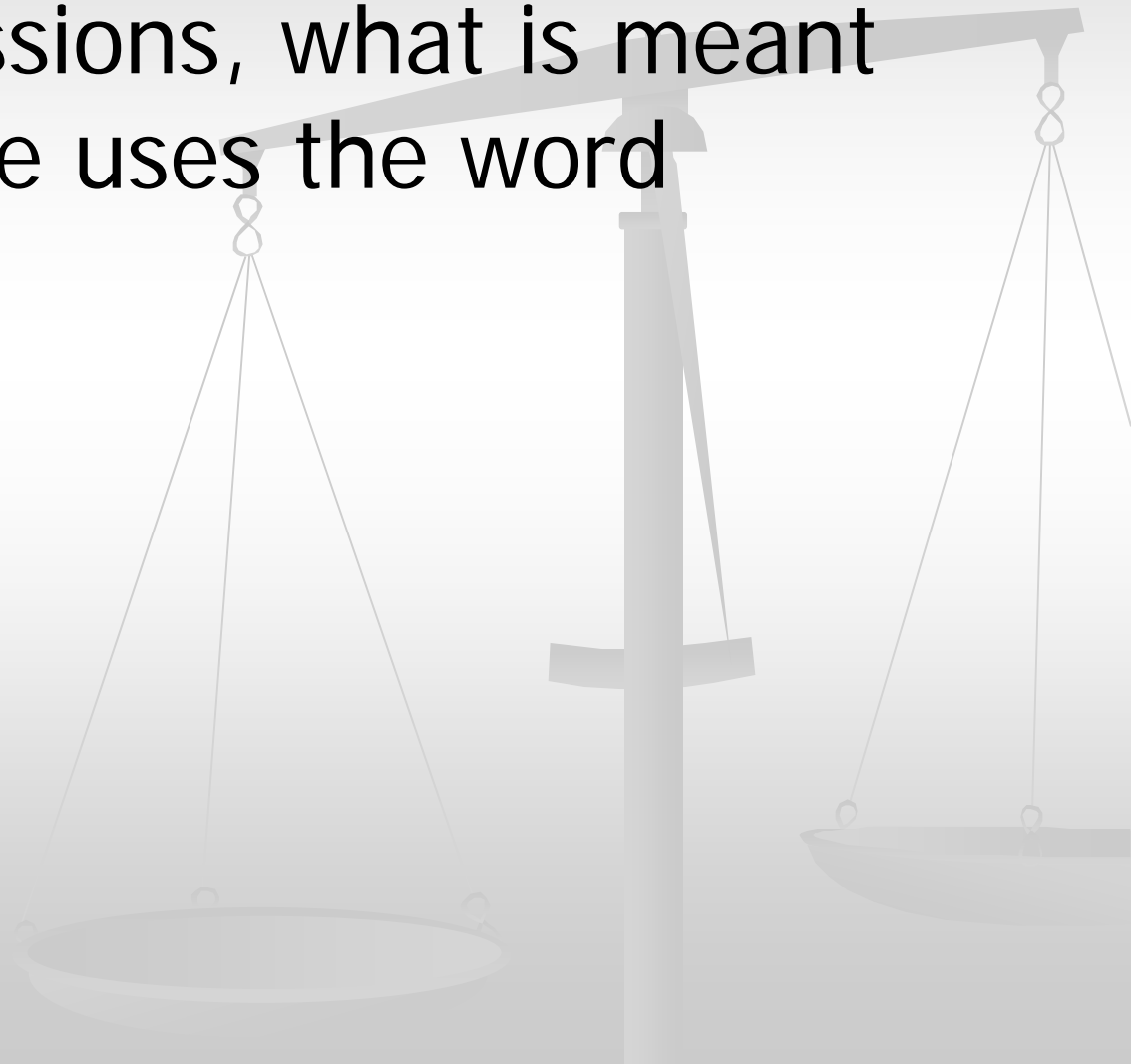
- What is the relationship of the “law box” in the “6 boxes diagram” to the other boxes in that diagram?
- What happens if the requirements laid out in the state practice act of the state in which a veterinarian is licensed are contradicted by the provisions of the AVMA’s Principles of Veterinary Medical Ethics?

Sample question

- In the PVME, there is a section entitled “Professional Behavior.” In the Massachusetts practice act, Section 7.01 is entitled “Code of Professional Conduct.”
- Explain the significant way in which the two sections are fundamentally different kinds of codes (I don’t want you to tell me how their specific provisions differ—I want you to explain how, as a conceptual matter, they are different, that is, why they belong in different boxes in the 6 Boxes diagram. This can be done simply in under 25 words).

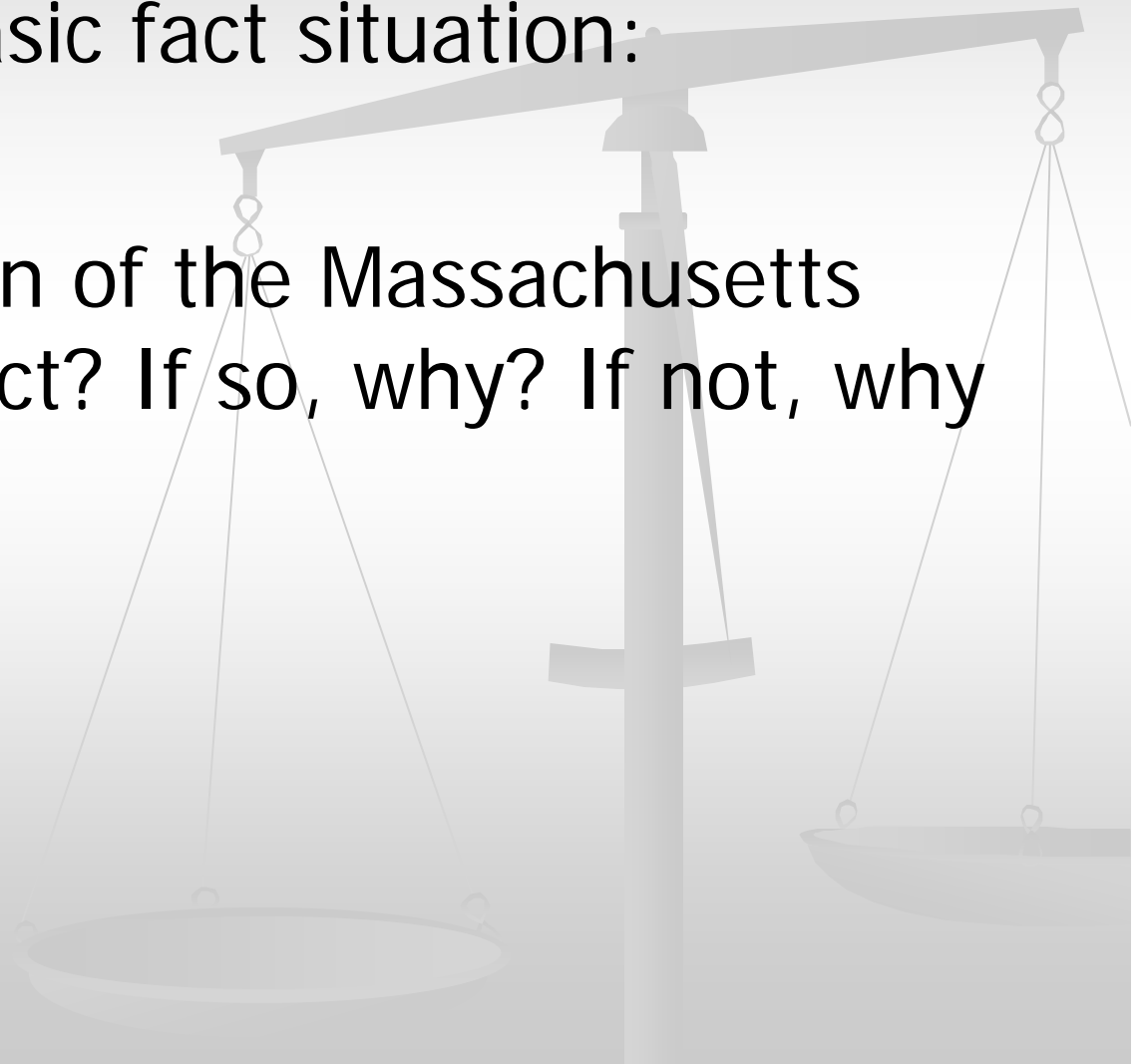
Sample question

- In legal discussions, what is meant when someone uses the word “standing?”



