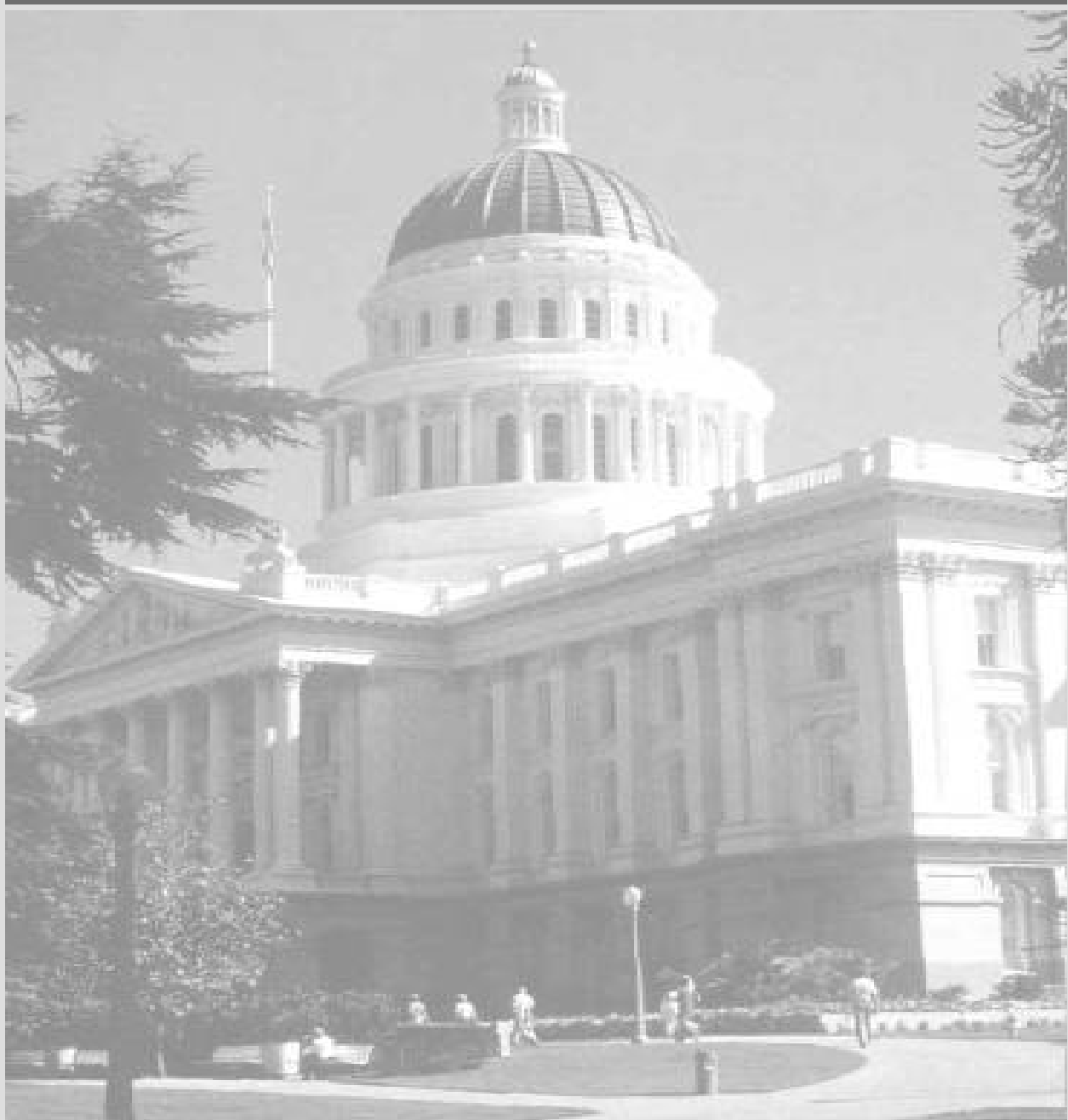


Advocacy Update

Vol. 2, #2 - December 2002

A Member Service of the California Biomedical Research Association



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Federal Legislation and Actions in the Last Quarter of 2002

FBI Eco-Terrorism Task Force?

