

political grudges against Healy. Shortly after taking office, she duelled with Dingell on scientific integrity issues. She tangled with Nobel laureate James Watson, a spat he claims effectively pushed him out of his job as head of NIH's Human Genome Project. She blasted Congress for earmarking money to the Department of Defense to fund research on breast cancer and one company's AIDS vaccine.

The final stroke for the Democratic women in Congress came in a clash over the Women's Health Initiative. Representative Patricia Schroeder (D-CO) was outraged by a 20 May 1992 letter Healy wrote to then HHS Secretary Louis Sullivan in which Healy recommended that Bush veto the NIH reauthorization bill because it contained "highly intrusive language" that "micromanages" some NIH research. She specifically noted that the women's health section was "unnecessary."

The Congressional Caucus on Women's Issues, which Schroeder and most other congresswomen belong to, felt that the letter was "a serious breach of trust," says Schroeder. "Healy is making it sound like she's the one who did the Women's Health Initiative," says Schroeder, who believes legislation is necessary to follow through on NIH's verbal commitment, "and she's the one who did it in." (Bush did veto the legislation, but his main objections had to do with fetal tissue research, also included in the bill.) Healy insists "scientific flaws" led her to oppose the legislation. "I'm a feminist," she says incredulously. "That's the amazing thing."

Schroeder actively lobbied Shalala to replace Healy, but Shalala didn't initially go along. "If anything, Dr. Shalala resisted that pressure," says LaVelle, adding that "if some people on Capitol Hill had their way, [Healy]

would have been out that door one minute past noon on the day President Clinton was sworn in." But, when Shalala's own "monitoring" was added to the mix, Healy had to go.

Healy, who says she was "saddened" by the decision, said she will stay at NIH until as late as 30 June, to help provide an orderly transition. After that, she intends to return to her previous post as head of the Cleveland Clinic Foundation's Research Institute in Ohio. Shalala said in a statement that she "will be conferring with scientific leaders and the White House to establish a process for the selection of Dr. Healy's successor." As for Healy, she said at the press conference at which she announced her departure that NIH "claims a piece of my soul." Given the ram-bunctious nature of that soul, Healy's tenure surely will not be forgotten soon.

—Jon Cohen

BIOMEDICAL RESEARCH

Animal Regulations Overturned

For the past few years, biomedical researchers have been complaining that the cost of research involving animals has been going through the roof. But if a decision last week by federal judge Charles Richey is upheld, it's going to get even worse. Ruling on a case brought by two animal rights groups, Richey threw out guidelines that had been drawn up by the U.S. Department of Agriculture (USDA) for dog and primate care at U.S. research laboratories and instructed USDA to come up with tougher regulations.

The ruling is expected to exacerbate a tense 2-year standoff between scientists and animal activists. During this time, USDA—the agency responsible for monitoring all U.S. animal experimentation—has been trying to implement a set of compromise guidelines drawn up in 1991 under pressure from the White House. The product of 6 years of negotiations, they represented a partial victory for scientists because USDA agreed not to prescribe detailed standards for animal care. But animal activists succeeded on one major point: The rules spelled out minimum cage dimensions and environmental conditions for primates. This forced many facilities to make expensive alterations. Douglas Bowden, director of the Regional Primate Research Center at the University of Washington, estimates that he has spent \$400,000 converting cages since the 1991 rules appeared. Half that money, he says, was spent on enlarging cages by 2% to 10%.

But the rules' vagueness about other living conditions angered some animal activists. As a result, the Animal Legal Defense Fund and the Society for Animal Protective Legislation brought a federal suit in U.S. District Court in Washington, D.C. against the USDA. Charles Richey—the same judge who

ruled last year that rats, birds, and mice used in the lab must be considered subject to the Animal Protection Act—heard the case and agreed with the activists. Congress, he found, intended the regulations to be more detailed than USDA's 1991 version, so USDA must try again.

For example, with regard to primates, Richey ruled that USDA should have made explicit provisions for group housing and spelled out the necessary conditions for achieving primates' "psychological well-being." His decision also attacked USDA for setting the minimum cage size smaller than the agency originally had proposed.

The decision, unless appealed, is likely to renew a disagreement about the form the regulations should take. Most scientists believe that USDA should continue to rely on "performance-based" guidelines, which require that animals be healthy and content, leaving it to individual veterinarians to decide how to care for their animals. But animal activists argue that only "engineering standards"—such as specific cage size or exercise duration—can prevent abuse. Currently, the rules require engineering standards only for primate cage dimensions and environmental conditions; the activists would like to extend them to the amount of dog exercise, the amount of primate socialization, and more. Decisions about such details, says Valerie Stanley, the lawyer who argued the case for the two activist groups, should not be left to the labs themselves, but should be made by "an entity that

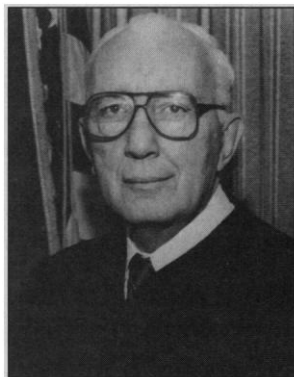
is not so concerned with fiscal constraints."

Predictably, scientists resent the suggestion that they cannot be trusted to treat their animals well. Researchers defend the "innovative housing" clause that now gives them some flexibility, saying that, far from being a loophole, it encourages institutions to design cages that best suit their animals. For example, says Nelson Garnett, acting director of animal welfare in the Office for Prevention of Research Risks (OPRR) at the National Institutes of Health, an innovative cage for an arboreal species might be twice as tall as a standard cage. Yet it might also have a slightly smaller floor area than the required minimum. Removing the exemption, Garnett and others say, would spawn uncreative housing tailored to meet only the minimum standards. "If that flexibility is taken away, the animal loses," says Thomas Wolfle, director of the Institute of Laboratory Animal Research.

USDA hasn't decided yet whether it will appeal. If it does not, it faces the difficult task of developing regulations both sides can live with. And if Judge Richey is involved, the outcome could be hard on research labs. Richey made clear in his ruling that he preferred the regulations USDA proposed in 1989, which called for bigger minimum cage size than the 1991 rules.

Increasing primate cage size or building group housing at large facilities, says John Miller, acting director of the OPRR, would "cost enormous amounts of money" at a time when most animals already receive good care.

—Traci Watson



Too vague. Judge Richey wants more specific rules.