

Congress of the United States

Washington, DC 20510

October 11, 2022

Xavier Becerra, Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C., 20201

Lawrence A. Tabak, Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, Maryland 20892

Dear Secretary Becerra and Acting Director Tabak,

We request that you take action to amend the Public Health Service Policy on Humane Care and Use of Laboratory Animals to include cephalopods (i.e., octopus, squid, and cuttlefish) within the definition of “animal” so that these animals will receive the minimum protections for “humane” handling and care required by that policy. In addition, we request that you take action to update the Guide for the Care and Use of Laboratory Animals to reflect proper care and handling of cephalopods in accordance with “[Guidelines for the Care and Welfare of Cephalopods in Research: A consensus based on an initiative by CephRes, FELASA and the Boyd Group.](#)”

Cephalopods are increasingly being used in laboratory research across the country, funded by taxpayer revenue. However, because they are currently not considered “animals” under the Public Health Service Policy, these incredibly intelligent animals are being denied basic humane treatment with no avenue for accountability. The requested action would bring the United States in line with several other countries and government entities that already afford these species humane treatment when used in government-funded research, including the United Kingdom, Canada, New Zealand, Australia, Switzerland, Norway, and the European Union.

In the creation of the Health Research Extension Act of 1985, Congress clearly stated that updating standards to reflect advancements in scientific knowledge is a necessary part of the Secretary of Health and Human Services’ duties. See, for example, H.R. Rep. No. 99-158, at 40 (1985): “This ongoing process recognizes that such sensitivity cannot be captured in any set of rules, that standards of care will change in the future as science advances, and that the value of medical research requires such judgments to be professionally and scientifically sound.” In recent years, there has been a wealth of research demonstrating that cephalopods are sensitive, intelligent creatures who, like other animals used in biomedical research, deserve to be treated humanely. Accordingly, it is time to update the Public Health Service Policy on Humane Care and Use of Laboratory Animals to reflect this scientific fact.

On June 18, 2020, a group of concerned citizens, scientists, and organizations petitioned the Department of Health and Human Services and the National Institutes of Health (NIH) to take identical action. On July 24, 2020, Patricia Brown, Director of the Office of Laboratory Animal Welfare (OLAW) at the NIH, replied, “OLAW’s Division of Policy and Education is currently considering options for providing guidance on humane care and use of invertebrates in NIH funded research and will seek public comment on proposed guidance.”

However, as of today (over two years later), OLAW has not provided any guidance on the humane care and use of invertebrates or cephalopods in NIH-funded research, nor has OLAW sought public comment on any proposed guidance. Cephalopods remain excluded from the list of “animals” required by the Public Health Service Policy to be protected in federally funded research.

If the NIH is indeed fully committed to promoting the best possible care and use of the animals involved in the research it supports, then it is time to put this commitment into action. We request that you implement the following actions: to amend the Public Health Service Policy on Humane Care and Use of Laboratory Animals to include cephalopods within the definition of “animal” and to update the Guide for the Care and Use of Laboratory Animals to reflect proper care and handling of these complex creatures.

Thank you for your attention to this matter.

Sincerely,



Seth Moulton
Member of Congress



Eleanor Holmes Norton
Member of Congress



James P. McGovern
Member of Congress



Tom Malinowski
Member of Congress



Jared Huffman
Member of Congress



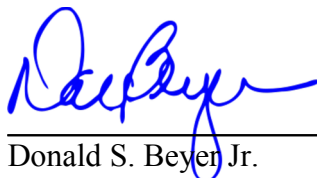
Suzan K. DelBene
Member of Congress



Marie Newman
Member of Congress



Steve Cohen
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Chris Pappas
Member of Congress



Ann McLane Kuster
Member of Congress



Madeleine Dean
Member of Congress



Donald M. Payne, Jr.
Member of Congress



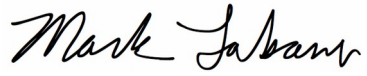
Tony Cárdenas
Member of Congress



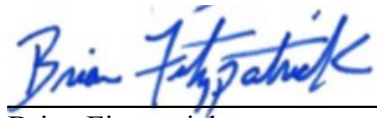
Alan S. Lowenthal
Member of Congress



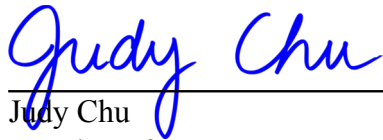
Nanette Diaz Barragán
Member of Congress



Mark Takano
Member of Congress



Brian Fitzpatrick
Member of Congress



Judy Chu
Member of Congress