House Resources Committee Chairman Jim Hansen (R-UT), together with Forest Subcommittee Chairman Scott McInnis (R-CO) and Rep. John Peterson (R-PA) wrote FBI Director Robert Mueller a letter regarding the attack on a Forest Service research lab in Pennsylvania for which the Earth Liberation Front (ELF) claimed credit. The three called for a task force to combat eco-terrorism and increase efforts to bring those responsible to justice: "The growing threat from eco-terrorists is putting our communities in serious jeopardy, and an immediate, forceful response is necessary. We cannot allow radicals to set land management policy or harm scientific research through deliberate acts of terror." "America has made it clear that we have zero tolerance for terrorism. That's true for foreign terrorism and it's true for domestic terrorism. We must step up the investigation into and prosecution of groups like ELF. They threaten, they destroy and one day soon they will kill. They must be stopped," added Chairman Hansen.

Funding for the National Institutes of Health (NIH)

Sen. Arlen Specter (R-PA) has introduced legislation that would triple the funding for the National Institutes of Health (NIH) over a 10 year period. The FY 2003 budget request for the NIH stands at \$27.24 billion. "I have said many times that the National Institutes of Health is the crown jewel of the Federal Government - perhaps the only jewel of the Federal government." In FY '03, \$27.1 billion is recommended by the Senate Appropriations Committee.

Homeland Security into Law

On Monday, November 25, President Bush signed legislation (H.R. 5005) creating the Department of Homeland Security (DHS). As expected, President Bush nominated former Pennsylvania governor Tom Ridge to head the agency. Ridge has headed the Office of Homeland Security for the past year and assuming he is confirmed by the Senate, will begin his duties on January 24, 2003. Originally, DHS was to include all of the Animal and Plant Health Inspection Service (APHIS), currently within the Department of Agriculture (USDA), but in part due to concerns raised by the biomedical research community, the law mandates that only Plum Island, an animal disease center located on an island off the tip of Long Island, NY, as well as border patrol and inspection services, will migrate to DHS. All other APHIS departments will remain within USDA.



Summary - 2002 Election News

In 1999, the Humane Society of the United States (HSUS), along with the Doris Day Animal League (DDAL), Animal Welfare Institute (AWI), Fund For Animals (FFA), Farm Sanctuary (FS), and the American Society for Prevention of Cruelty to Animals (ASPCA), formed a political action committee (PAC) to help elect “humane-minded” candidates to public office. *CNSNews.com* reports that this PAC has nearly \$300,000 to fund mostly democratic congressional campaigns. Contributions to congressional members this election cycle consisted of \$38,000 to 30 Democratic candidates, \$4,500 to four Republican candidates, and \$2500 to the House Democratic Campaign Committee. The PAC utilizes a “Congressional Questionnaire” to determine which candidates to support, and it asks whether the candidate will support “maintaining or increasing annual funding” for an array of animal rights legislation. PACs will be a topic at the February States United for Biomedical Research (SUBR) meeting in Washington, DC.

In a number of states, animal activists were able to have petitions passed for various animal welfare issues. *United Press International* reports that Florida farmers will no longer be able to cage pregnant pigs in gestation crates; cockfighting is now banned in Oklahoma (the 48th state to do so); Arizona will not be able to expand gambling at greyhound racing tracks; and Georgia will use the proceeds from a special spay/neuter license plate to fund an animal sterilization program. The only real loss for the animal activists was in Arkansas, which voted down tougher animal cruelty penalties.

Humane USA PAC, the largest animal rights’ organization, endorsed as many state level candidates in 2002 as it did federal ones. 85% of state AR politicians in California, Oregon, Washington, Georgia, Maryland, Pennsylvania, Michigan, Massachusetts and Maine won. In some cases, only a beachhead has been established; in the case of Michigan and Pennsylvania, the animal rights influence 25% of at least one chamber. California’s House is 65% animal rights’ supportive. Heavy animal rights’ state political involvement is expected to continue near-term, as all of Virginia’s and a portion of New Jersey’s General Assemblies will be elected in November 2003.

Anticipated and Proposed Regulations and Legislation for 2003

Rats, Mice, and Birds

Following the passage of the Farm Bill this past spring, animal activists quickly announced their



intent to take the fight to the 50 states in an attempt to preempt federal law. The Working Group to Preserve the Animal Welfare Act, the Arlington, VA - based coalition behind both the federal and now the state activities to include rats, mice, and birds in the AWA, is working to draft state legislation that will mandate reporting requirements and standards of care. Other members of the campaign include the Humane Society of the United States (HSUS), the American Humane Association, the Doris Day Animal League, the Massachusetts Society for the Prevention of Cruelty to Animals, and the Society for Animal Protective Legislation. CBRA will continue to monitor this.

