

## **FINAL MINUTES**

Task Force on Transparency in Publicly Funded Animal Testing Facilities  
Patrick Henry Building  
1111 E Broad St.  
Richmond, Virginia

September 20, 2024

The third meeting of the Task Force on Transparency in Publicly Funded Animal Testing Facilities (Task Force) convened at approximately 9:00 a.m. on September 20, 2024, at the James Monroe Building. Commissioner of Agriculture and Consumer Services Joseph Guthrie called the meeting to order.

### **PRESENT**

Joseph Guthrie

Dr. Paul Smith

Suzanne Griffin

Dr. Annette Hildabrand

Dr. Robert Corley, III

Daphna Nachminovitch

Sharon Adams

Will Lowrey

Dr. D. Josh Cohen

Dr. Raphael Malbrue

Steve Weddle

Megan Rhyne

Corrinne Loudon

Hon. Jennifer Boysko

Hon. Hillary Pugh Kent

Hon. Shelly Simonds

Hon. William Stanley, Jr.

### **REPRESENTING**

Chair, Virginia Department of Agriculture and Consumer Services (VDACS)

Vice Chair, State Council of Higher Education in Virginia (SCHEV)

R1 University, Virginia Tech

R2 University, James Madison University

Historically black colleges and universities replacing R3 University, Virginia State University

Animal Welfare, People for the Ethical Treatment of Animals

Animal Welfare, Virginia Alliance for Animal Shelters

Animal Welfare, Animal Partisan

Institutional Animal Care & Use Committee Member, Virginia Commonwealth University

American College of Laboratory Animal Testing Facility Veterinarian, University of Virginia

Virginia Press Association

Virginia Coalition for Open Government

Virginia Freedom of Information Advisory Council

Senate of Virginia, Senate District 38

Virginia House of Delegates, House District 67

Virginia House of Delegates, House District 70

Senate of Virginia, Senate District 7 (by remote participation)

### **STAFF PRESENT**

Kelly Altizer, Associate Director of Operations, Institute for Engagement & Negotiation (IEN)

Mike Foreman, Special Projects Manager, IEN

Meredith Keppel, Senior Associate, IEN

Isaac Joseph, Policy Analyst, VDACS

### **INTRODUCTION**

The meeting began by reviewing the minutes from the previous meeting. Dr. Cohen made a motion to adopt the minutes, and Dr. Corley seconded the motion. The Task Force voted unanimously to adopt the minutes.

The Task Force's next order of business was to review and approve an electronic meeting policy, which covered both remote participation and all-virtual meetings. Commissioner Guthrie explained that the purpose of adopting the policy was so that the Task Force could meet remotely in October if the Task Force felt the need to hold a fourth meeting and so that Senator Stanley could attend today's meeting electronically. Megan Rhyne made a motion to adopt the electronic meeting policy, and Dr. Hildabrand seconded the motion. The Task Force voted unanimously to approve the policy. Once the Task Force adopted the policy, Senator Stanley requested to attend the meeting electronically from a Senate retreat being held in Virginia Beach. As provided in Va. Code § 2.2-3708.3(B)(3), Senator Stanley participated through electronic communications means due to the distance between his principal residence and the meeting location. The Task Force approved Senator Stanley's request.

Commissioner Guthrie asked Justin Bell, Assistant Attorney General, to give a brief presentation on whether an Institutional Animal Care and Use Committee (IACUC) is a public body pursuant to the Virginia Freedom of Information Act (FOIA). This question had been raised during previous Task Force meetings. Mr. Bell provided a summary of relevant case law and answered questions from the task force members.

Commissioner Guthrie asked Dr. Charles Broadus, State Veterinarian and Director, Division of Animal and Food Industry Services, to provide a brief presentation on the potential costs and logistics of implementing a website or database repository for animal testing reports with VDACS. Dr. Broadus provided a summary of the duties of the Office of Veterinary Services, which currently does not include regulatory oversight of animal testing facilities. He also provided a cost estimate of that office providing and maintaining a web-based repository for animal testing reports and answered questions from members of the Task Force. In response to a question from a Task Force member, Dr. Broadus agreed that, if VDACS was the repository for reports developed by others and not required to analyze, regulate, or provide overview of the data, then the cost to VDACS would be reduced, again depending on the expectations of the agency.

Ms. Nachminovitch and Mr. Lowrey provided the Task Force an overview of the presentation they had prepared regarding the current reporting requirements to which publicly funded animal testing facilities are subject. Copies of the presentation were distributed to the members of the Task Force.

### **CONSENSUS TESTING**

At approximately 10:00 a.m., Kelly Altizer and Mike Foreman from IEN explained the process of consensus testing that the Task Force would be using to discuss potential proposals. IEN indicated it would present a list of proposals to the Task Force. These proposals were generated from ideas submitted by members of the Task Force prior to the meeting.