Sample question

- Consider this basic fact situation:
- X, Y, Z
- Is this a violation of the Massachusetts State Practice Act? If so, why? If not, why not?

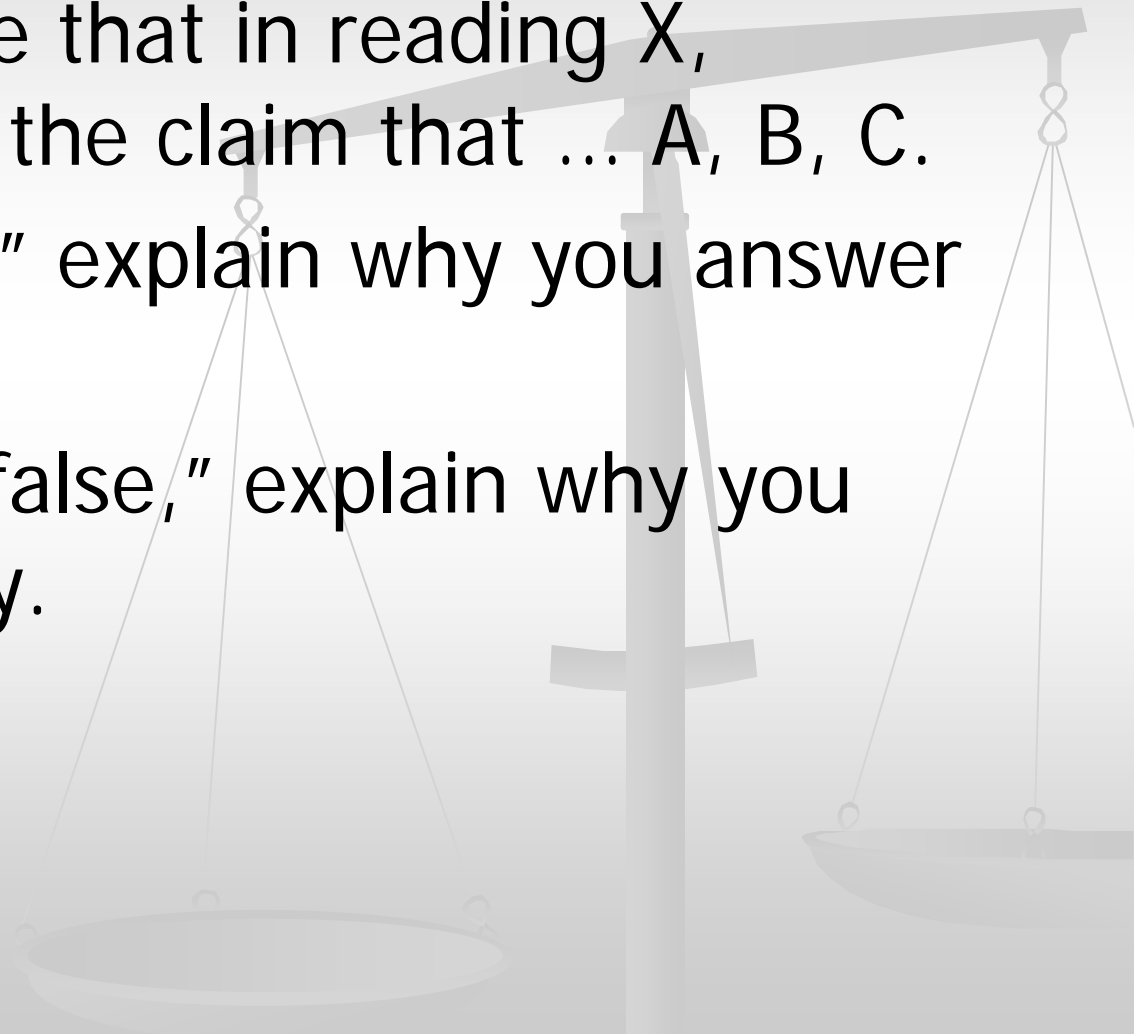


Sample question

- In the following question I ask for your opinion about *legal* issues only, *not ethical issues of any kind ...*
- ... (in other words, answer this question with regard to the LAW only and *not* with regard to professional ethics of the AVMA, your personal ethics, social ethics or normative ethics)→
- ... A, B, C