Proposed Rule Could Reduce Air Travel for Dogs

On September 27, 2002 the Department of Transportation (DOT) issued proposed regulations for the Federal Aviation Administration for public comment, to amend Chapter 1 of Title 14, Code of Federal regulations that would institute reports by carriers on incidents involving animals during air transport. The full text of this proposed rule can be obtained by going to the search function of the Department of Transportation electronic document management system web page (<http://dms.dot.gov/search>). The official Docket number is FAA-2002-13378.

The proposed regulations are so broad that they would be almost impossible for airlines to implement. Carriers who choose to carry animals would incur substantial increased costs that would trickle down to the shipping public. As an example, the wording of the proposed rule could require the airline to determine the cause of death and file a report on literally every tropical fish that died during air travel to a pet store. In addition, the proposed rule would also introduce in federal regulations reference to animal owners as “guardians”.

While these regulations involve animals destined to be pets or animals that are pets, the implications for air transport for all animals are significant. The amount of paperwork and other administrative burdens associated with this requirement on the airlines could easily cause them to refuse to ship animals by air regardless of whether they are pets or research animals. Technically, they could continue to ship rats, mice and birds and other animals destined for research without such record keeping, but could easily decide to stop shipping animals of any type and for any purpose. For air carriers, the shipping of animals represents much less than 1 percent of their total revenue. There is little economic incentive to continue to ship animals other than engendering goodwill. Other than the usual commercial carriers, there are few options for air transportation and certainly those that are available are very limited in scope and much more expensive. There are also very few ground transportation options most of which have either limited coverage or can be prohibitively expensive.



CBRA has a draft letter for members who wish to write to the DOT on this issue.

Federal Legislation Held-Over from 2002

Hands Off Our Kids Act of 2001 (HOOK)

In an attempt to prevent organizations like the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) from soliciting juveniles for criminal activities, Representative Felix J. Grucci, Jr. (R-NY) introduced H.R. 1847, the “Hands Off Our Kids Act of 2001 (HOOK).” Rep. Grucci represents New York’s 1st District, an area on Long Island where students have been linked to two of at least three separate acts of arson.

The HOOK initiative would require the Attorney General to establish and implement a Department of Justice policy to identify groups that recruit kids under 18 “to participate in violent and illegal activities” related to the environment, animal rights and other causes. The bill would also amend the Juvenile Justice and Delinquency Prevention Act of 1974, to provide financial assistance to states to implement educational programs to prevent kids from becoming involved in such activities. Another part of the initiative is the “Who is E-mailing our Kids Act,” which would require schools and libraries that receive Universal Service Assistance (E-Rate Funds) to select and install filtering technology that can block access to online privacy services which offers users the ability to forward private or anonymous e-mail.

H.R. 1847 has been referred to the House Subcommittee on Select Education, and has five cosponsors.

Pet Safety and Protection Act of 2001

On March 30, 2001, Senator Daniel D. Akaka (D-HI) introduced S. 668, the “Pet Safety and Protection Act of 2001.” A similar bill, H.R. 4039, was offered in the House by Representative Mike Doyle (D-PA). These bills are based on the false assumption that dogs and cats are routinely stolen and sold to research facilities.

Apparently the impressive results of the USDA’s campaign targeting Class B dealers who sell random-source dogs and cats to research have been ignored. Through USDA’s quarterly inspections of Class B dealers, the number of such dealers has dropped from 104 in 1993 to less than 25 in 2001; 11 licenses have been revoked since 1993; over \$500,000 in fines have been imposed; and over 90% of all audited animal acquisition records have been successfully traced to



lawful sources. No evidence of pet theft has been identified at current dealers. H.R. 4039 was referred to the House Agriculture Subcommittee on Livestock and Horticulture, and has 45 cosponsors. S. 668, which was referred to the Senate Committee on Nutrition, and Forestry and has two cosponsors, is identical to a bill that did not pass in the 106th Congress.

It is CBRA's position that while these bills would do nothing to protect pets, they would effectively stop any biomedical research involving dogs and cats not bred specifically for that purpose by prohibiting facilities from obtaining random-source animals.

Dog Breeding

In addition to Senator Rick Santorum's (R-PA) "puppy protection" provision, that did not survive the reconciliation process of the Farm Bill this May, there are two other related bills introduced earlier in the session that are still pending.

S. 1478, authored by Senator Santorum and **H.R. 3058**, offered by Representative Edward Whitfield (R-KY) were introduced to provide additional regulations for dogs bred and sold to the public as pets, these measures will affect dogs being bred and conditioned for research, and will negatively impact biomedical research facilities.

