

A Pattern of Abuse

Animal welfare violations in
University of California laboratories
August 2010- June 2013

Progress for Science

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INTRODUCTION

This report details citations for animal welfare violations that schools in the University of California (UC) system received from the Animal and Plant Health Inspection Service (APHIS), a division of the United States Department of Agriculture (USDA), between August 2010 and June 2013. These citations indicate confirmed violations of the Animal Welfare Act (AWA) found during inspections by APHIS of animal experimentation facilities at UC campuses. This report underestimates the total number of violations because *any* violation that a University contests remains confidential while it is being appealed, and many of these currently confidential violations will eventually be confirmed violations of the AWA.

Others can conduct similar research on confirmed violations to the AWA in facilities inspected by the federal government on the APHIS website ([APHIS](#)), which keeps a database of three years of citation and animal usage information. If one is interested in determining if and where animal experiments are being conducted in his/her community, this database can be searched by location; the Humane Society of the United States publishes a list of animal experimentation facilities in the United States ([HSUS](#)) as well.

WHEN AN ANIMAL IS NOT AN ANIMAL: WHO IS PROTECTED BY THE ANIMAL WELFARE ACT

Importantly, not all animals are protected under the AWA, the only federal law that protects animals used in experiments. In the case of animal experimentation, it is estimated that at least 95% of animals used in experiments in the United States are excluded from protection under this law ([AAVS](#)). This report only details violations of the AWA, as there is no systematic federal oversight of animals not covered under this Act. The definition of animal, according to this law is:

Animal means any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term *excludes* birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research; horses not used for research purposes; and other farm animals, such as, but not limited to, livestock or poultry used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes. ([AWA § 1.1](#), emphasis added)

Animal welfare violations in University of California laboratories, August 2010-June 2013

The AWA is the only federal law protecting animals used in research and the exclusions in the AWA ensure that the vast majority of animals used in research have no legal protection. The violations represent abuses only to those animals who are given some protection under that law, which makes these citations particularly shocking. These violations reveal regular and serious mistreatment of animals used in experiments at UC schools in cases of species that have legal protection and in laboratories that anticipate inspection. We can only surmise that the hundreds of thousands of other animals used in experiments each year in UC laboratories and classrooms exist in more dire conditions.

**YOUR TAX DOLLARS AT WORK:
ANIMAL WELFARE VIOLATIONS ARE A PUBLIC MATTER**

Animal welfare is a public issue because animal experimentation at universities is funded in large part by taxpayer dollars. The University of California system currently has 10 campuses—Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz. Of these, the University of Merced is the only campus without an active license with the APHIS for the purpose of conducting experiments on animals covered under the AWA. Animal experimentation is an active part of campus life on UC campuses, though most students are likely unaware of it because most of this research is conducted in laboratories that are separate from classrooms and animals are housed in facilities that remain strategically placed out of sight of passersby.

Importantly, most college-aged Americans (59%) are opposed to the use of animals for “medical research” ([Goodman, Borch & Cherry 2012](#)). This makes the fact that these animals are receiving poor treatment even more problematic as the students whose tuition is helping to fund this work are generally opposed to the practice in the first place.

Not only is it unethical and antithetical to basic American cultural values to mistreat animals, but the majority of this research is paid for by the general public, via federal grants funded by tax dollars. Given the high stakes—federal tax dollars, tuition money, and animal welfare—the number of violations is disheartening.

**ANIMAL ABUSE AS THE NORM:
BASIC ANIMAL WELFARE IS NOT BEING MET**

All experiments using animals must be evaluated and monitored by each campus’ Institutional Animal Care and Use Committee (IACUC). This board is comprised of three members, including the facility’s Director of Veterinary Medicine and a member unaffiliated with the institution, for the purpose of “evaluating the care, treatment, housing, and use of animals, and for certifying compliance with the Act by the research facility” ([AWA, § 1.1](#)). The violation reports for the UC schools are particularly concerning since over half of the schools using animals for research have received a total of 15 citations because the IACUC failed to perform



their most basic duties, even for the minority of animals used in experiments that are covered under the AWA.