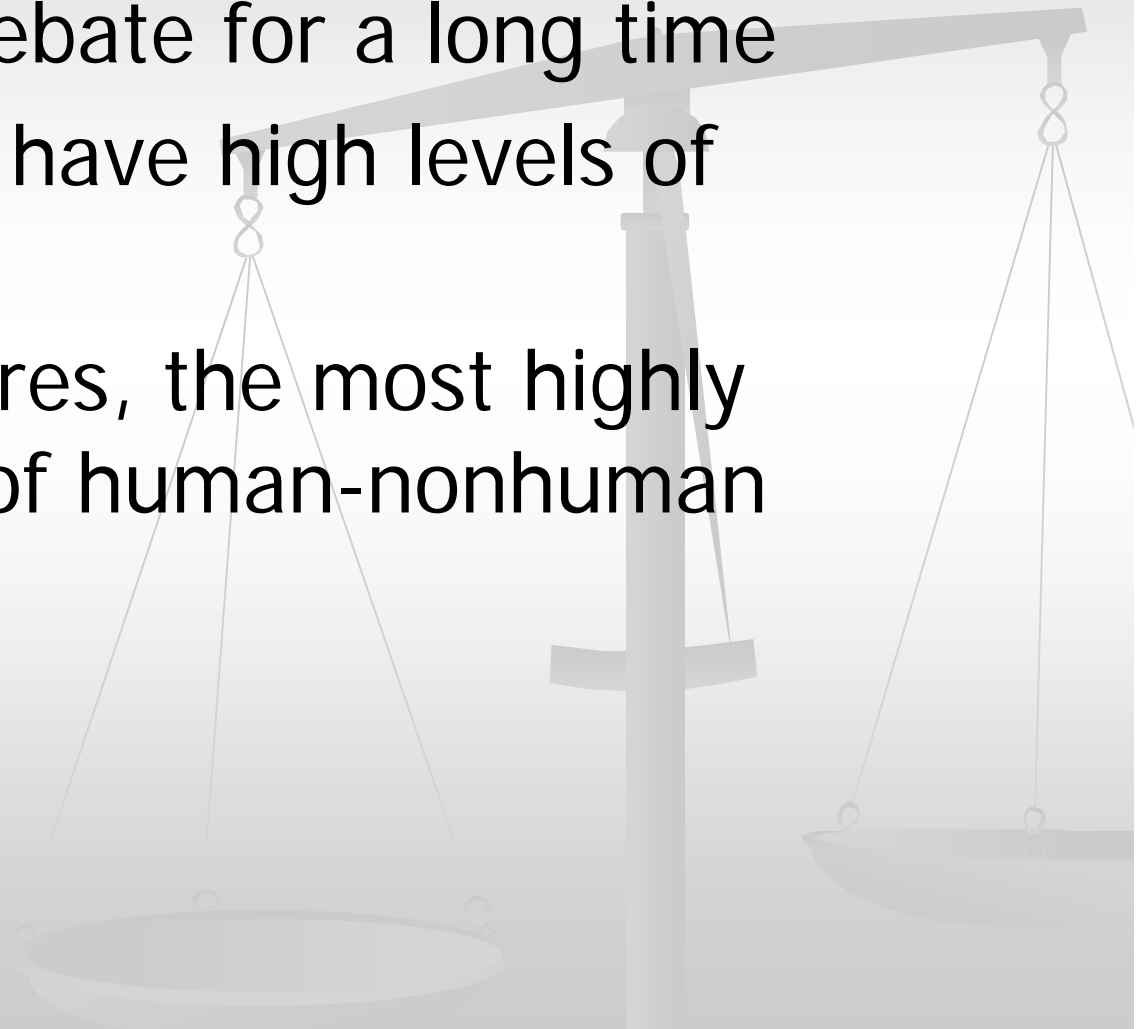
Sample question

- Is it true or false that in reading X, [author] makes the claim that ... A, B, C.
- If answer “true,” explain why you answer that way.
- If you answer “false,” explain why you answer that way.

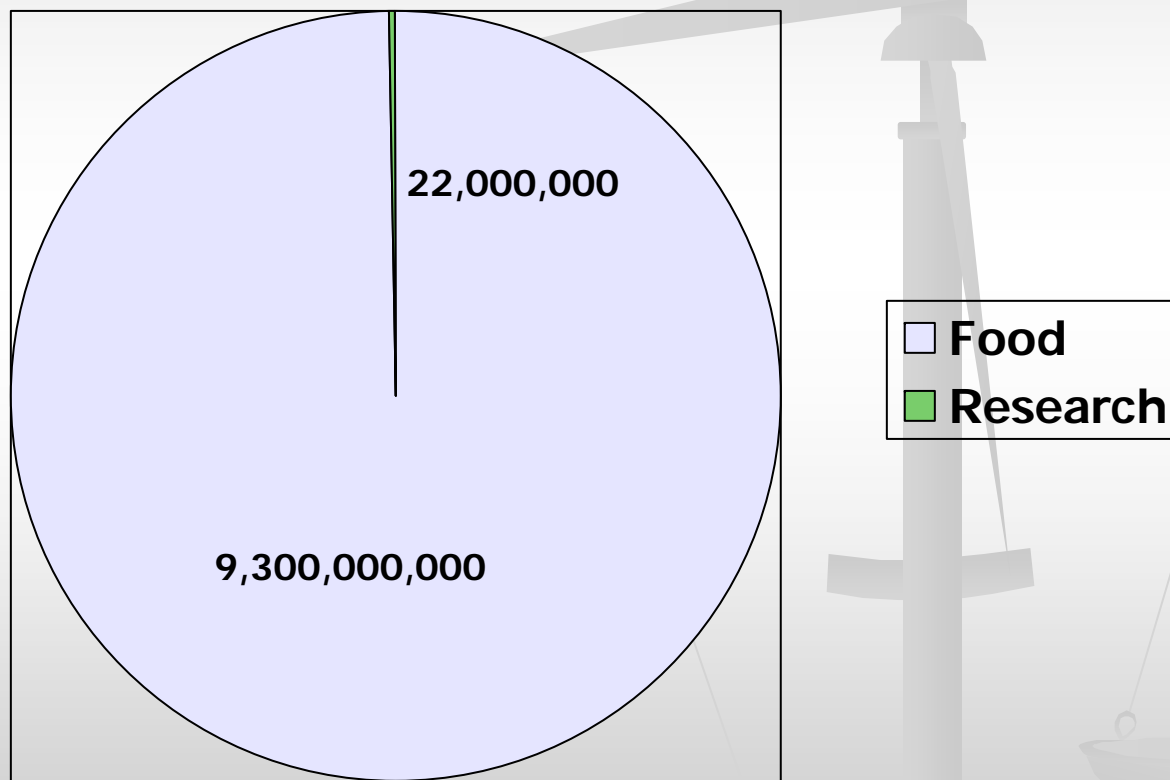


Law and research animals

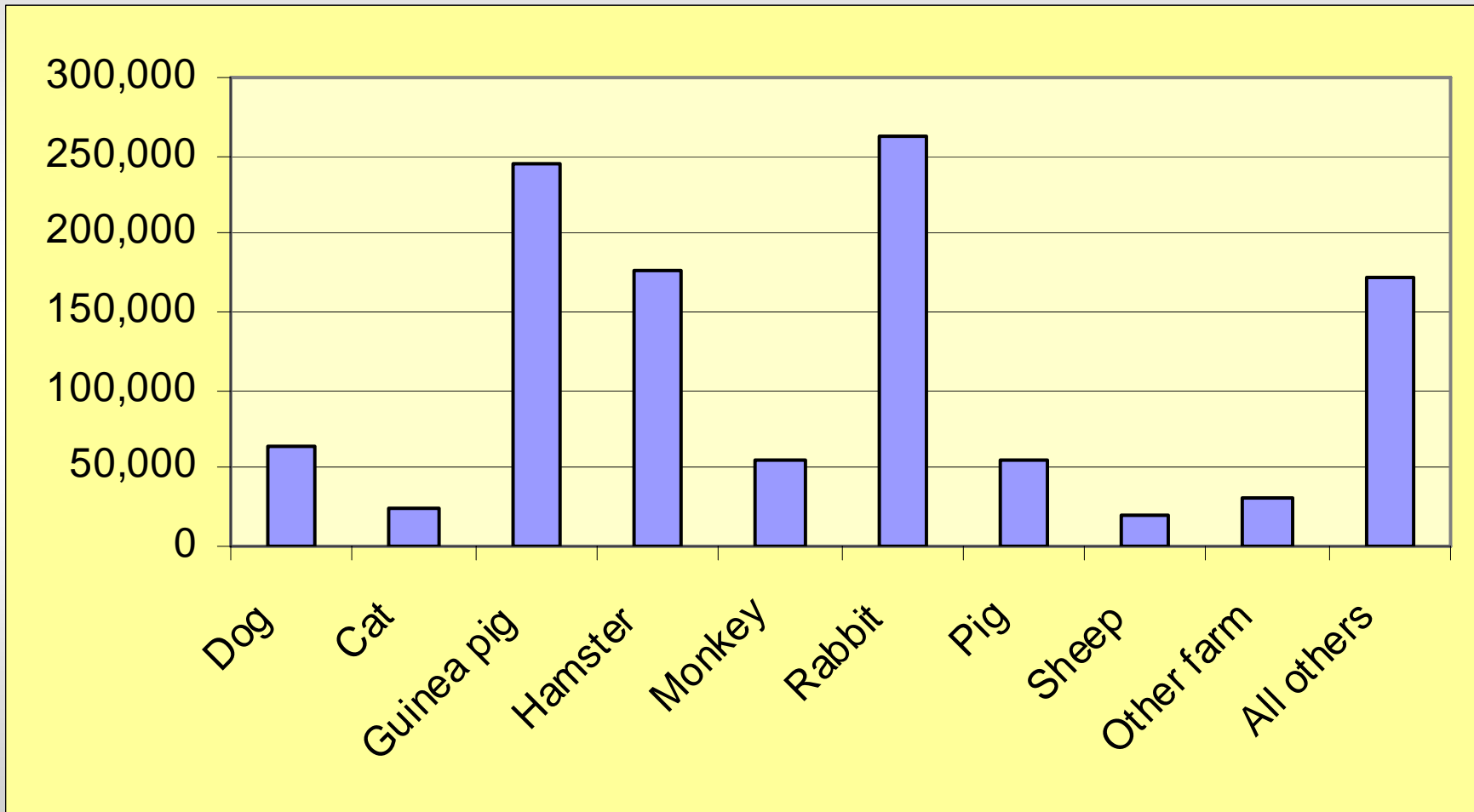
- “Hot” topic of debate for a long time
- Other countries have high levels of protection
- By some measures, the most highly regulated area of human-nonhuman interactions