These bills would: require the "development of an engineering standard, including a written plan of activities, based on the recommendations of animal welfare and behavior experts, for the socialization of dogs to facilitate contact with other dogs and people;" prohibit breeding female dogs before they have reached 1 year of age, and limit frequency to no more than 3 times within a 2-year period; and establish "mandatory revocation" of licenses for three or more AWA violations within an 8-year period.

The proposed standards for exercise, socialization and breeding of dogs would apply to research facilities as well as the Class A and B dealers that supply research dogs. Scientific, performance-based standards are currently in place for the care of research dogs and these standards are different than those that may be appropriate for pets. This provision, as well as those that would limit breeding female dogs, do not allow for the judgment of laboratory animal veterinarians on animal care issues. Also, the mandatory license revocation for three AWA violation provisions will apply to all exhibitors and dealers, including research animal dealers, and violations are not defined in terms of severity.

Currently, the AWA and USDA regulations do not distinguish between major or animal life-threatening violations and minor areas of noncompliance. When offered as an amendment to the Farm Bill, the Senate version had been modified to require that "serious" violations would have



to be committed.

S. 1478, as originally introduced, has been referred to the Senate Committee on Agriculture, Nutrition and Forestry with 28 cosponsors. H.R. 3058 was referred to the House Agriculture Subcommittee on Livestock and Horticulture and has 152 cosponsors.

Other Issues of Interest at the Federal Level

Physicians Committee for Responsible Medicine (PCRM) Suit Against EPA

On September 5, the animal activist group Physicians Committee for Responsible Medicine (PCRM) filed a lawsuit against the Environmental Protection Agency (EPA) over its High Production Volume (HPV) program, which is voluntary and encourages chemical companies to conduct screening-level toxicity tests on 2,800 chemicals imported or produced in amounts exceeding 1 million pounds per year. As of July, 2000, the EPA reports that more than 430 companies have agreed to make screening level health and environmental hazard data available on approximately 2,080 chemicals by 2005. Some of these tests are conducted via animal testing and research. The lawsuit was filed in the U.S. District Court for the Southern District of New York.

“The HPV program was developed behind closed doors, bypassing the scientific review and public comment required by the Toxic Substance Control Act (TSCA) and the Federal Advisory Committee Act,” said Mindy Kurban, PCRM’s chief counsel, in a PCRM press release. This was disputed by Suzanne Ackerman, press officer for the EPA, who stated that the American Chemistry Council, whose membership includes many large chemical companies, was closely involved with the HPV program at its inception. Ms. Ackerman also stated that the EPA is working with the National Institutes of Health (NIH) to develop alternatives to animal testing, but reiterated the position shared by the biomedical research community that, at present, there are no alternatives for some animal testing procedures.

This lawsuit bears strong resemblance to the one brought by PETA against EPA in 1999 in the U.S. District Court of the District of Columbia and eventually dismissed by the same court in January of this year.



PETA's Non-Profit Status Questioned

Critics of People for the Ethical Treatment of Animals (PETA) are pushing for an end to the group's tax-exempt, non-profit status following revelations the organization gave money to ELF (Earth Liberation Front) blamed for a Vail ski resort fire and to ALF (Animal Liberation Front) for other acts of violence.

At a Feb. 12 hearing on eco-terrorism by the House Subcommittee on Forests and Forest Health, the FBI's top domestic terrorism official, James Garb, identified the ALF and the ELF as America's most active domestic terrorist organizations. The FBI estimates that ALF and/or ELF have committed more than 600 criminal acts in the US since 1996, resulting in damages in excess of \$43 million. ELF has since admitted to torching an U.S. Forest Service laboratory in Pennsylvania in August of this year. The blaze caused \$700,000 in damage and destroyed 70 years of research.

At the February hearing, Richard Berman of the Washington, DC-based Center for Consumer Freedom (CCF), a trade group for restaurant operators, also testified on the links between ALF and ELF and mainstream animal rights groups, including PETA, particularly following revelations about direct financial support to the ALF and ELF.

Berman in fact specified that in 1994 and 1995 PETA donated more than \$70,000 to the legal defense of Rodney Coronado (an ALF member), who was sentenced to 57 months in prison for arson of a Michigan State University research facility. In addition, Berman presented documentation that David Wilson, a former PETA intern and ALF spokesman and the Josh Harper Support Committee also received donations. Berman also testified that "both PETA and its president, Ingrid Newkirk, are acknowledged financial supporters of an organization called No Compromise, which operates on behalf of, and for the 'underground' supporters of the Animal Liberation Front."