Violations also indicate that even the most fundamental needs for animal welfare are being neglected in the UC system. There are four violations of Section 3 of Title 9, which addresses basic standards of handling, care, treatment, and the transportation of animals. Since 2010, UC Berkeley has been cited for inadequate housing for nonhuman primates and a lack of basic sanitation for the housing areas of cats, dogs, and nonhuman primates. UC Irvine also failed to provide proper housing for rabbits being used in experiments. Reviewing only this three-year period also reveals a disturbing pattern of inadequate veterinary care, with multiple violations of Section 2.33 of the AWA, which requires an attending veterinarian and adequate veterinary care. Notably, UCLA was cited twice in a single year (2011) for failing to provide adequate veterinary care.

ANIMAL ABUSE UNLEASHED: A LACK OF FEDERAL OVERSIGHT

Inspections are rare, but violations appear to be the norm for many UC schools. APHIS is only required to inspect each facility once every fiscal year. The only other federally required oversight of animal welfare is performed by each campus' IACUC, the committee formed on each campus to oversee animal experiments. The AWA only requires that the IACUC inspect labs once every six months, and only two IACUC members must be present—this means that the one member not affiliated with the institution may be completely excluded from providing oversight. In addition, one of the inspectors can be the Chair of the Department of Veterinary Medicine. As previously noted, recent citations indicate that some schools have failed to provide proper veterinary care, suggesting that the veterinary department is often unqualified to accurately assess the welfare of animals used in experiments.

Notably, UCLA received a violation in 2010 for violating the two provisions of the AWA that provide for this oversight. Specifically, they were cited for violating the section which stipulates that "Each research facility shall, during business hours, allow APHIS officials: To inspect the facilities, property, and animals, as the APHIS officials consider necessary..."; as well as a section that requires the IACUC to inspect each research facility every six months. In other words, not only did UCLA prevent APHIS from inspecting a facility on one of their rare visits, but they also neglected to internally monitor the animal experimentation and housing facilities properly.

Inspections are rare, but violations are regular on most campuses when inspections do occur. Because of the paucity of inspections (only three per year are legally required) we expect that the animals are suffering far greater abuses than this report details and that the 95% of animals not covered under the AWA likely suffer in abhorrent conditions in many of the labs on these campuses.

HIDDEN ABUSES

It is impossible to know the full scope of animal abuse occurring in UC laboratories. As previously noted, most animals used in experiments are not protected by the AWA and there are no enforced federal requirements for their handling or treatment. However, even for those animals who receive some legal protection, many of the animal abuse citations do not appear in APHIS's public database. Any citation that a university contests is removed from public view until it is confirmed. Because listings only remain on the site for three years, the length of the appeal process may result in many eventually confirmed citations being publicly available for a very short time period or not at all.

It is clear that there are welfare violations not listed publicly by APHIS. For example, UC Davis has no inspections listed for FY 2012 even though legally at least one inspection must have been performed during that time. That means that there is at least one citation currently being appealed. The inspection information for UC Santa Barbara is also alarming and suggests that there are a number of citations on appeal. Though no violations are reported for UC Santa Barbara in this three-year period, 11 inspections occurred, more than is listed for any other campus. APHIS is required only to inspect facilities once per year. According to an APHIS official in the Eastern Regional Office (personal communication, August 2013) the only reasons more would occur is either that a pattern of abuse exists or because someone contacts them to report violations. Therefore, the number of inspections suggests that either there is a whistleblower, trying hard to alert officials to regular animal abuses at UC Santa Barbara, or that the campus has been cited on a number of occasions but that those citations are in the appeal process.

From the pattern of inspections on UC campuses, it is clear that there are instances of animal abuse that are not being presented transparently to the public. Since many of the citations that are appealed will eventually be confirmed as violations, the listing here underreports animal abuse in UC laboratories.