Animals killed for food v. animals used in research (Including rats and mice) 2004

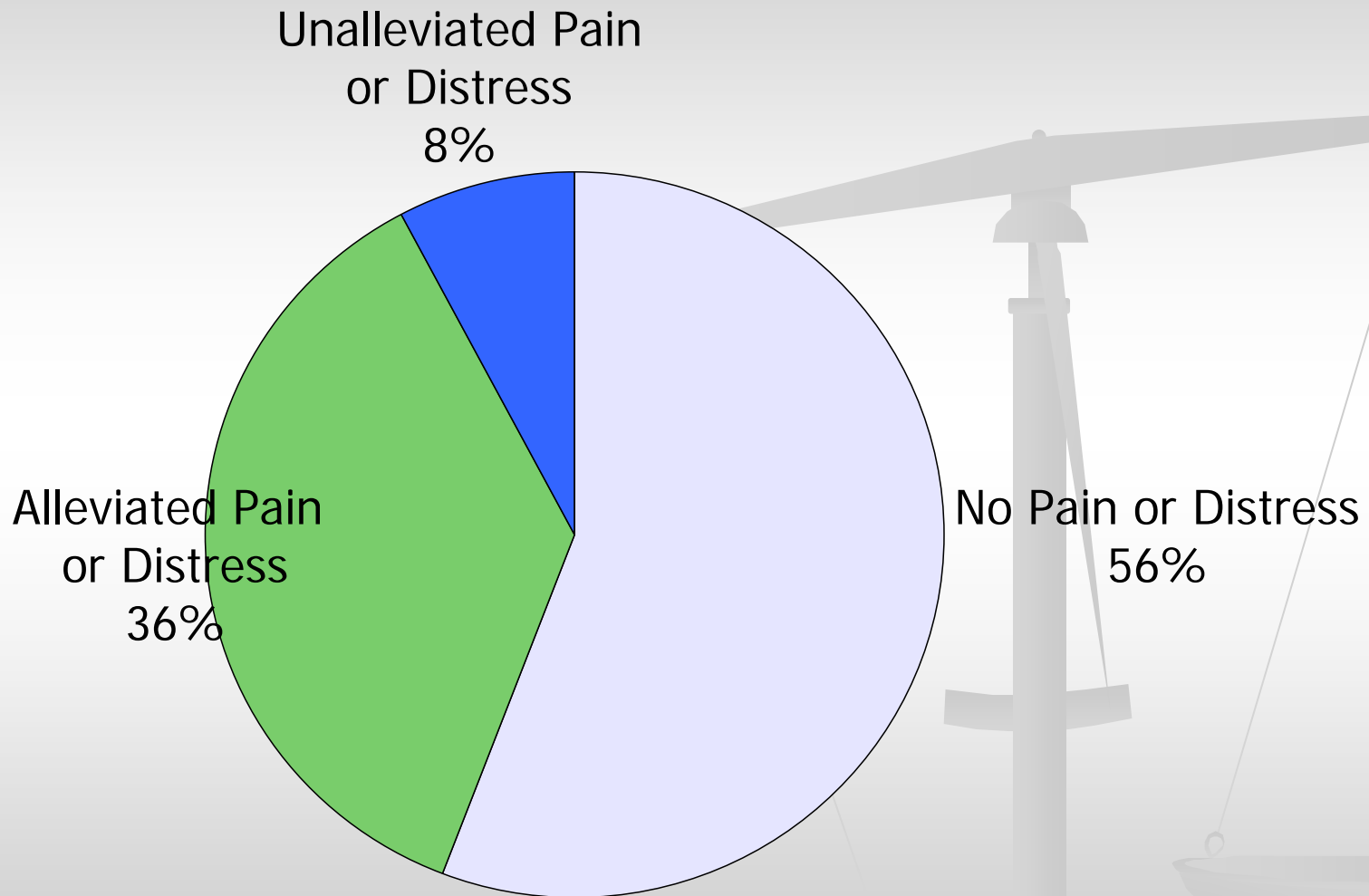


2004—Animals used in research, teaching and testing (Excluding rats and mice)



Source: USDA, Annual Report, 2004

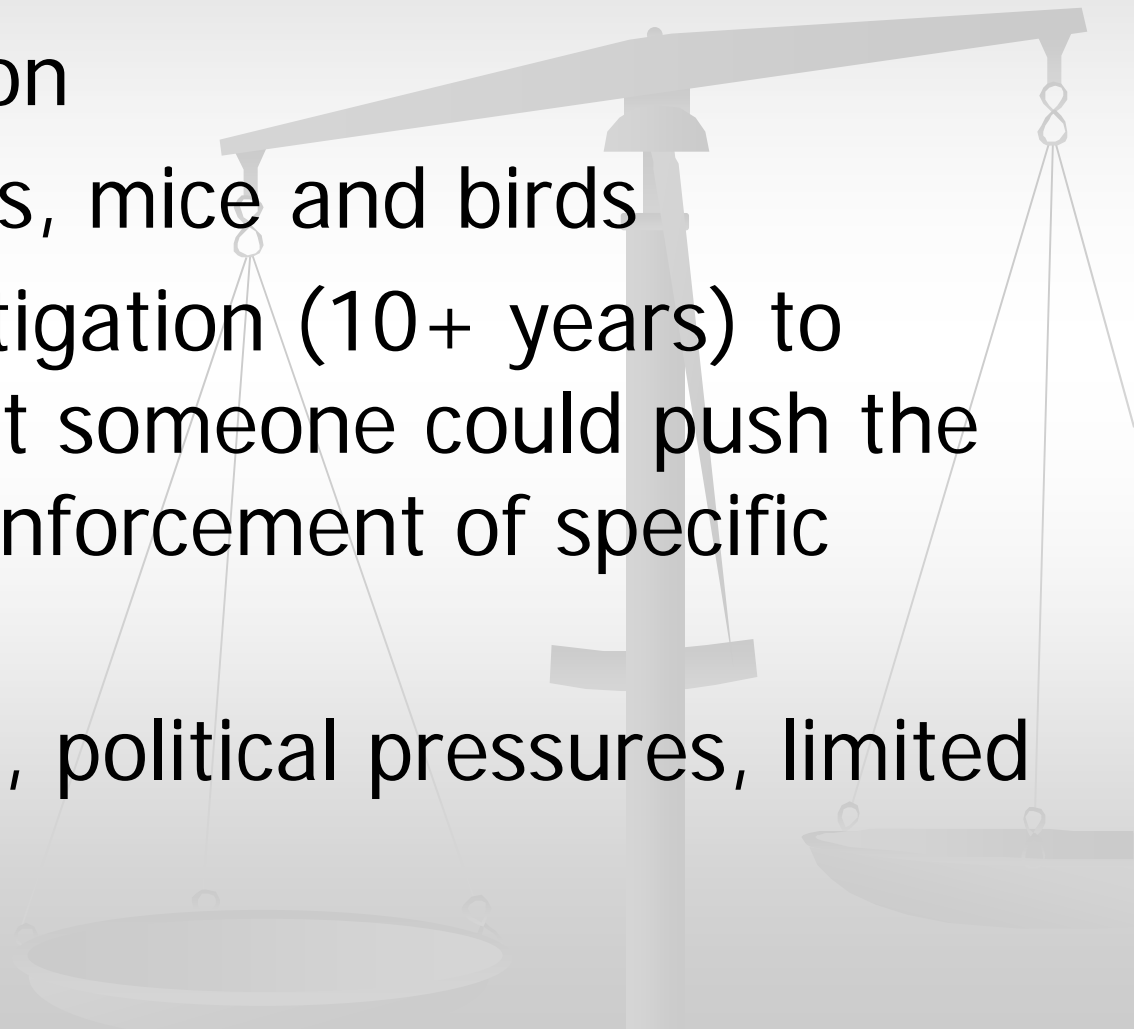
Pain and distress categories (2004)