As a result, subcommittee chairman Scott McInnis (R-Colorado) wrote to Ingrid Newkirk, president of PETA in March of this year asking her to clarify her group's financial ties, if any, to ALF and ELF. "As a non-profit organization with tax-exempt privileges and the incumbent public policy obligations that status entails, PETA has a responsibility to explain the full extent of its involvement with and contributions to environmental terror groups like ELF and ALF," McInnis wrote. He also called on PETA to publicly condemn "these and other ecoterrorist groups."



PETA's continued sympathies for ELF/ALF actions, however, were apparent in a recent speech by PETA Vice President Bruce Friedrich. "I think it would be great if all of the fast-food outlets, slaughterhouses, these laboratories and the banks that fund them exploded tomorrow," he said.

The Washington-based Center for the Defense of Free Enterprise submitted a 12-page complaint to IRS commissioner Charles Rossotti urging him to revoke PETA's tax-exempt status for "violating tax laws and inducing or encouraging unlawful acts." "The law is clear ... [a] charitable organization can't advocate acts of civil disobedience, acts that break the law," Ron Arnold, of the Center for Defense of Free Enterprise, said. In this complaint the CDFE included evidence of PETA's support of ALF by acting as a media conduit and providing legal defense funds for ALF arsonists and PETA's donation of \$1,500 to the North American ELF to "support their program activities," as revealed in its Form 990 for FY 2001.

While PETA has since acknowledged that it gave money to ELF, it has denied funding criminal acts. Spokeswoman Lisa Lange stated, "In the case of Rod Coronado ... he needed defense and we helped him." "Donations of support were given to those individuals [like David Wilson], because every person in America has a right to be considered innocent before proven guilty. They also have a right to a legal defense."

CBRA will monitor the development of this story and keep our members apprised.

Petition from Association of Vets for Animal Rights filed with USDA

A petition has been filed in regards to alternative provision under Animal Welfare Act, challenging pain and distress, the unnecessary duplication, and training issues at schools of veterinary medicine. The group is vet student association initially started at the University of California, Davis. The AVMA is taking the lead on responding, indicating that they would like the USDA to deny the petition. **Note:** The Animal Welfare Act can be amended by a stand-alone bill. The USDA has met with the lawyers who filed the petition and Taylor Bennett, the Chair of NABR, on behalf of NABR (and SUBR) is following this situation.



Pending International Legislation

Reuters News Service reports that the European Union (EU) will move to ban all cosmetics that have been tested on animals next year. After approval of the full European Parliament and its 15 member states, it would become effective six years later. This is a slight change from earlier this year, when an EU parliament committee voted overwhelmingly to ban the sale of new cosmetics tested on animals by the end of 2005. The *Canadian Broadcasting Corporation (CBC)*, however, reports that there will be three tests temporarily exempt from this deadline, specifically those that monitor the ingredients' toxicity and how they might impact human reproductive systems. These tests will be exempt until 2013, with a possible subsequent two-year exemption, since there are no alternative tests available at this time. The *European Cosmetic Toiletry and Perfume Association (COLIPA)* maintains that the numbers of animals used in cosmetics testing has been reduced in the United Kingdom from 31,000 to 2,800 and in Europe from 38,000 to 7000 and that this reduction has been achieved through the use of "the three R's" reduction, refinement and replacement of animal tests. The EU cosmetics industry is worth up to \$44 billion per year, according to the *Associated Press (AP)*.

According to *Agence France Presse*, media reports of animal abuse and cruelty in China have increased, together with public awareness of the issue. One result of this increased awareness and coverage is a possible revision to that country's regulation on animal testing. Instead of the law simply stating that animals should not be mistreated (the status quo), a current draft urges researchers to find alternatives to animal research whenever possible, take steps to



reduce pain to animals during animal research, and dispose of animals in a humane manner.

State Legislation

Radioactive Waste - SB 13

Introduced by Senator Romero and Senator Kuehl in the new legislative session. Text can be found at http://www.leginfo.ca.gov/pub/bill/sen/sb_0001-0050/sb_13_bill_20021202_introduced.html

An act to amend Sections 114710, 114990, and 115060 of, to add Section 25203.5 to, and to add Chapter 10 (commencing with Section 115300) to Part 9 of Division 104 of, the Health and Safety Code, and to add Section 43022.5 to the Public Resources Code, relating to radiation. The changes do not apply to Scintillation liquids from research and animal tissues containing the amounts of tritium and carbon-14.