On the following pages is a listing of all confirmed violations documented by APHIS during inspections at UC schools from August 2010 through June 2013. The chart is organized by campus; the year and violation are listed alongside the exact text from the section of Title 9 that was violated. The total number of inspections that APHIS reported conducting is also noted, though any inspection that results in a contested citation is not listed. Because so few inspections occur, contested violations are not listed, and inspections are only conducted for a minority of animals used in experiments, these violations underestimate the amount and type of animal abuse that is actually occurring inside of laboratories at University of California schools.

UC Animal Welfare Violations: August 2010 - June 2013

Notes: These numbers only represent inspections and citations that have been confirmed between August 2010 and June 2013. Any inspections with contested citations are not included, so the number of inspections and citations are underestimated here.

* Denotes "Direct" violations. These violations are considered the most egregious. A "direct" violation is a noncompliance that, according to APHIS standards, immediately or potentially adversely affects the health and well-being of an animal in the near or immediate future.

+ Denotes a repeat violation. This pattern means that the facility has failed to address the violation after previously receiving a citation.

Berkeley

Number of inspections	2 nd half 2010: 0	2011: 1	2012: 2	1 st half 2013: 1	Total: 4
Number of violations	2 nd half 2010: 0	2011: 3	2012: 2	1 st half 2013: 0	Total: 5

Year	Code	Section	Text
2011	3.75 (e)	Housing facilities, general for nonhuman primates	"(e) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Food requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. Only the food and bedding currently being used may be kept in animal areas, and when not in actual use, open food and bedding supplies must be kept in leakproof containers with tightly fitting lids to prevent spoilage and contamination. Substances that are toxic to the nonhuman primates but that are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas."
	3.84 (c)	Cleaning, sanitization, housekeeping, and pest control for nonhuman primates	"(c) Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair in order to protect the nonhuman primates from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents, pests, and vermin. Premises must be kept free of accumulations of trash, junk, waste, and discarded matter. Weeds, grass, and bushes must be controlled so as to facilitate cleaning of the premises and pest control."
	3.131 (c)	Sanitation for cats and dogs	"(c) Housekeeping. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals."



Berkeley, Continued

Year	Code	Section	Text
2012	2.31 (e)(2)	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following:(2) A rationale for involving animals, and for the appropriateness of the species and numbers of animals to be used;"
	2.33 (b)(3)	Attending veterinarian and adequate veterinary care	"(b) Each research facility shall establish and maintain programs of adequate veterinary care that include:(3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and wellbeing is conveyed to the attending veterinarian;"

DAVIS

Number of inspections	2 nd half 2010: 5	2011: 8	2012: 0	1 st half 2013: 2	Total: 15
Number of violations	2 nd half 2010: 0	2011: 0	2012: 0	1 st half 2013: 3	Total: 3

Year	Code	Section	Text
2013	2.31(c)(7)	Institutional Animal Care and Use Committee (IACUC)	"(c) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:(7) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities;"
	2.31(c)(7) ⁺	Institutional Animal Care and Use Committee (IACUC)	"(c) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:(7) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities;"
	2.31(e)(3)	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (3) A complete description of the proposed use of the animals"

Irvine

Number of inspections 2nd half 2010: 0 2011: 1 2012: 1 1st half 2013: 1 **Total: 3**
 Number of violations 2nd half 2010: 0 2011: 1 2012: 0 1st half 2013: 0 **Total: 1**

Year	Code	Section	Text
2011	3.51(d)	Facilities, Indoor for rabbits	"(d) Interior surfaces. The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized."

