

# Legislation by Colla

By Jill Howard Church

*In the animal world, odd pairings of species pique our curiosity. Plovers sometimes eat leeches off the gums of gaping crocodiles. Tick birds perch on bovines' backsides to pick bugs off their hides. Remora fish keep sharks clean by nibbling scraps of food off their bodies, thereby getting a meal without becoming one. This kind of symbiosis is called mutualism, in which both parties benefit from a cooperative relationship.*

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**T**he same principle can work in the world of animal politics. Although some political opponents prefer to square off and butt heads, the Doris Day Animal League has taken a new approach that has already achieved great success in advancing animal protection. By forming coalitions and sitting down with traditional adversaries, DDAL has helped get landmark legislation passed, and is leading by example to change “politics as usual.”

On both the state and federal level, animal advocates and industry representatives are reaping the mutual benefits of legislation achieved via collaboration rather than confrontation.

“The animal protection community has become so much more savvy and skilled at public policy making,” says DDAL Deputy and Legislative Director Sara Amundson. “Increased dialog helps us get to achievable results,” she explains.

One of the earliest examples of this strategy shift occurred in California over the use of animals to test cosmetics and household products. During the 1980s, public education campaigns by DDAL and other groups exposed the cruelty of such methods as the Draize test, in which chemicals or products are placed in rabbits’ eyes, and the LD-50 test, in which a substance is force-fed to a group of animals to determine the amount that will kill half of them. Such tests are not required by law, but had become standard industry practice for decades. The outcry over their use and doubts about their efficacy led to a movement to persuade consumers not to buy products tested on animals, and to restrict or ban industry’s use of such tests and replace them with newer, non-animal methods.

Starting in the late 1980s, DDAL’s Western Legislative Director Beverlee McGrath worked with California state Assemblyman Jack O’Connell to repeatedly introduce legislation to ban the Draize test and require cosmetics and household products industry to use non-animal tests. Popular support helped pass three bills through the legisla-

ture, but all were vetoed by California governors Pete Wilson and George Deukmejian under heavy industry pressure. The stalemate prompted DDAL to try a new approach, particularly since credible non-animal tests had been developed but at that time were seldom used.

“Our interest has always been to use the legislative process to compel industry to do what it’s not doing voluntarily,” Amundson says. “We wanted to see what we could do to compel industries to actually use the non-animal methods that had been approved.”

Despite repeated—and sometimes heated—opposition from the Cosmetics, Toiletries and Fragrance Association, as well as the Soap and Detergent Association, DDAL began talks with scientists and lobbyists from Procter & Gamble and Colgate-Palmolive. This led to discussions with the larger trade associations in an effort to get more non-animal tests put to use.

According to Dennis Greising, Vice President of Government Affairs for the Soap and Detergent Association, “Both parties were seeking a good. It was Sara who said, ‘I think we have common ground.’” The talks focused on the scientific validity of non-animal tests, and the willingness of industry to switch methods without feeling that they were compromising consumer safety or their own liability.

“Both sides have had to sit with it for a while and decide where they can compromise,” says Greising. “As soon as Sara brought an alternative to us that made our goals achievable, we were in support of the bill.” The California Alternatives Bill passed and became law in 2000, and required companies to use non-animal tests that had been federally approved and validated. It set a precedent not only for animal testing legislation, but also for the process that led to the bill’s enactment.

“It really established our credibility with industry and their credibility with us,” Amundson says.

The success of the California bill hastened progress on a federal bill that was already in progress. That measure codified the Interagency Coordinating Committee for the Validation of Alternative Methods (ICCVAM), which was

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established in 1997 and consists of representatives from 15 federal agencies. Introduced later in 2000 by Senators Mike DeWine and Ted Kennedy and Representatives Ken Calvert and Tom Lantos, the ICCVAM Authorization Act permanently established a committee that promoted the validation and regulatory acceptance of non-animal testing and research methods. Its critical provi-

sion was that it required both non-animal tests and new or revised animal-based tests to meet the same standards of scientific validity. If a non-animal test was validated, the federal agencies had to use it, and the standard applied to all tests involving animals, not just toxicity. Its potential to save animal lives and strengthen testing standards was huge.

**D**DAL again worked with representatives from the American Chemistry Council (ACC), the Consumer Specialties Products Association (CSPA), and some of the same companies involved with the California bill to draft mutually acceptable language for the ICCVAM bill. DDAL stuck firmly to the mutual validation provision, despite efforts to remove it. Again, the challenge was to reach an agreement that all parties could support.

