Centre for Animals and Social Justice

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Policy research to advance animal protection

The Centre for Animals and Social Justice (CASJ) is a think tank, founded by leading academics and animal advocates, which heralds a unique and innovative approach to advancing animal protection. We are dedicated to research, education and policy engagement to establish animals' rightful status as recipients of social justice.

Plan of Inaction

The CASJ's expert on animal research regulation, Dr Dan Lyons, analyses the adequacy of the Government's 'Delivery Plan' to reduce animal experimentation. Analysis of Plan's detail[1] indicates it is neither intended to nor likely to achieve its headline aim.

Executive Summary

- Concerns about weak regulation and increases in animal experimentation led new Coalition Government to pledge in 2010 to reduce animal experimentation. Plan to achieve this published almost four years later.
- Plan backs industry control of flow of information to public about animal research – previously criticised as 'positive spin' - instead of independent freedom of information (that protects personal safety and commercial confidentiality). This approach will help maintain deregulation and hence run counter to stated aim of reducing animal experimentation.
- The Plan's message is incoherent, briefly acknowledging 'very strong scientific imperative' to replace animal experiments because of difficulties of translating results to humans, while devoting considerable space to generalised cheerleading for animal experimentation.
- Dominant motivation of policy is based on questionable strategy for maximum 'economic growth' via laissez faire policy approach, contrary to public expectation and animal welfare considerations. Appears to overlook huge economic potential of non-animal test and research methods, putting UK research at risk of being left behind by foreign competitors.
- Contains very modest, yet vague intentions to increase support for development of non-animal research methods, while ignoring existing policy instruments which would achieve Plan's stated aim, such as: starting to enforce the harm-benefit assessment; reinstating laws to enforce severity limits; repeal of confidentiality law; addressing Inspectorate weaknesses.
- Most tellingly, no actual targets for reduction in numbers of animals killed or levels of pain and suffering – power over this policy area would be retained by industry.

Context

Since 1882, British animal experimentation policy has been dominated by research interest groups to the relative exclusion of public accountability and animal welfare considerations. Although new legislation in 1986 appeared to introduce a requirement for an independent harm-benefit assessment of animal research projects, in practice this has been conducted by research applicants themselves in a highly biased fashion that gives virtually no weight to animal harm while often exaggerating the likelihood of useful outcomes.

Contrary to the impression given to the public, the true goal of government policy has been to grant as much freedom as possible to conduct animal experiments, regardless of animal suffering or objective necessity. This has been facilitated by very high levels of official secrecy surrounding this policy process dating back to the 19th Century.[2]

When reliable data about animal research has occasionally emerged into the public domain through leaks or undercover investigations, it confirms the lack of consideration for animal welfare, the absence of independent scientific scrutiny of animal experimentation and a cavalier disregard for regulations such as severity limits. The primary motivation for secrecy in this policy area is to conceal a scale and intensity of animal research which would initiate a public outcry and lead to pressure for policy changes. The manipulation of public perceptions of animal research regulation has been a prominent theme in the evolution of this policy area since it was captured by research interests in 1882.

Despite stated policies to implement the '3Rs' – replacement, reduction and refinement – and claims of 'strict regulation', animal experimentation rose from 2.7 million in 2000 to 3.7 million in 2010. Every single one of the 9,908 animal test applications between 2008 and 2010 was approved by the Home Office – a snapshot of the remarkable lack of genuine regulation. However, in response to growing public concern and representations from animal protection groups, the Coalition Government's initial programme (May 2010) included a pledge to work to reduce the number of animal experiments.

Although this was a highly moderate and consensual policy proposal, in reality this would mark the biggest change to this policy area since 1882, from a laissez-faire, 'demand-led' approach, towards a more democratic approach where animal welfare issues would be given meaningful weight. However, the Government's transposition of the new EU Animal Research Directive has been business-as-usual, with research interests once again completely dominating the process, to the extent of managing to weaken welfare regulations through the abolition of severity limits in research while maintaining absolute secrecy. The fact that it has taken the Government almost four years just to publish a 'plan' to implement a reduction policy understandably raises concerns about its validity. The following analysis of the 'Plan' itself confirms this judgement.

