

## Workshop 2

### Applying the harm-benefit assessment across all areas of policy affecting animals

**Facilitator: Ngaire Dennison, University of Dundee**

The Animals (Scientific Procedures) Act 1986 (ASPA), which regulates animal research and testing in the UK, requires that all proposed scientific projects involving the use of sentient animals undergo a **harm-benefit assessment**. This 'weighs' the likely harms to the animals against the potential benefits from the work. The regulator (Animals in Science Regulation Unit, sitting within the Home Office) has to ensure that the harms are minimised and the benefits are maximised before permission can be granted to begin each project.

'**Harms**' mean the adverse effects that the animals are likely to experience in terms of pain, suffering, distress or lasting harm. This requires considering each animal's lifetime experiences, such as transport, marking for identification, being housed in a cage, painful or distressing scientific procedures and their after effects, restraint, inappropriate social groupings and killing techniques; all taking into account any 'cumulative effects' (e.g. due to repeated injections). '**Benefits**' means how far humans, animals, plants or the environment may potentially benefit if the project meets its objectives. For example, this could relate to understanding how animal or human bodies work in health or disease, basic biology, or assessing the safety of new substances with respect to humans, animals and the environment.

Severe, prolonged suffering that cannot be alleviated is not permitted for any purpose. Similarly, some benefits are not allowed, e.g. cosmetics testing and tobacco product development. Public opinion polls generally show that there is more support for applied medical research than other fields, and less support for using species with which they feel a close bond, such as dogs.

The harm-benefit assessment is done at the start of a programme of work by the regulator, but the local ethics committee will undertake a retrospective review, including a harm-benefit assessment, after (and sometimes during) each project. Some projects (e.g. those involving 'severe' procedures) have to undergo a formal **retrospective assessment**, which includes the extent to which the project achieved its objectives, actual harms caused to the animals, and a harm-benefit assessment. The outcome of this assessment is sent to, and reviewed by, the regulator. Throughout all initial and interim harm-benefit assessments, there is an expectation that animals will be **replaced** with humane alternatives wherever possible, animal numbers will be **reduced** to the minimum necessary for the science to be valid, and scientific procedures, and all other life events (e.g. cage cleaning) will be **refined** so as to minimise suffering and improve welfare (known as the **Three Rs**). Learnings with respect to the Three Rs are also identified and reported to the regulator as part of the retrospective assessment.

## Questions:

### 1. Can you identify some policy areas in which the harm-benefit assessment could clearly be meaningfully applied, e.g. farming, planning/construction, pet trade?

There was general agreement that the concept of the Harm-Benefit Analysis (HBA) can be applied to almost any area. But it was acknowledged that there would be differences across areas as to the extent the HBA could be 'meaningful' (e.g. can the potential harms and benefits be appropriately captured and categorised) or practical. Indeed, it was commented that the principles of the HBA are sometimes already being followed in other sectors, though not always under the formal title of an HBA.

Before being able to apply the concept of the HBA it is important that the 'aim' or purpose of the human action is defined and agreed. The next stage would be to pinpoint the level at which the HBA should be carried out. This is critically important, and will vary between areas/issues. For example, the HBA for building HS2 would be far more complex and need to be carried out at a far higher level, than a judgement on whether glue traps should be allowed to be sold for controlling rodents in people's homes, or a decision on whether or not to net a tree on a building site.

Specific events, topics etc (e.g. the age of horses used in racing; wild animal in circuses; the breeding of brachycephalic dogs as pets; or puppy farming) would need to be identified, rather than areas of animal use as a whole (e.g. 'farming').

### 2. Are there any areas in which applying a harm-benefit assessment might be problematic?

If the HBA is carried out at the wrong level, is inflexible, or if assumptions are made at a 'global' level that aren't applicable or appropriate to the local situation, then this can cause difficulties or problems.

Furthermore, there may be problems where 'free will' among individuals in the human population plays a role in the extent to which harms or benefits may be realised. For example, the use of vaccinations might be clearly positive at a (human or animal) population level, but a minority of individuals could experience negative or side effects. Thus it might not be in the interest of a specific individual to have a vaccine. This may lead to people choosing not to take that course of action, in this instance not vaccinating their pets which ultimately has a detrimental effect on the overall pet population.

Finally, an HBA is ideally primarily carried out in an objective way, but it is clear that in some cases, remits or deliberations could be influenced or shaped by contemporary political views, concerns or pressures (e.g. where legislation such as ASPA provides 'special protection' for specific species predominantly for reasons of public opinion rather than animal sentience).

### 3. What kind of body or process would you have confidence in, to conduct harm-benefit assessments across different sectors; what kinds of expertise and information would it need to ensure objectivity and balance?

As already commented, the HBA needs to operate on different levels depending on the topic. It is vital that the HBA is carried out by appropriate people who have the necessary knowledge, information and independence - and the composition of those who are deciding must be balanced.

Participants must be ‘disinterested’ (from a conflict of interests perspective) in the outcome of the HBA and the overall process must be transparent. Although it is right that all opinions are heard, the aim must be to make an assessment on the balance of evidence (both in terms of harms and benefits), rather than just the strength of opinion.

- 4. What should happen if a retrospective harm-benefit assessment were to decide that something was not justified, e.g. a new road that destroyed a particular habitat having a negative effect on the welfare of sentient animals that exceeded the benefits to humans? What then?**

It would be important for HBA processes to include a step that allows for the outcomes of past decisions to be captured and learnt from, in order to better inform future decisions - rather than simply used to find ‘blame’ over past ‘wrong’ or bad decisions etc. A good example of this would be the way that lessons in conservation management have been learned from the past introduction of cane toads into non-native areas for ‘pest control’ purposes, and who themselves have gone on to become ‘pests’ with significant negative effects upon the ecosystem.

- 5. If you have time: do you think the Three Rs could be applied to other areas of animal interaction or use by humans, e.g. farming, the food industry, the pet trade, wildlife management, town planning?**

An example was provided where this already happens, e.g. the responsible use of medicines in agriculture initiative specifically refers to the 3Rs in relation to attempts to limit and reverse the over-use of antibiotics.

**Key points:**

- The concept and principles of the HBA *are* applicable across almost every area – and in fact are already being used in many. But needs to be done carefully, by the right people and at the right level.
- The HBA needs to be evidence-based, both in terms of harms and benefits, and the process must be transparent.

**Workshop held at:**

**Animal Sentience: science, policy and ‘real world’ application  
2 May 2019, Friends House, Euston**

Conference organised by the RSPCA Science & Policy Group, the Uehiro Centre for Practical Ethics and the Wellcome Centre for Ethics and Humanities, University of Oxford, supported by grants from the Open Philanthropy Project and the RSPCA.