Source: USDA Annual Report, FY 2004

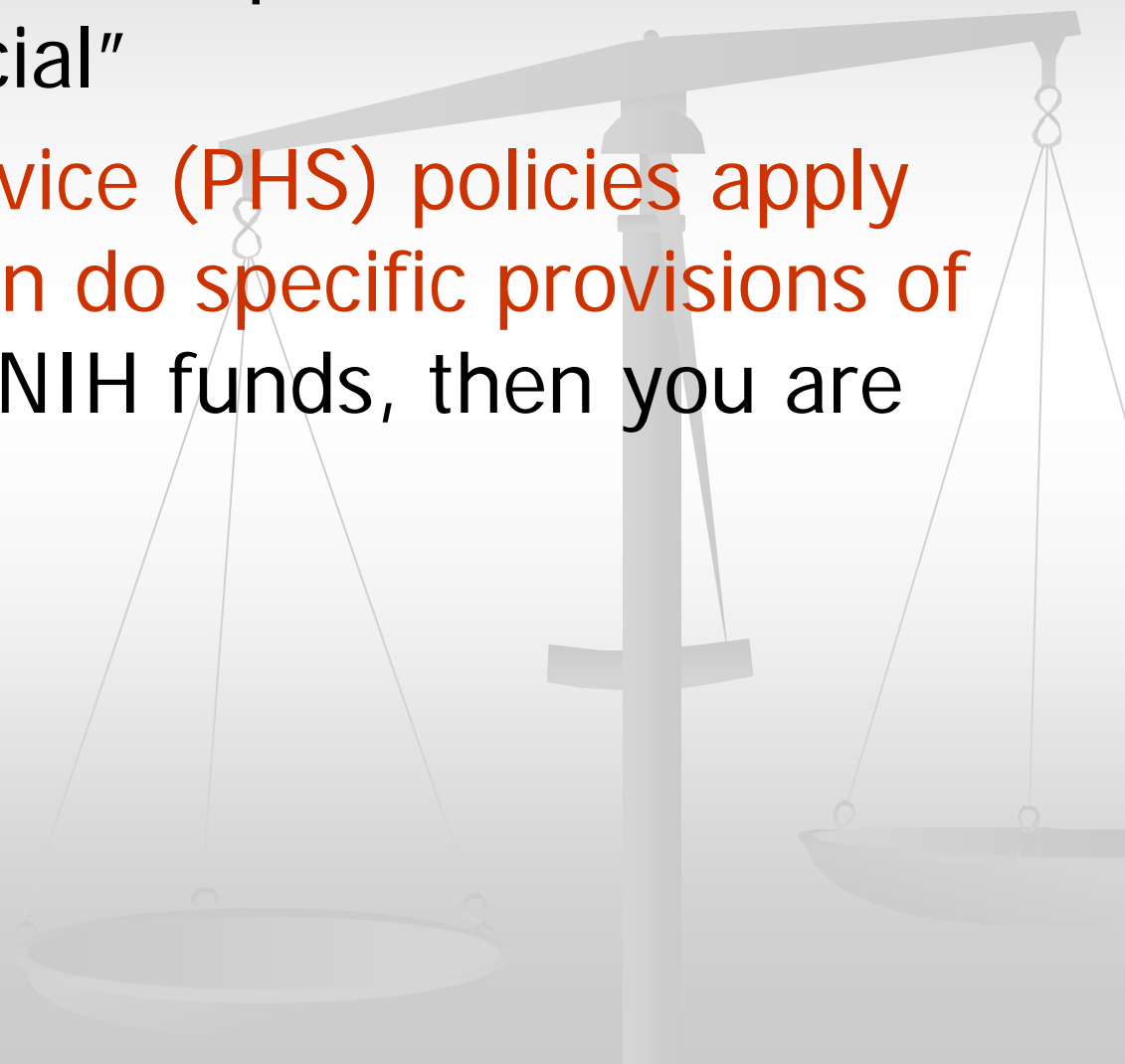
Various sources

- Government
- AWA from 1966 on
- Doesn't cover rats, mice and birds
- Long history of litigation (10+ years) to "standing" so that someone could push the government on enforcement of specific provisions
- IACUCs—realities, political pressures, limited coverage



Various sources

- NIH's OLAW receives reports re IACUC from "institutional official"
- Public Health Service (PHS) policies apply more broadly than do specific provisions of AWA—if you get NIH funds, then you are covered by PHS