The Plan: Maintaining secrecy & evading welfare regulation

Expert analysis of the Plan reveals something remarkable – the primary aim and likely outcome is the opposite of its title. In other words, it aims to enshrine a lack of regulation and promote unimpeded animal experimentation. Considerable space is devoted to promoting alleged benefits of animal research, but virtually nothing to the desirability of reducing the pain and suffering of animals.

Its stated commitments to 'transparency and openness' are deceptive. The real agenda is to persuade the public to accept not simply (some) animal experimentation but, critically, to

conceal from them the existing upwards trend in animal experimentation and associated lack of law enforcement. By my estimation, if regulation reflected where the majority of the public draw the line on animal experimentation, the practice would be significantly curtailed, perhaps by over 50%. For example, it would prevent severe suffering for experiments aimed at increasing knowledge with no foreseeable medical benefit. Genuine transparency would reveal information that would undermine public confidence in regulators and industry in the short term, though it would eventually lead to higher levels of (justified) public confidence by forcing a more balanced approach to regulation. So what exactly does the Government mean by 'transparency'?

That is made clear by the Government's support for the research industry's cynical 'Concordat on Openness' initiative. In reality this is a PR exercise where 'openness' actually means the selective release of information to provide false reassurance to the public. Examples of this are the programme of school talks from animal researchers where data about the pain and suffering experienced in animals during experiments is withheld from students. Also, when animal researchers have published summaries of their projects under a voluntary Home Office scheme, their reliability has been strongly criticised by the Information Tribunal:

> *'… the abstracts appear generally to adopt a style and tone intended to persuade the reader as to the value of the proposed experiments. This is in contrast to the style of the licence applications, which are more neutral in tone. This perception of a positive spin having been applied to the published information was increased by the absence from the abstracts of the detail about the experiments themselves.'*[3]

The real motivation behind the industry tactics is further confirmed by their fundamental opposition to the application of Freedom of Information (despite safeguards to protect personal safety and commercial confidentiality) to this policy area. The Government's decision to support this disingenuous approach under the banner of 'openness' raises serious questions about its commitment to democracy and public accountability.

'Crude generalisations'

In addition to the aforementioned flaws in the Plan, the schizophrenic, incoherent text indicates this is empty rhetoric rather than a serious policy document. In one passage, the Plan picks up on a common criticism from scientists in lamenting the 'conservatism' of the profession and industry as a hindrance to the replacement of animal experiments. It also acknowledges weaknesses in the ability of animal experiments to deliver real medical benefits:

'The scientific imperative for developing new approaches to research and development is very strong. Although the use of animals forms a major part of much scientific and medical research, success seen in animal studies has not always translated in the clinic. Many potential drugs fail due to lack of efficacy in humans or concerns about their safety.'

The discussion is rather superficial though, failing to address the critical question of whether such failures are an indicator of structural weaknesses in animal research methodologies or specific to certain models or techniques. Systematic reviews and the high failure rates of drugs that emerge from animal research suggest it is nearer to the former. Instead, the Plan repeatedly indulges in crude generalisations about the 'essential' role of animal experimentation per se. Yet both the law and the majority of public opinion adopt a case-by

case approach to the acceptability of the animal research projects. Once again, the aim of the document appears to be to promote public confusion and help dubious and unacceptable animal experimentation to evade regulation.

Regulatory bias

The close correspondence between the Plan's discourse and the language used by research interests is another strong indicator of regulatory bias. For example, the trope that regulation will 'drive experiments abroad to where welfare standards are lower' is advanced on a number of occasions, despite the lack of evidence that welfare standards are generally lower outside the UK or that better regulation would lead to greater net animal harm. It's not clear why the international animal research industry, which claims that minimising extraneous animal pain is important to them, would voluntarily inflict greater pain on animals, given the chance.