Los Angeles

Number of inspections 2nd half 2010: 1 2011: 3 2012: 1 1st half 2013: 0 **Total: 5**
 Number of violations 2nd half 2010: 6 2011: 0 2012: 2 1st half 2013: 0 **Total: 8**

2010	2.31(c)(2)	Institutional Animal Care and Use Committee (IACUC)	"(c) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:(2) Inspect, at least once every six months, all of the research facility's animal facilities, including animal study areas, using title 9, chapter I, subchapter A-Animal Welfare, as a basis for evaluation; Provided, however, That animal areas containing free-living wild animals in their natural habitat need not be included in such inspection;"
	2.31(d)(1)(ix)	Institutional Animal Care and Use Committee (IACUC)	"(d) IACUC review of activities involving animals. (1) In order to approve proposed activities or proposed significant changes in ongoing activities, the IACUC shall conduct a review of those components of the activities related to the care and use of animals and determine that the proposed activities are in accordance with this subchapter unless acceptable justification for a departure is presented in writing; Provided, however, That field studies as defined in part 1 of this subchapter are exempt from this requirement. Further, the IACUC shall determine that the proposed activities or significant changes in ongoing activities meet the following requirements: (ix) Activities that involve surgery include appropriate provision for pre-operative and post-operative care of the animals in accordance with established veterinary medical and nursing practices. All survival surgery will be performed using aseptic procedures, including surgical gloves, masks, sterile instruments, and aseptic techniques. Major operative procedures on nonrodents will be conducted only in facilities intended for that purpose which shall be operated and maintained under aseptic conditions. Non-major operative procedures and all surgery on rodents do not require a dedicated facility, but must be performed using aseptic procedures. Operative procedures conducted at field sites need not be performed in dedicated facilities, but must be performed using aseptic procedures;"

Los Angeles, Continued

Year	Code	Section	Text
2010	2.32	Personnel qualifications	"(a) It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties. This responsibility shall be fulfilled in part through the provision of training and instruction to those personnel. (b) Training and instruction shall be made available, and the qualifications of personnel reviewed, with sufficient frequency to fulfill the research facility's responsibilities under this section and Sec. 2.31. (c) Training and instruction of personnel must include guidance in at least the following areas: (1) Humane methods of animal maintenance and experimentation, including: (i) The basic needs of each species of animal; (ii) Proper handling and care for the various species of animals used by the facility; (iii) Proper pre-procedural and post-procedural care of animals; and (iv) Aseptic surgical methods and procedures; (2) The concept, availability, and use of research or testing methods that limit the use of animals or minimize animal distress; (3) Proper use of anesthetics, analgesics, and tranquilizers for any species of animals used by the facility; (4) Methods whereby deficiencies in animal care and treatment are reported, including deficiencies in animal care and treatment reported by any employee of the facility. No facility employee, Committee member, or laboratory personnel shall be discriminated against or be subject to any reprisal for reporting violations of any regulation or standards under the Act; (5) Utilization of services (e.g., National Agricultural Library, National Library of Medicine) available to provide information: (i) On appropriate methods of animal care and use; (ii) On alternatives to the use of live animals in research; (iii) That could prevent unintended and unnecessary duplication of research involving animals; and (iv) Regarding the intent and requirements of the Act."
	2.33(a)(2)*	Attending veterinarian and adequate veterinary care	"(a) Each research facility shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section: (2) Each research facility shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use;"
	2.33(b)*	Attending veterinarian and adequate veterinary care	"(b) Each research facility shall establish and maintain programs of adequate veterinary care that include: (1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter; (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care; (3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian; (4) Guidance to principal investigators and other personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and (5) Adequate pre-procedural and post-procedural care

A Pattern of Abuse

Animal welfare violations in University of California laboratories, August 2010-June 2013

			in accordance with current established veterinary medical and nursing procedures."
Los Angeles, Continued			
Year	Code	Section	Text
2010	2.38(b)(1)(iv)	Miscellaneous	"(b) Access and inspection of records and property. (1) Each research facility shall, during business hours, allow APHIS officials: (iv) To inspect the facilities, property, and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations, and the standards in this subchapter;"
2012	2.31(c)(7)	Institutional Animal Care and Use Committee (IACUC)	"(c) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall: (7) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities;"
	3.50(c)	Facilities, general	"(c) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food."