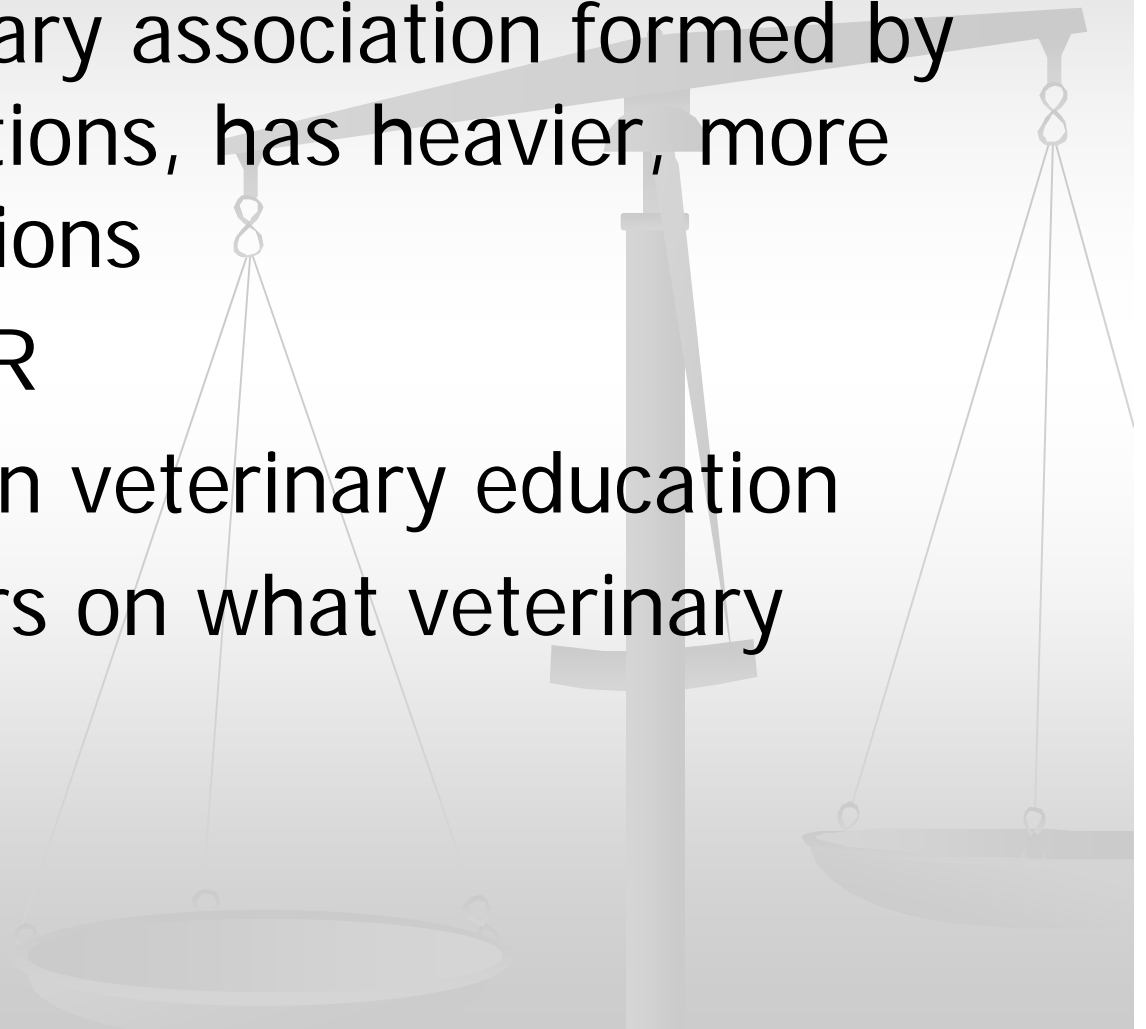
Various sources

- State-level inspections
- Some cities mandate inspections (e.g., Cambridge, MA)



Beyond the government

- **AAALAC**, voluntary association formed by research institutions, has heavier, more detailed inspections
- NABR and MSMR
- Self-regulation in veterinary education
- Impact of donors on what veterinary schools do

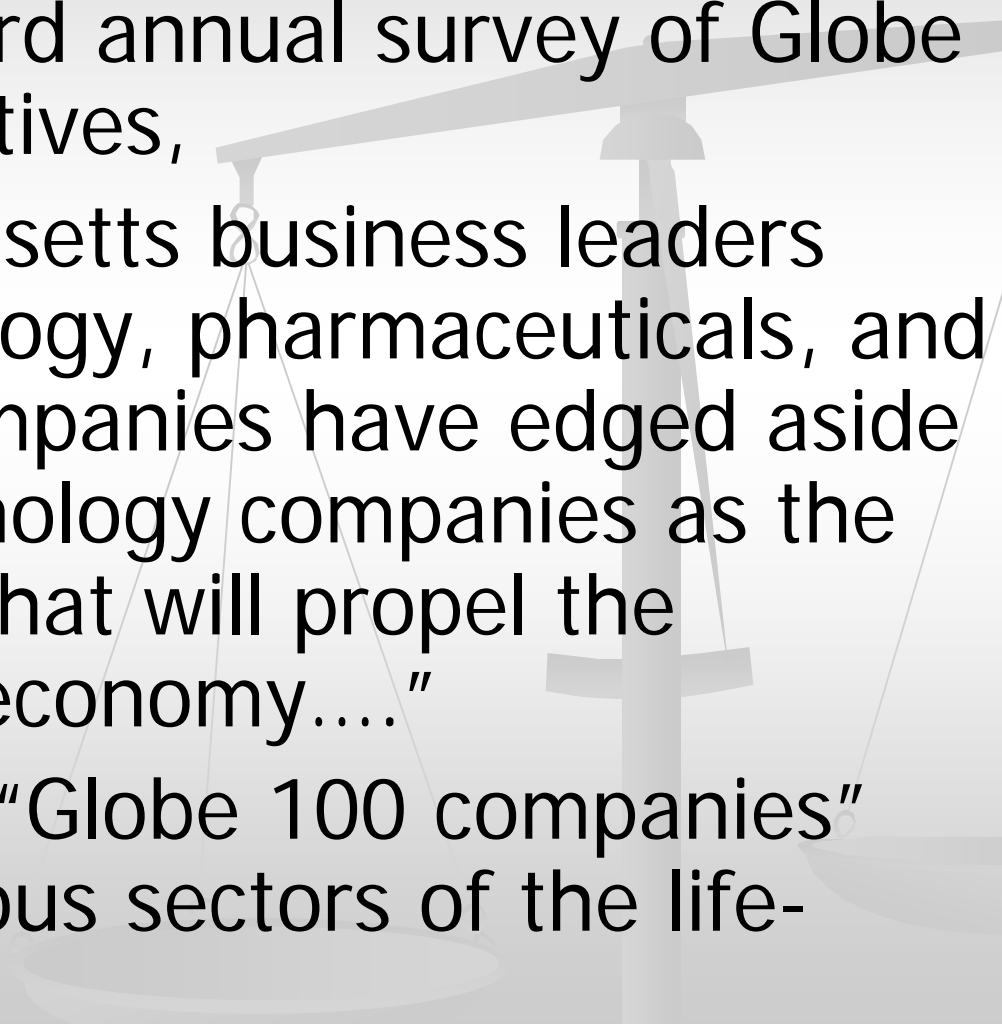


Some special features of “law and research animals”

- Arguably the most heavily regulated
- Historically, the most debated
- Possibly the most protected?



“Bioeverywhere” per Boston Globe May 2005


- According to third annual survey of Globe 100 chief executives,
 - “Most Massachusetts business leaders think biotechnology, pharmaceuticals, and life sciences companies have edged aside traditional technology companies as the primary sector that will propel the Massachusetts economy....”
 - Four of top ten “Globe 100 companies” come from various sectors of the life-science world
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Biotechnology