Sadly, the potentially positive suggestions are worryingly vague and so limited in scope that any positive impact they have is likely to be more than outweighed by the Government's urge to facilitate animal experiments through, for example, their support for the development of new strains of GM mice, often engineered to suffer painful and distressing diseases. Many of the suggestions simply reiterate what should be normal professional practice, for example for Research Councils to capture data on the implementation and impact of the application of 3Rs principles to help raise awareness and change culture.

Similarly, the Plan says '… with existing biological products where a non-animal test is known to have been validated and accepted for one manufacturer's product, we will pursue other manufacturers to validate a non-animal test for their similar product.' The lack of detail around the term 'pursue' here is revealing – such encouragement is already a legal requirement.

In general, the actions intended to advance the 3Rs in the UK all consist of 'soft' policies involving a little more resources and general encouragement to industry. While these are relevant components of a coherent strategy to reduce animal experiments, they are from sufficient – in the continuing absence of independent regulation, the numbers and suffering of laboratory animals is likely to carry on rising. Another sign of the government's weakness is the way it appears to shift responsibility for the use of non-animal replacements away from Inspectors to the researchers themselves:

'However, given the complexity of science, access to sound reference material regarding replacement options is not always readily available [to Inspectors]… Applicants are left in no doubt about their absolute responsibility to ensure they have rigorously explored all options to implement the 3Rs in their application.'

The section on promoting the 3Rs internationally suggests the primary aim of this area of work is to promote the 'UK's Life Sciences industry, an important component of the Government's Industrial Strategy, by harmonising international regulatory testing requirements' – so tests can be carried out here rather than elsewhere. The Plan's lack of consideration for animal welfare and its lack of interest in the implications of the medical weaknesses of animal research methods reflect its true priority which is focussed on the crude measure of economic growth through deregulation, regardless of whether that economic activity is genuinely productive, ethically justified or democratically legitimate.

Conclusion: introducing animal welfare and public accountability

The ethical and public legitimacy motivations for reducing animal experimentation primarily stem from the desirability of sparing animals from deliberately inflicted pain and suffering, yet this goal is conspicuous in its absence from the Plan. This is symptomatic of the underlying disregard for animal welfare and public accountability not only in this policy sector but, to a large extent the whole of government. Nor is this a feature unique to the current administration: this is a deeply institutionalised feature of the British state.

The weaknesses of the Plan are revealed by its omissions as much as its content:

None of the Plan's 'measures of success' or 'key milestones' refer to explicit improvements in animal welfare.

- Reducing animal harm or improving animal welfare are rejected as primary goals of the Plan
- Its discussion of how to achieve an international cessation of cosmetic testing on animals focusses solely on whether alternative test methods exist while ignoring the ethical problems surrounding inflicting pain on animals for trivial purposes.
- The Plan ignores existing legal powers that, by giving weight to animal welfare, could achieve the goal of reducing animal experimentation – i.e. applying the harm-benefit assessment in a balanced, transparent fashion.
- The Plan fails to address weaknesses in the Inspectorate: severe under-resourcing; lack of ethical expertise, lack of independence from industry
- Failure to bring animal research regulation under the remit of the Freedom of Information Act.

The CASJ recommends that these critical omissions should be reversed if the Government is sincere about its stated aim of reducing animal suffering in experimentation. But this will require significant changes in the architecture of government not only in this policy sector, but also at a broader level. Animal welfare needs to be institutionalised as a core government priority through legal and administrative reforms, such as requiring animal welfare impacts to be included in impact assessments and a strategic government body charged with monitoring and improving the protection of animal welfare.

[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277942/bis-14-589-working-to-reduce-the-use-of_animals-in-research.pdf
[2] For example, Victorian Home Office letterbooks relating to licensing of animal experimentation were held under a 100 year restriction.
[3] BUAV v Information Commissioner and Home Secretary; Information Tribunal Appeal Number: EA/2007/0059. [http://foiwiki.com/foiwiki/info_tribunal/DBFiles/Decision/i29/BUAV.pdf accessed 14 February 2014]