Transgenic Fish

Efforts continue at both the departmental and legislative levels to regulate transgenic fish in California. Following the defeat of SB 1525 and AB 307 in the last legislative session, and the refusal of the Fish and Game Commission to hear an item relating to creating a moratorium on the importation, transportation, and possession of transgenic fish in California, the Department of Fish and Game held a meeting of all interested parties on November 18th in Sacramento to discuss Transgenic Fish issues for the purposes of developing a definition for regulatory purposes and for developing necessary sideboards to prevent additional bills in the upcoming legislative session similar to SB 1525, etc. In attendance at this meeting were representatives of the California Aqua Culture Association, representatives from Fish and Game, a representative from Senator Byron Sher's office (author of SB 1525), UC campuses and President's Office, the Natural Resources Defense Council, the Pacific Coast Federation of Fisherman's Associations, the Institute of Fishery Resources, and the Ocean Conservancy, etc., and CBRA.

As a result of this meeting, Fish and Game is proposing to add a definition to Subdivision 1, under the new Section 1.92 of Title 14 of the Fish and Game Code. There was an initial meeting on December 5th for comment and another is scheduled for February. CBRA has responded with our concerns. Please see appendix for full draft.

Concerns for biomedical research.

The subject of Section 2150(e) (R&D exemption) was not covered in the November 18 meeting and appears to have been pushed aside by the opposition. As the draft regulations currently stand biomedical research facilities using transgenic fish (i.e. zebra fish) will be required to fulfill all the paperwork requirements, permits, etc., through the Department of Fish and Game.



While Fish and Game sought to add financial penalties and clean-up costs for any release, we were able to specify that if such were a result of a criminal act, such as an animal rights break-in, the facilities would not be liable.

For additional background on this topic, please see *Advocacy Update*, Volume 2, #1, September 2002.

Local

Pet “Guardian vs. Ownership”

In Defense of Animals (IDA) has organized what it calls the “They are not out property, we are not their owners” campaign. Elliot Katz, a veterinarian and the founder of the Mill Valley-based organization is the creator of this proposed change. It has been the ultimate goal of IDA to have this terminology adopted by all states. This campaign has already succeeded in Berkeley and West Hollywood. In addition to the above, there are four other cities that recognize animal guardianship: Boulder, CO; Sherwood, AR; Menomonee Falls, WI; and Amherst, MA; and one state, Rhode Island.

As a follow-up, fearful of possible legal consequences, the Menomonee Falls, Wisconsin Village Board is considering a change from the term “guardian” to “guardian/owner.” The Milwaukee *Journal Sentinel* reports that an attorney for the Village Board, Michael Morse, has expressed concern that since animals are property under common law and “guardian” is a legal term that applies to people, someone may apply those legal consequences to pets. Mr. Morse will redraft the ordinance to include both terms, and resubmit it for another vote before the board.

Locally, the pet “guardian vs. ownership issue is gaining momentum throughout California. Los Angeles, Santa Barbara, San Francisco, and San Mateo all have the issue on their agendas this fall. (See *CBRA’s Legislative Update - Pet Guardian, October 8, 2002* and *Advocacy Update, Vole. 2, #1*)

This change will mean that residents who apply for pet licenses will be referred to as “guardians” rather than “owners”. Other changes will include referring to “guardians”, not “owners” at meetings and animal shelters. If these cities adopt this change, it will apply to city ordinances as well.

While it is merely semantics now, it potentially can become the proverbially “slippery slope”,



where the legal impact of guardianship is eventually applied to pet owners in much the same way an adult is the legal guardian of a minor. Making owners “guardians” would be the first step in raising pets’ legal status, and could lead to courts viewing animals as something more akin to humans than property.

Some additional concerns are that the proposal would eventually afford animals rights that are now only associated with humans. For instance, while this term would probably do nothing to protect pets from irresponsible owners, it might expose veterinarians and city workers to legal action. According to the American Veterinary Medical Law Association (AVMLA), “...the claims that could be filed on behalf of animals that are no longer deemed property could include physical and/or mental pain or suffering...loss of being able to breed or sire offspring...[and] false imprisonment by being caged by a veterinarian.” In addition, veterinarians could be obligated to ignore the wishes of an owner/guardian if they thought it was in the best interest of the pet.

Please write letters to the editors of YOUR local papers, reminding the general public that the human and animal relationship is mutually beneficial and that the long-range goals of the “They Are Not Our Property” campaign are far reaching. In addition, write letters of opposition to the Los Angeles, Santa Barbara, San Francisco, and San Mateo City Councils. CBRA can provide you with sample letters.