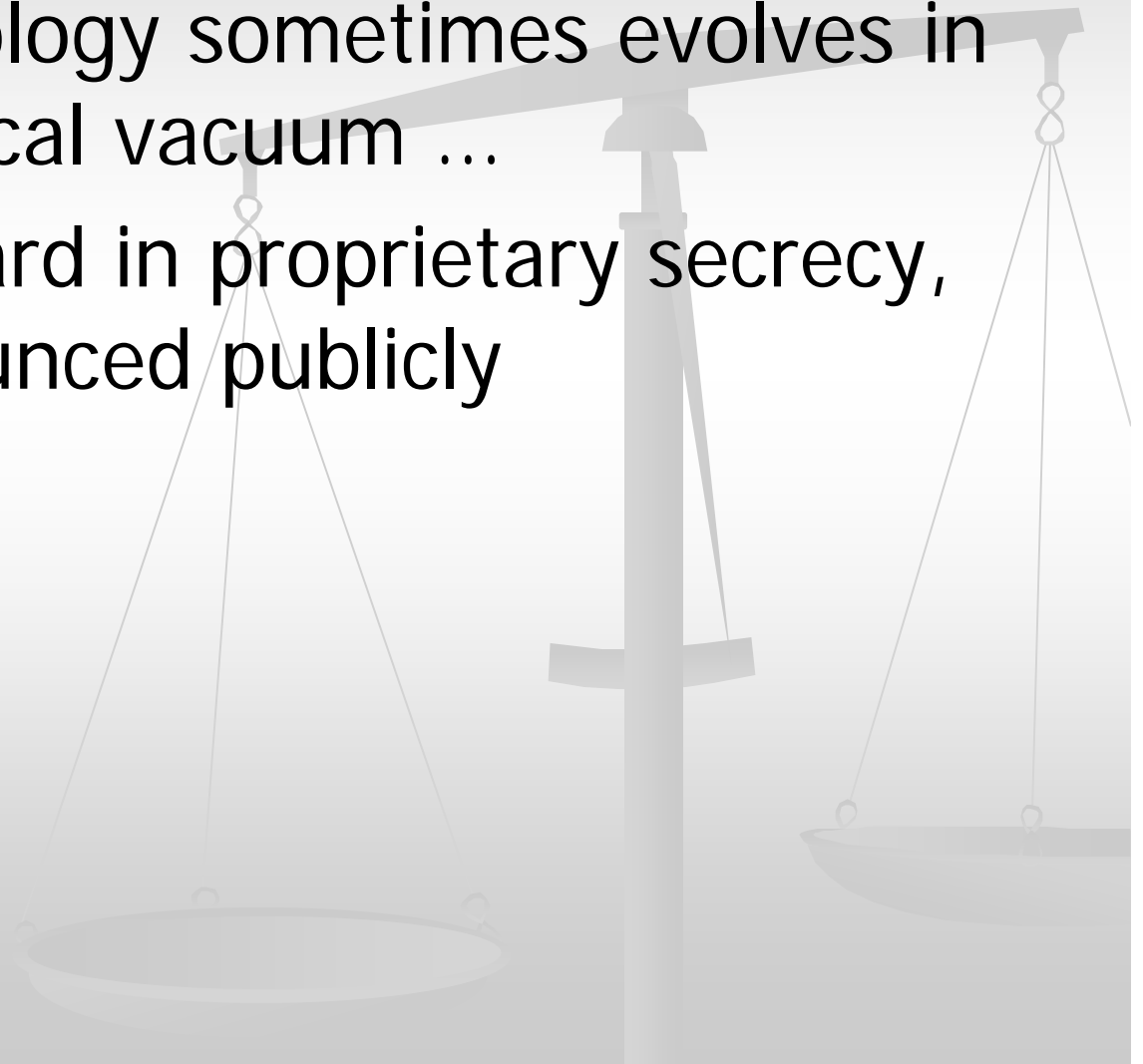
- MIT's Provost Robert A. Brown:
- "If you look at our students coming today, you can really sense **the 'century of life science'** that everyone talks about.
- Susan Hockfield, our new president, talks about 'bioeverywhere.'
- It's all over the engineering disciplines. **It's permeating all the sciences."**

Ahead of the ethics curve

- Law, social values, cultural perspectives are slow to respond, mired in tradition and look backward
 - Biotechnology is evolving faster than “quickly”
 - Thus, characteristically ahead of social consensus
 - Issues like stem cell research so new that law and moral authorities don't have any real idea how to address them
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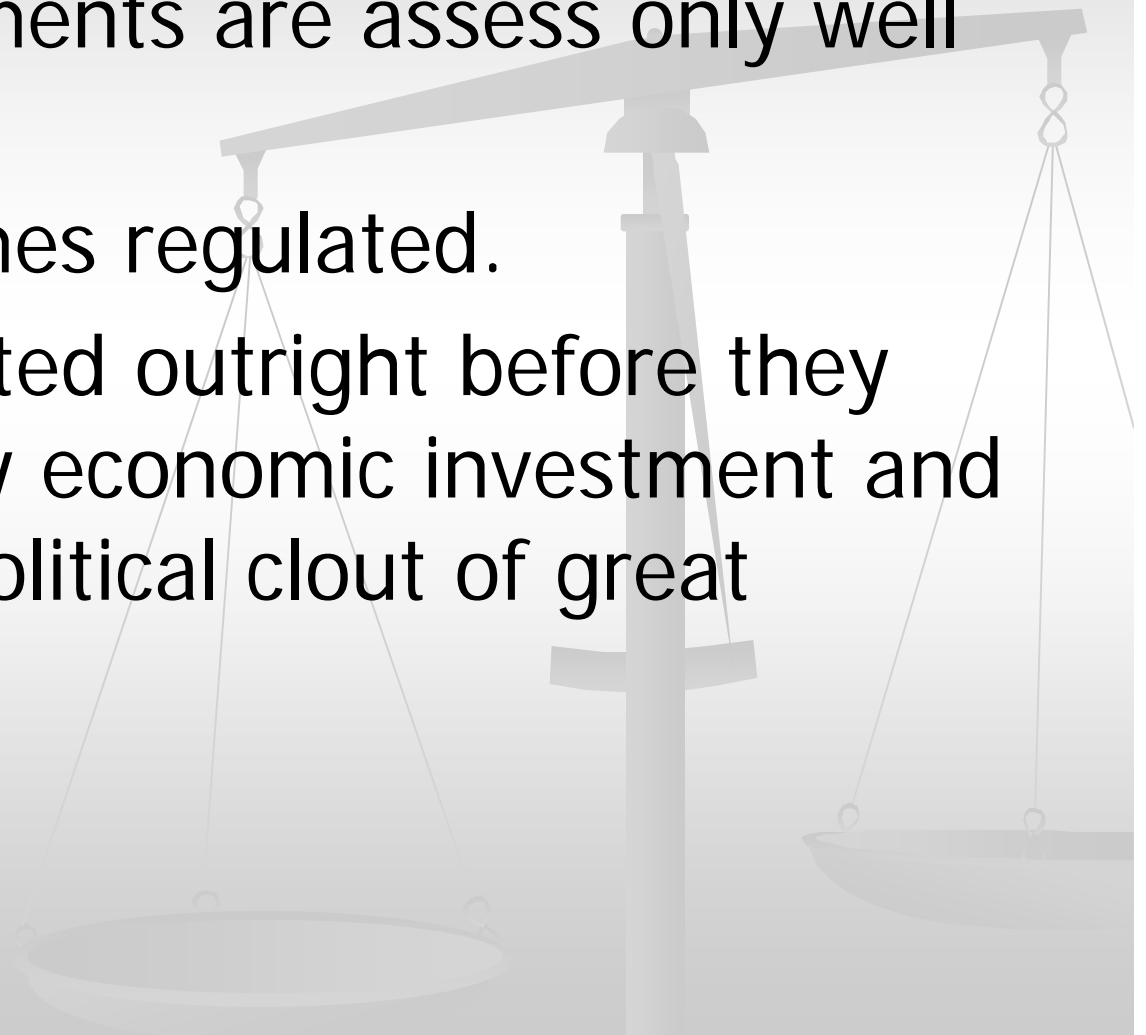
Ahead of the ethics curve

- Thus, biotechnology sometimes evolves in a legal and ethical vacuum ...
- ... pushed forward in proprietary secrecy, only then announced publicly



After the fact “ethics”?

- Often, developments are assessed only well after-the-fact ...
- ... then sometimes regulated.
- Few are prohibited outright before they are anchored by economic investment and possibly even political clout of great significance



Where's the focus in current discussions?

- Regulation discussed today is often *solely* about *human* issues.
- Cloning conferences ...