On each proposal, the members of the Task Force would anonymously indicate their level of support by writing a number 1, 2, or 3 on an index card. Level 3 support would indicate that the member fully supports the proposal. Level 2 would indicate that the member can accept with the proposal but has questions or concerns about it. Level 1 would indicate that the member does not support the proposal.

Consensus on a proposal would be achieved if all members voted either 3 or 2 and no member voted 1. After each proposal was introduced, the Task Force would take an initial vote of their level of support. After each vote, the Task Force would discuss their questions and concerns with the proposal.

The proposals and the vote tallies were as follows:

Proposal Step #1 - How to increase transparency

Proposal A: SCHEV's website will be used for additional information on animal testing.

- Level 3: 12
- Level 2: 3
- Level 1: 0

Proposal B: Universities will provide the U.S. Department of Agriculture - Animal and Plant Health Inspection Service (APHIS) inspection and annual reports to post on SCHEV's website.

- Level 3: 11
- Level 2: 2
- Level 1: 1

Proposal C: Universities will annually produce a report to document progress on the 3 Rs (refinement, reduction, replacement) for SCHEV's website.

- Level 3: 10
- Level 2: 2
- Level 1: 3

Proposal Step #2 – Information that could be included in a report by universities

Proposal D: Total number of laboratory animals (i.e., all vertebrates except fish) in the care of the institution, excluding agricultural animals.

- Level 3: 9
- Level 2: 4
- Level 1: 2

Proposal E: How the animals were acquired.

- Level 3: 11
- Level 2: 1
- Level 1: 3

Proposal F: Census of animals born at the facility in the last year, which also excludes agricultural animals.

- Level 3: 9
- Level 2: 3
- Level 1: 3

Proposal G: Disposition of all animals over the last year (i.e., euthanized, lost, adopted, transferred, traded, or sold).

- Proposal G was grouped with Proposal E and the combined proposal was voted on together.

Proposal H: Adverse events (i.e., unexpected incidents that lead to harm or endanger the well-being of animals and humans at a research university) during the last year.

- Level 3: 7

- Level 2: 5
- Level 1: 3

Proposal I: Money spent by the facility procure and maintain animals in the last year.

- Level 3: 9
- Level 2: 2
- Level 1: 4

After votes were tallied for each proposal, the Task Force discussed their questions and concerns for each proposal. The Task Force attempted to reach consensus and understanding by discussing specifics and logistics of implementing the proposals, tweaking the proposals to make them more amenable, and offering alternatives. Consensus was reached on proposal A.

### **PUBLIC COMMENT**

At approximately 11:30 a.m., the Task Force received public comment from in-person attendees.

Charles Todd Woodson, from the Richmond Animal Advocacy Alliance, expressed concern over the difficulty of obtaining animal testing reports through FOIA. He also suggested that animal testing facilities should identify the specific species of animals they are using for testing in case that species is endangered.

Dr. James Bogenpohl, a member of his university's IACUC, expressed his concern that reporting on progress towards the 3 Rs could be problematic because an increase in federal funding could result in an overall increase in research programs and numbers of animals being tested but that this would not reflect the effort that universities take to implement the 3 Rs at the individual research protocol level.

### **CONTINUED CONSENSUS TESTING AND ADJOURNMENT**

The Task Force resumed its discussion of proposals at approximately 11:40 a.m.

The Task Force's discussion continued past the scheduled end-time of 12:00 p.m. until the Task Force adjourned at approximately 1:00 p.m.

The Task Force will hold an all-virtual meeting on October 11 at 10:00 a.m. to review the draft Task Force report.

**POLICY ON PARTICIPATION IN TASK FORCE ON TRANSPARENCY IN PUBLICLY FUNDED ANIMAL TESTING FACILITIES MEETINGS BY ELECTRONIC COMMUNICATIONS PURSUANT TO VA. CODE § 2.2-3708.3**

It is the policy of the Task Force on Transparency in Publicly Funded Animal Testing Facilities (Task Force) that individual members of the Task Force may participate in meetings of the Task Force by electronic communications as permitted by § 2.2-3708.3 of the Code of Virginia. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Task Force to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Further, it is the policy of the Task Force that the Task Force may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3. Such all-virtual public meetings are limited by law to two meetings per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Additionally, an all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

Requests for remote participation or that the Task Force conduct an all-virtual public meeting shall be conveyed to the Commissioner of Agriculture and Consumer Services.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). If a member's participation from a remote location is challenged, then the Task Force shall vote whether to allow such participation.

The request for remote participation or that the Task Force conduct an all-virtual public meeting shall be recorded in the minutes of the meeting. If the Task Force votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.2-3707 and 2.2-3708.3 depending on the type of remote participation or all-virtual public meeting.

This policy applies to all committees and subcommittees of the Task Force.

Version History		
Version	Date	Change Summary
1	9/20/2024	Original