Richard Becker, Ph.D., a toxicologist and senior director of the ACC's Health Product and Science Policy (HPSP) Team, was part of the discussion. "We were both talking a lot about validation," Becker says. "There are strengths and limitations with all [testing] models....In the past, we did not subject the in vivo [live animal] methods to the same rigors as newer alternative [non-animal] methods."

Leveling the playing field for both kinds of tests kept the emphasis on the science involved, and helped all parties focus on the core issues of mutual concern.



**DDAL's Sara Amundson (right) with former California Governor Gray Davis (left), are pictured with Assemblyman Joe Simitian (back row, right), and a family who lost their beloved pet to antifreeze poisoning.**

"There have been some specific issues where we have not seen eye to eye," says Sarah Brozena, assistant general counsel for the HPSP Team, "but that didn't stop the ACC from continuing to work with Doris Day [Animal League] on issues where we did agree."

Becker concurs. "We're challenged to engage in these discussions in a creative way," he

says, "so that through the dialogue we can come out with a process that's beneficial to all. We all end up better off."

Animals, of course, are better off, too: The ICCVAM Authorization Act was signed into law in December of 2000.

DDAL is currently involved in yet another coalition regarding a federal bill to require antifreeze manufacturers to put a bittering agent in their products. Most commercial antifreeze has a sweet taste that can attract children and animals, resulting in severe illness or death for those who ingest it. Industry efforts to use public education instead of the bittering agent to prevent accidental poisonings were largely ineffective. Three states already have laws requiring the bittering agent, but a national measure would standardize the provision and provide more universal prevention.

The antifreeze industry initially fought the idea, concerned about its liability for an ingredient that it adds to its products but does not directly manufacture. Phil Klein, senior vice president of public affairs for CSPA, is among the industry reps with whom DDAL has been working with to reach consensus on the federal bill.

"We had a lot more in common than we had in differences, and we sat down and hashed it out," Klein says. The industry wanted comprehensive liability protection and a federal law that would supercede individual state laws (so different products wouldn't have to be created for different

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regions); DDAL wanted a provision for civil penalties for any manufacturer that refused to use the bittering agent.

Mutually acceptable language was created, and now the bill is expected to come before a congressional committee in late spring 2005. With industry and animal protection groups already in agreement and lobbying jointly for the bill, its passage is expected by the end of the year.

"When we build these alliances we're able to pass good public policy," Klein says. "When we're fighting, nobody wins." Andy Hackman, manager of state affairs programs for CPSA, acknowledges the new paradigm. "From an industry standpoint, it's a fundamental shift from where we have been," he says. "It did take a lot of work."

Nancy Blaney, DDAL's federal policy consultant, is a veteran of political coalitions and has witnessed their value time and again.

"The key is to focus on the narrow issue in front of you," she says. She previously worked with a coalition of older Americans and companies from the pet food industry to enact provisions that made it easier for senior citizens to keep companion animals in public housing. She also was part of another effort that found veterinarians, breeders and animal researchers working together to support increased funding for enforcement of the federal Animal Welfare Act.

"Having that activist/industry mix makes a strong case for legislators," Blaney explains. Animal protection legislation can get passed much more easily if the vested parties are already in agreement when the measure is introduced; the major debates have already been settled. "The legislative process is all about compromise and consensus and finding middle ground," she says.



**Top: Sara Amundson with California Senator Barbara Boxer, a strong animal advocate. Bottom: Beverlee McGrath (right), with actress Victoria Principal, lobbying for the California Alternatives Bill.**

Blaney notes that these types of coalitions occur in many other areas of special interest, and the success of one coalition often leads to the formation of others. And with many of the same individuals involved in repeated talks, she adds, "There is not that constant suspicion of one another."


Because of the growing political clout of animal protection supporters, the corporations and associations that once thought animal issues could be dismissed are now finding good reason to both listen to and negotiate with advocacy groups.

"There is a sense within the industry to recognize that we're as much of a force as anybody," Blaney says. "[And] Congress pays more attention to us than they used to."

Amundson stresses that a willingness to negotiate does not mean a willingness to back down from DDAL's strong commitment to animal protection.

"Pragmatism is not an exchange for ideological purity,"

she says. "Before we even enter those discussions, we have a clear-cut set of goals in mind. If you can reach agreement on three out of 10 of those goals, you're three steps ahead of those who want all 10 right off the bat and yet nothing is achieved."

DDAL seeks to pursue any and all avenues that produce humane results. Says Amundson, "Our job, at the end of the day, is to achieve positive, meaningful progress for animals." 

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