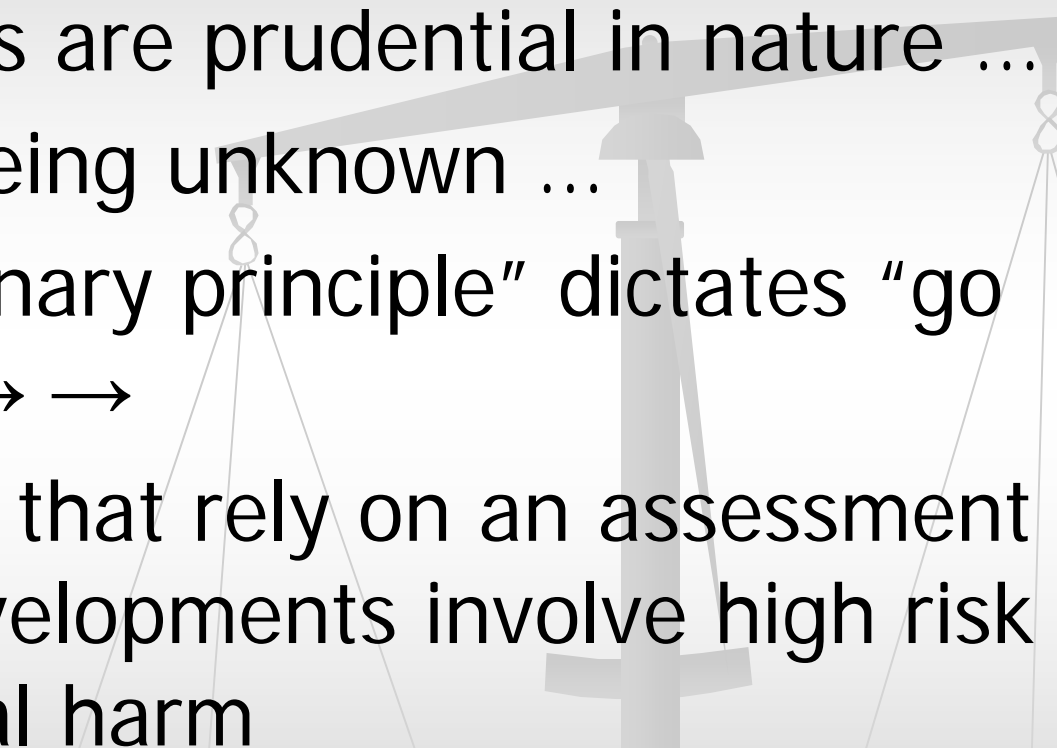


Manifold challenges



- Challenges based on the claim that these developments reflect humans' arrogance—an attempt to become “God-like.”
- These challenges and others are often **ethical** in nature, and only sometimes legal
- For example, claims based on the nonhuman animals' suffering created by one practice or another.

Prudence-based challenges

- Some challenges are prudential in nature ...
 - ... risk factors being unknown ...
 - ... so “precautionary principle” dictates “go slow” attitude → →
 - E.g., challenges that rely on an assessment that biotech developments involve high risk of environmental harm
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Politics-based challenges



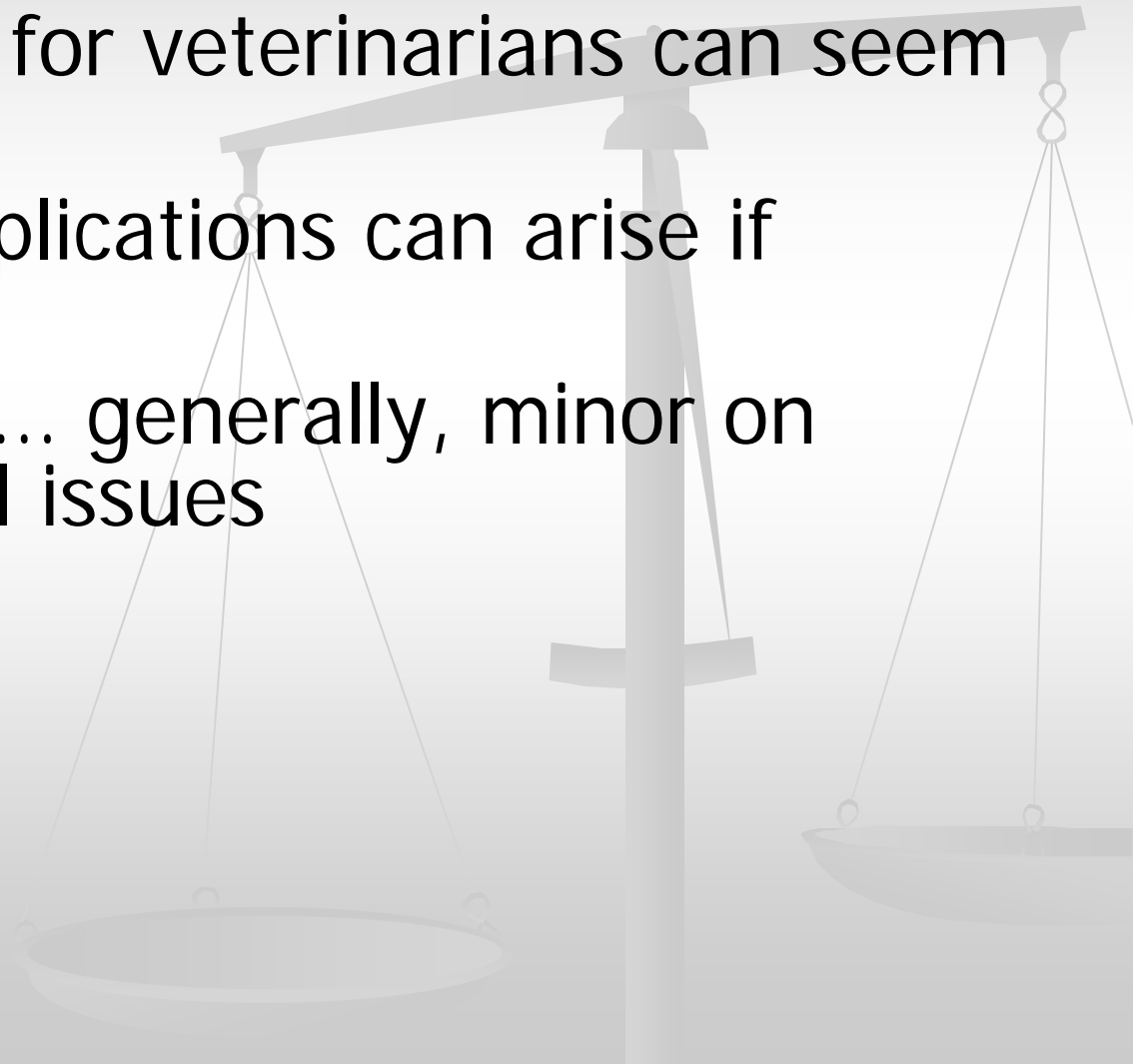
- Some challenges are essentially political →
- ... directed against globalization because so much biotech is promoted by multinational companies
- ... directed against economic dislocation or cultural damage
- ... directed against some countries' concern to develop economic advantage internationally, regardless of the social, cultural, ethical, or environmental risk

Teaching/research hospital complications



So what's veterinary medicine to do?

- Practical issues for veterinarians can seem innocuous ...
- ... but *legal* implications can arise if mishandled.
- Student issues ... generally, minor on research animal issues



Comparing legal and ethical protections

- Laboratory Animals
- Significant federal protections since 1985—Rollin says this means changed social consensus
- Rats, mice and birds excluded (formally in 2002)

- Farm Animals
- No effective protections (Wolfson)
- September 2005, JAVMA reports on Rollin's claim that social value changing
- Public perception *may* be changing

Next session

- December 6 on farm animals and companion animals

