

June 28, 2007

Regulatory Analysis and Development, PPD  
APHIS, Station 3A-03.8  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

RE: Docket No. APHIS-2006-0158  
Comments on Petition for Rulemaking to  
Change the Definition of Class "B" Licensee

Thank you for the opportunity to comment on Docket No. 2006-0158, a request for comments regarding a petition for rulemaking submitted by the Hunte Corporation. This petition requests that APHIS replace the current definition of Class "B" licensee with four new categories of dealers: pet distributor, exhibitor animal distributor, laboratory animal distributor, and other distributor.

The National Association for Biomedical Research (NABR) has reviewed both the *Federal Register* noticed dated April 10, 2007 and the petition submitted by the Hunte Corporation dated August 11, 2006. That review has raised questions about the likely impact such changes would have on the welfare of the animals regulated under the current definition. We also question whether such changes would allow APHIS to more effectively carry out its responsibilities for enforcing the Animal Welfare Act, and its regulations and standards.

In carrying out this review we consulted with experts who have had extensive experience managing animal care and use programs under the existing definitions. We do not believe the proposed change in classification will have any impact on the welfare of the animals regulated under the Act, nor will such a change assist APHIS in carrying out its mandated responsibilities for enforcing the Act. To the contrary, it is our view that the process of developing and implementing these new categories of dealers would divert scarce agency resources, both in terms of staff time and additional administrative costs. These resources can be more efficiently utilized by addressing issues that impact animal welfare and the enforcement of the Act.

The petition fails to adequately explain why a new classification system is necessary and how it would improve animal welfare. The petition states that the current classification system is "inappropriately broad" and "compromises appropriate designation of its respective members, and limits APHIS in its ability to individually regulate dissimilar licensees within the Class."<sup>1</sup> The petition further states that

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<sup>1</sup> Petition submitted on behalf of The Hunte Corporation by Kelley Drye Collier Shannon (now Kelley Drye & Warren LLP), at 2 (August 11, 2006).

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“[s]ubstantive distinctions in the types of activities conducted by varied members of this class demand separate characterizations.”<sup>2</sup> These conclusory statements are not supported by any valid evidence, nor do they explain how this purported inadequate classification limits APHIS’s ability to properly enforce the Animal Welfare Act. The Petition refers to a report submitted by APHIS to Congress as evidence of its problems associated with the current classification system. This report, rather than outlining difficulties APHIS has in regulating Class B dealers, in fact does the opposite. The trace-back system utilized by APHIS appears to be remarkably successful in ensuring APHIS is properly enforcing the Act. APHIS has also been able to perform this trace-back process very efficiently.

In sum, NABR does not believe the recommended classification change will assist in improving the welfare of animals regulated under the Animal Welfare Act. Nor do we believe the petitioner has demonstrated why such a change would improve animal welfare and care. For these reasons NABR opposes any change in the current definition of Class “B” licensee.

The National Association for Biomedical Research (NABR) is the only national, nonprofit organization dedicated solely to advocating sound public policy that recognizes the vital role of humane animal use in biomedical research, higher education and product safety testing. NABR's membership is comprised of over 300 public and private universities, medical and veterinary schools, teaching hospitals, voluntary health agencies, professional societies, pharmaceutical companies and other animal research-related firms.

Sincerely,



Mary F. Hanley  
Executive Vice President  
National Association for Biomedical Research

MFH/mb

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<sup>2</sup> Id. at 2.