San Francisco

The San Francisco “pet guardian” ordinance passed the Health and Human Services Committee on November 21 with a 2 to 0 vote. It was then sent to the full Board of Supervisors.

Sponsored by Supervisor Matt Gonzales, a Green Party member and criminal defense attorney, File Number 021645 PASSED by 6-3 vote of the Board of Supervisors on Monday, December 9. The City Charter Sec. 2.105 requires 6 votes at each of two readings to pass an ordinance. The final meeting this year was scheduled for December 16. At the meeting on the 16th, it was left in Unfinished Business on the Agenda for the Board of Supervisors Meeting and WAS CONTINUED TO JANUARY 13, 2003. SF Charter requires an ordinance to have two readings and it must receive 6 votes to pass at each. If passed by the Supervisors it then goes to the Mayor who may approve it or veto. Ordinances must be sent to the Mayor no later than the day following final passage or adoption by the Board. The Mayor must return the legislation within 10 calendar days and has 3 choices: 1) sign the legislation, in which case it becomes law; 2) return the legislation unsigned, in which case the legislation is deemed approved; 3) disapprove and veto the legislation, in which case the Board may override the veto and approve the legislation within 30 days by an affirmative vote of not less than two-thirds of the full Board, eight votes. If the Mayor fails to return the legislation to the Clerk of the Board by the end of the tenth day follow-



ing transmittal to his office, the legislation is deemed approved.

The anticipated passage on the 16th may have shifted due to new opposition emerging in recent days, particularly from the District Attorney's office as well as the California Veterinary Medical Association, and CBRA members. Also, Supervisor Chris Daly, who had voted in favor of the "pet guardian" proposal in the Health and Human Services Committee was absent from the December meeting. The proposal would need 6 votes of the 11 members to pass the final vote, having passed the first vote on December 9 by 6-3 with then 2 vacant seats (now filled.)

Although the San Francisco proposal allows for "owner" and "guardian" to be used interchangeably, passage of such legislation would set a dangerous precedent for future laws that could completely eliminate classification of dogs and cats as property.

What You Can Do

Immediately contact Mayor Willie Brown, Jr. and the San Francisco Board of Supervisors. Urge them to vote "no" on the "guardian" ordinance. CBRA has contacted the members of the Board of Supervisors regarding this issue and can provide members with draft letters.

San Francisco City Officials:

The Honorable Willie L. Brown, Jr.
Mayor, City of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-6141 - voice
(415) 554-6160 -fax
damayor@sfgov.org

Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Tom Ammiano - District 9 - President
Voted "no" on first reading. Thank him and ask him to remain firm in his opposition.
(415) 554-5144 - voice
(415) 554-6255 - fax
tom.ammiano@sfgov.org



Jake McGoldrick - District 1

Voted “yes” on first reading. Urge him to reconsider.

(415) 554-7410 - voice

(415) 554-7415 - fax

Jake.McGoldrick@sfgov.org

Gavin Newsom - District 2

Voted “no” on first reading. Thank him and ask him to remain firm in his opposition.

(415) 554-5942 - voice

(415) 554-5946 - fax

Gavin.Newsom@sfgov.org

Aaron Peskin - District 3

Voted “no” on first reading. Thank him and ask him to remain firm in his opposition.

(415) 554-7450 - voice

(415) 554-7454 - fax

Aaron.Peskin@sfgov.org

Leland Yee - District 4

(415) 554-7752 - voice

(415) 554-7751 - fax

Leland.Yee@sfgov.org

Matt Gonzalez - District 5 (Sponsor)

Voted “yes” on first reading. Urge him to reconsider.

(415) 554-7630 - voice

(415) 554-7634 - fax

Matt.Gonzalez@sfgov.org

Chris Daly - District 6

Voted “yes” in Health and Human Services Committee. Urge him to reconsider.

(415) 554-7970 - voice

(415) 554-7974 - fax

chris.daly@sfgov.org

Tony Hall - District 7

Voted “yes” on first reading. Urge him to reconsider.

(415) 554-6516 - voice



(415) 554-6546 - fax
Tony.Hall@sfgov.org

Mark Leno - District 8
(415) 554-7734 - voice
(415) 554-7739 - fax
Mark.Leno@sfgov.org

Sophie Maxwell - District 10
Voted “yes” in Health and Human Services Committee. Urge her to reconsider.
(415) 554-7670 - voice
(415) 554-7674 - fax
Sophie.Maxwell@sfgov.org

Gerardo Sandoval - District 11
Voted “yes” on first reading. Urge him to reconsider.
(415) 554-6975 - voice
(415) 554-6979 - fax
Gerardo.Sandoval@sfgov.org

Berkeley - Sentient Beings Proclamation

City Council Member Dona Spring has the December 17 council agenda a “Sentient Beings Proclamation.” This originated from the Citizens Humane Commission.