Riverside

Number of inspections	2 nd half	2010: 0	2011: 1	2012: 3	1 st half	2013: 1	Total: 5
Number of violations	2 nd half	2010: 0	2011: 0	2012: 0	1 st half	2013: 0	Total: 0

San Diego

Number of inspections	2 nd half	2010: 1	2011: 2	2012: 0	1 st half	2013: 2	Total: 5
Number of violations	2 nd half	2010: 0	2011: 0	2012: 0	1 st half	2013: 2	Total: 2

Year	Code	Section	Text
2013	2.32(c)(1)(ii)	Personnel qualifications	"(c) Training and instruction of personnel must include guidance in at least the following areas: (1) Humane methods of animal maintenance and experimentation, including: (ii) Proper handling and care for the various species of animals used by the facility;"
	2.38(f)(1)*	Miscellaneous	"(f) Handling. (1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort."



San Francisco

Number of inspections 2nd half 2010: 1 2011: 1 2012: 2 1st half 2013: 1 **Total: 5**
 Number of violations 2nd half 2010: 1 2011: 3 2012: 3 1st half 2013: 0 **Total: 7**

2010	2.32 (a)	Personnel qualifications	"(a) It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties. This responsibility shall be fulfilled in part through the provision of training and instruction to those personnel."
2011	2.31(c)(6)	Institutional Animal Care and Use Committee (IACUC)	"(c) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:(6) Review and approve, require modifications in (to secure approval), or withhold approval of those components of proposed activities related to the care and use of animals, as specified in paragraph (d) of this section;"
	2.31(d)(1)(i)	Institutional Animal Care and Use Committee (IACUC)	"(d) IACUC review of activities involving animals. (1) In order to approve proposed activities or proposed significant changes in ongoing activities, the IACUC shall conduct a review of those components of the activities related to the care and use of animals and determine that the proposed activities are in accordance with this subchapter unless acceptable justification for a departure is presented in writing; Provided, however, That field studies as defined in part 1 of this subchapter are exempt from this requirement. Further, the IACUC shall determine that the proposed activities or significant changes in ongoing activities meet the following requirements: (i) Procedures involving animals will avoid or minimize discomfort, distress, and pain to the animals;"
	2.31(e)(3)	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (3) A complete description of the proposed use of the animals"
2012	2.31(d)(1)(i) ⁺	Institutional Animal Care and Use Committee (IACUC)	"(d) IACUC review of activities involving animals. (1) In order to approve proposed activities or proposed significant changes in ongoing activities, the IACUC shall conduct a review of those components of the activities related to the care and use of animals and determine that the proposed activities are in accordance with this subchapter unless acceptable justification for a departure is presented in writing; Provided, however, That field studies as defined in part 1 of this subchapter are exempt from this requirement. Further, the IACUC shall determine that the proposed activities or significant changes in ongoing activities meet the following requirements: (i) Procedures involving animals will avoid or minimize discomfort, distress, and pain to the animals;"
	2.31(e)(2)	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (2) A rationale for involving animals, and for the appropriateness of the species and numbers of animals to be used;"

San Francisco, Continued

Year	Code	Section	Text
2012	2.31(e)(3) ⁺	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (3) A complete description of the proposed use of the animals"

Santa Barbara

Number of inspections	2 nd half 2010: 0	2011: 4	2012: 4	1 st half 2013: 3	Total: 11
Number of violations	2 nd half 2010: 0	2011: 0	2012: 0	1 st half 2013: 0	Total: 0

Santa Cruz

Number of inspections	2 nd half 2010: 0	2011: 1	2012: 1	1 st half 2013: 0	Total: 2
Number of violations	2 nd half 2010: 0	2011: 1	2012: 1	1 st half 2013: 0	Total: 2

2011	2.31(e)(3)	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (3) A complete description of the proposed use of the animals"
2012	2.31(e)(3) ⁺	Institutional Animal Care and Use Committee (IACUC)	"(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following: (3) A complete description of the proposed use of the animals"

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