

HARVARD LAW SCHOOL

ANIMAL LAW & POLICY CLINIC

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MEDIA RELEASE

June 18, 2020

Harvard Law Clinic calls on National Institutes of Health to require humane handling of octopuses used in research

BOSTON – Harvard’s Animal Law & Policy Clinic today (June 18, 2020) petitioned the National Institutes of Health (NIH) to include cephalopods—octopus, squid and cuttlefish—among the animals entitled to humane treatment by those involved in federally funded research.

The Clinic is representing the New England Anti-Vivisection Society (NEAVS), a non-profit dedicated to ending animal suffering caused by research, and a coalition of other animal protection organizations and well-known cephalopod scientists from the United States and across the world*.

Co-petitioners include the American Anti-Vivisection Society; The Physicians Committee for Responsible Medicine; The Humane Society of the United States; Humane Society Legislative Fund; Jennifer Jacquet, PhD; Becca Franks, PhD; Judit Pungor, PhD; Jennifer Mather, PhD; Peter Godfrey-Smith, PhD; Lori Marino, PhD; Gregory J. Barord, PhD; Carl Safina, PhD; Heather Browning; and Walter Veit.

Speaking on behalf of the Petitioners, Nathan Herschler, executive director of NEAVS, said: “Octopus and other cephalopods are the smartest and most fascinating invertebrates in the world. They easily learn tasks, remember faces, are masters of escape, and have been around since at least the time of the dinosaurs. That we don’t give them even the most basic legal protections afforded to other animals under law simply because they don’t have a backbone is absurd.”

Cephalopods are sentient beings who, like many other animal species, have the capacity to suffer. Many experiments on cephalopods may cause them to feel pain, such as by depriving them of food, conducting invasive neuroscience research, shocking them with electric prods, or subjecting them to inappropriate housing and care.

The NIH’s current policy that defines which animals are entitled to be handled humanely excludes all invertebrates, including cephalopods. However, because of their extraordinary brains, these animals—particularly octopuses—are increasingly the focus of much federal-funded research. NIH-funded institutions are at the forefront of cephalopod research in the US. From

1978 until 2010 the National Resource Center for Cephalopods in Texas dominated such research. Currently, the Marine Biological Laboratory in Massachusetts has taken over as NIH's largest supplier, and possibly largest utilizer, of such animals in conducting research.

NIH's current exclusion of cephalopods from the definition of "animals" entitled to humane treatment is at odds with the legislative history of the Health Research Extension Act of 1985, the legislation that gave the NIH authority to establish guidelines for the proper treatment of animals used in research in laboratories that it funds.

Kate Barnekow JD '19, who worked on the Petition along with Harvard Animal Law School Clinic Director Katherine Meyer, explains: "Congress intended to protect all animals—not only vertebrates. It wasn't until after the legislation was introduced that the NIH decided to restrict the meaning of the word 'animal' to mean, quite literally, *not* all animals."

The United States also lags well behind other countries in this respect; the United Kingdom, Canada, New Zealand, Australia and the European Union all include cephalopods within their animal welfare legislation.

The Petition asks NIH to amend its existing policy to include cephalopods in the definition of animal and to develop appropriate standards for the humane handling of all such animals in all federally funded research.

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NOTES TO EDITORS:

About the Animal Law & Policy Clinic

The Animal Law & Policy Clinic was launched in 2019 to provide students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.

About the Petitioners

About New England Anti-Vivisection Society (NEAVS)

NEAVS is a non-profit 501(c)(3) organization dedicated to reducing animal suffering. Since its inception in 1895, NEAVS has been working toward ending the use of animals in research, testing, and science education, and replacing these methods with more humane and predictive non-animal alternatives. NEAVS accomplishes these objectives through outreach, research, education, collaboration, and advocating for legislative policy changes.

About American Anti-Vivisection Society (AAVS)

AAVS is the oldest non-profit 501(c)(3) animal advocacy and educational organization in the United States dedicated to ending experimentation on animals in science, including research, testing, and education. Focused on the objectives of strong animal protective legislation, public

awareness, and humane education, AAVS has spent much of its history promoting and seeking alternatives to the use of animals in science and society. AAVS also has a Sanctuary Fund through which it protects former lab animals by finding them new, humane homes in animal sanctuaries. Since the 1980s, AAVS has also worked to fund, promote, and reward those scientists who use non-animal methods through direct grants for alternatives-driven research.

About the Physicians Committee for Responsible Medicine

The Physicians Committee for Responsible Medicine is a nonprofit 501(c)(3) organization that advocates for preventive medicine, conducts clinical research, and works toward higher ethical standards in research. For more than thirty-five years, the Physicians Committee has improved public safety and public health by working tirelessly for alternatives to the use of animals in medical education and research and advocating for more effective scientific methods. Its staff of physicians, dietitians, and scientists works with policymakers, industry, the medical community, the media, and the public to create a better future for people and animals.