The proclamation reads:

WHEREAS, animals exploited by agribusiness are sentient beings -capable of awareness, feeling, and suffering; and

WHEREAS, human beings have an ethical obligation to refrain from causing pain and suffering to other sentient beings; and

WHEREAS, agribusiness commonly subjects cattle, pigs, chickens, and other farm animals to overcrowding, intensive confinement, and other conditions which cause pain and suffering;

NOW THEREFORE, be it resolved, that the City of Berkeley recognizes farm animals as sentient beings who deserve to be treated with respect and protected from inhumane treatment.

For more information see the December 17 Council agenda see, <http://www.ci.berkeley.ca.us>.



San Francisco and the Cambridge Ordinance

There is some discussion that the S.F. Commission of Animal Control and Welfare may be trying to get the SF Board of Supervisors to consider a version of the “Cambridge Ordinance” regarding the animal labs at UCSF. The Ordinance, as I understand, was formulated by Stephen Wise, and would set up some sort of oversight committee for animal research, something E. Katz and In Defense of Animals would love to be a part of. The Commission is almost certain to make a motion to endorse it. If this successful, there is some speculation that Board of Supervisor member Matt Gonzalez may be interested in supporting this with the Supervisors as he is close with a member of the Commission, Sherri Franklin, who is supporting it.

Ara Tahmassian on the CBRA Board of Directors (and VC of Research at UCSF) met with BoS Matt Gonzalez and he did indicate that he has asked the City Attorney to look into the Cambridge Ordinance. He also indicated that he is not sure how that ordinance has managed to survive as he sees questions of Federal vs. local jurisdiction in it. He further indicated that if this were to proceed it would probably be February 2003 before he does anything with it.

A link to the Cambridge Ordinance is below:

http://www.cambridgepublichealth.org/perm_license/la_ordinance.html



APPENDIX

DRAFT from Department of Fish and Game

TRANSGENIC FISH

Genetically altered by introducing DNA 1) from another species or 2) through engineered endogenous constructs by means such as but not limited to recombinant DNA and RNA techniques to produce gene addition, deletion, and doubling, or changing the position of the gene. This definition excludes DNA vaccines, individuals produced by the techniques of whole genome ploidy manipulation, and hybridization between closely related species, as in traditional hybridization.

The following represents the language proposed to be added to Title 14 Section 671 and 671.1

In Sec 671, where Transgenic will be added to the list of restricted species, the following note will be added.

Note: Unpermitted Transgenic Aquatic Animals are determined to be detrimental to native wildlife, therefore the exemption provided for in Fish and Game Code Section 2150(e) is not applicable.

The following conditions developed by the group, and DFG wordsmithed, will be added to Sec 671.1 (a)

- (9) Transgenic Aquatic Animals. The department may issue permits for importation, possession, transportation or rearing of , or research on, transgenic aquatic animals pursuant to the following terms and conditions:
- (A) All transgenic aquatic animals shall be held, raised, and transported in a closed-water system or in a system which treats effluent discharge from the facility with a chlorination/dechlorination system adequate to ensure against the inadvertent release of live animals. A closed-water system means that there is no discharge to waters of the state. Municipal treated sewage systems are not considered waters of the state. The Commission may grant an exception to this regulation if



it is determined that doing so will not pose a significant risk to the waters or wildlife of the state.

- (B) Access by non-facility staff to facilities containing transgenic aquatic animals must be restricted through means determined to be adequate by the Department.
- (C) Movement of live transgenic aquatic animals from facilities is prohibited unless specifically permitted by the Department.
- (D) Release of transgenic aquatic animals or their progeny into waters of the state is prohibited.
- (E) If transgenic aquatic animals are held with non-transgenic animals of the same species, all such animals that commingle with transgenic animals shall be treated as transgenic for the purposes of regulation and may not be introduced into waters of the state. Nontransgenic individuals that can be individually identified as nontransgenic may be exempt from this provision with prior department approval.
- (F) Any person who causes the unauthorized release of transgenic aquatic animals or their progeny shall be fully and solely responsible for all costs of recovering, destroying, or otherwise removing any of the live aquatic animals that are released into state waters, including all expenses incurred by the department for personnel, equipment, and facilities used to locate, capture, and transport animals that escape or that are released or abandoned unless the release is caused by criminal action or an Act of God.