About the Humane Society of the United States (HSUS)

Founded in 1954, the Humane Society of the United States and its affiliates around the globe fight the big fights to end suffering for all animals. Together with millions of supporters, the HSUS takes on puppy mills, factory farms, trophy hunts, animal testing and other cruel industries, and together with its affiliates, rescues and provides direct care for over 100,000 animals every year. The HSUS works on reforming corporate policy, improving and enforcing laws and elevating public awareness on animal issues. More at humanesociety.org. Subscribe to Kitty Block's blog, [A Humane World](#). Follow the HSUS Media Relations department on [Twitter](#). Read the award-winning [All Animals](#) magazine. Listen to the [Humane Voices](#) podcast.

About Humane Society Legislative Fund (HSLF)

HSLF is a social welfare organization incorporated under section 501(c)(4) of the Internal Revenue Code and formed in 2004 as a separate lobbying affiliate of the Humane Society of the United States. HSLF works to pass animal protection laws at the state and federal levels. HSLF works to ensure that animals have a voice before lawmakers by advocating for measures to eliminate animal cruelty and suffering and by educating the public on animal protection issues. Among other issues, HSLF advocates against unnecessary and inhumane practices used in animal research.

About Jennifer Jacquet, PhD

Jennifer Jacquet is part of the Department of Environmental Studies at New York University (NYU), which administers a minor and master's degree in Animal Studies. She is also Deputy Director of the Center for Environmental and Animal Protection at NYU. Along with Becca Franks, Peter Godfrey-Smith, and Walter Sanchez-Suarez, she wrote the "The Case Against Octopus Farming" published in *Issues in Science and Technology* in 2019.

About Becca Franks, PhD

Becca Franks is a Visiting Assistant Professor at the Department of Environmental Studies at New York University. She has over a decade of research experience working on laboratory animal welfare. In that time, she has published over 30 peer-reviewed empirical papers and review articles on animal welfare science, including one article evaluating the scientific literature on octopus. Through this literature search, she and her co-authors demonstrated that farming octopus would inevitably involve severe welfare risks and direct harms.

About Judit Pungor, PhD

Judit Pungor is a Postdoctoral Scholar in Biology at the University of Oregon. She is a neuroscience researcher who focuses on the investigation of cephalopod nervous system organization. She also assisted in the composition of the EU directives regarding cephalopod use in research.

About Jennifer Mather, PhD

Jennifer Mather is a Professor in the Department of Psychology at the University of Lethbridge in Canada. She is a member of the committee that recommended to the Canadian Council of Animal Care that cephalopods be afforded protection and care in research and has published extensively on the cognition and intelligence of cephalopods. She co-edited the book *Cephalopod Cognition* (2014) and has written about cephalopod care issues in the journals *International Laboratory Animal Research*, *Journal of Applied Animal Welfare Science*, and *Diseases of Aquatic Organisms*. She is also a co-editor of and contributing author to the book *Invertebrate Welfare* (2019).

About Peter Godfrey-Smith, PhD

Peter Godfrey-Smith is a Professor of History and Philosophy of Science in the School of History and Philosophy of Science at the University of Sydney. He wrote the book *Other Minds* (2016), which focuses on the unique place cephalopods have in the history of animals and the evolution of the mind. He has also studied high-density octopus sites in Australia, empirical work that is uncovering surprising forms of complex behavior in wild octopuses.

About Lori Marino, PhD

Lori Marino is the Executive Director of the Kimmela Center for Animal Advocacy. The Kimmela Center is committed to applying scientifically-based arguments to animal advocacy efforts and endorses strong empirical arguments on behalf of better protections for cephalopods used in research.

About Gregory J. Barord, PhD

Gregory J. Barord is a Conservation Biologist at Save the Nautilus, a conservation-based organization focused on the awareness, education, research, and conservation of nautilus and is the Marine Biology Instructor at Central Campus Regional Academy. Barord is also a scientific advisor on the AZA - Aquatic Invertebrate Taxon Advisory group and has authored several publications on the husbandry and care of cephalopods, ensuring the most current information is available to the community to promote the best animal welfare practices.

About Carl Safina, PhD

Carl Safina is the Endowed Chair for Nature and Humanity at Stony Brook University and founder of The Safina Center. Safina is an ecologist specializing in marine ecology and fisheries. He has also written two books on animal cognition and emotional capacities and culture in free living animals. The Safina Center is a 501(c)(3) nonprofit dedicated to advancing the case for life on Earth by fusing scientific understanding, emotional connection, and a moral call to action.

About Heather Browning

Heather Browning is a PhD Candidate in Philosophy at the Australian National University, Australia's leading research university. Her PhD research is on the measurement of animal welfare. She is also a zookeeper and animal welfare officer, with an interest in improving the welfare of captive animals, and she has published on the welfare considerations for octopuses.

About Walter Veit

Walter Veit is a PhD Candidate in History and Philosophy of Science under the supervision of Peter Godfrey-Smith and Paul Griffiths at the University of Sydney. His work focuses on the evolutionary origins of pain and pathology detection, studying animals across the evolutionary tree including cephalopods. He is also collaborating with Heather Browning to improve animal welfare science and thus animal welfare.

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