

John H. Wood

**STERLING DRUG INC.**

**NINETY PARK AVENUE, NEW YORK, N. Y. 10016**

**JOHN H. WOOD**

**VICE PRESIDENT  
PUBLIC AFFAIRS**

May 24, 1989

The Honorable Thomas R. Caltigirone  
Chairman, House Judiciary Committee  
House of Representatives  
State Capital  
Harrisburg, Pennsylvania 17120

Dear Mr. Chairman:

Currently pending before the Pennsylvania House Judiciary Committee is legislation, H.B.-873, which is of grave concern to Sterling Drug Inc., a subsidiary of the Eastman Kodak Company. This bill would impose unnecessarily restrictive procedures on the use of animals in medical research.

As you may be aware, Sterling Drug has a significant interest in the climate for research in Pennsylvania, having just this month announced our intention to consolidate our U.S. research operations in the state. We also are expanding our manufacturing facility in Myerstown.

There are 300 Sterling research employees already located in Pennsylvania and about 320 production personnel in Myerstown. We expect the research group to be supplemented by about 250 more employees by late 1989, with approximately 2,000 employed by the year 2000. The new research facility will cost in the vicinity of \$300 million.

In arriving at our decision, we concluded that the advantages offered by the Greater Philadelphia area, particularly the scientific ambience, overcame a significant financial incentive offered to us by New York. In the final analysis, it was the established base of medical and pharmaceutical activity in this area that weighed most heavily in favor of Greater Philadelphia.

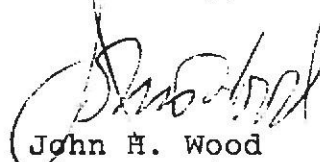
The Hon. T.R. Caltigirone

May 24, 1989

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As more fully explained in the attachment, Sterling Drug is opposed to H.B.-873. If enacted in its present form, H.B.-873 would detract from that research base in the state, discourage other research and development efforts, and affront the Sterling Drug investment decision to locate its research center in Pennsylvania.

Sincerely,



John H. Wood  
Vice President  
Public Affairs

JHW:lb  
Att.

cc: Rep. Nicholas D. Moehlmann  
Committee Members



## STERLING DRUG INC.

Commentator: Sterling Drug  
Legislation: Pennsylvania HB-873  
Date: May 25, 1989

### MEMORANDUM IN OPPOSITION TO PENNSYLVANIA HOUSE BILL-873

#### ANIMAL RESEARCH LEGISLATION

On May 9, 1989, Sterling Drug Inc. announced its intention to consolidate its United States research & development operations in Upper Providence Township, Montgomery County, Pennsylvania. This facility is expected to employ approximately 2,000 persons by the turn of the century.

The Greater Philadelphia area was chosen over various sites in other states, primarily because of its scientific and academic setting. Stated simply, a major factor in the Sterling decision was the scientific ambiance and research-friendly environment encountered in Pennsylvania.

Passage of HB-873 is inconsistent with such an environment because it would significantly hamper research. The provisions of HB-873 go far beyond state and federal requirements, as well as the National Institutes of Health Guidelines for humane animal treatment. HB-873 contains a number of onerous provisions that negatively affect facilities such as ours that are required to use animals in preclinical trials for medical research.

Sterling focuses on the discovery and development of new drugs for both human and animal use. In certain stages of this process, laboratory animals must be used to complete some phases of drug testing and discovery. Alternative methods not requiring animals however, are employed whenever possible.

Deletion of the current search warrant exemption, now granted to research facilities in Pennsylvania, would seriously hamper research in the state. Test animals are a valuable part of research, as fundamental as a microscope. The threat of unwarranted seizure of animals would have drastic effects on studies and delay development of future drugs. Such a procedure could subject a research facility to inappropriate interruption of valuable studies and individual researchers to potential harassment.

Banning of certain tests should not be done on a state-by-state basis. However, we do encourage the exploration of alternative methodologies that do not require the use of animals. For example, the scientific community is currently evaluating the efficacy of the "agarose" test method, which may one day replace the Draize test in FDA's Guidelines.

HB-873 also causes grave concern because a research facility would have no say in the selection criteria or qualifications for citizen participation. The composition of the Institutional Care Committee in HB-873 leaves no latitude for the research facility to select knowledgeable and responsible citizens of the community. Selection of unqualified or biased members will hamper the advancement of science in the state.

Further, for the following reasons, Sterling Drug believes HB-873 is unnecessary. Sterling uses and cares for laboratory animals in compliance with both state and federal Animal Welfare Acts, National Institutes of Health Guidelines, as well as Sterling's high standards and policies.

Employees are required to abide by our policy on humane care and use of laboratory animals. Animal research can only be conducted if first approved by an Institutional Animal Care and Use Committee. This committee is comprised of scientists, non-scientists, and veterinarians with special training in laboratory animal medicine and care. A representative from the local community who is not affiliated with Sterling is also a member. The committee reviews the humane aspects of animal care and use in each experiment.

Specifically, animals cannot be used unless the study or experiment will contribute significantly to knowledge relevant to human or animal health or welfare. Excessive numbers of animals cannot be used. Adequate veterinary care, appropriate analgesics, tranquilizers, anesthetics and proper euthanasia methods are provided for each laboratory animal.

Our animals are cared for on an around-the-clock basis by a professional staff including two veterinarians. We provide training programs for scientists and handlers on the humane care of animals.

As evidence of our commitment to proper animal care in our laboratories, Sterling has written policy procedures for:

- \* Transport of laboratory animals
- \* Major survival surgery of laboratory animals
- \* Physical restraint of laboratory animals
- \* Humane care and use of laboratory animals
- \* Guidelines for the euthanasia of laboratory animals.

Sterling respects the opinion of those individuals who oppose research involving the use of live laboratory animals. However, the discovery of new and more efficacious medicines and cures cannot be accomplished without the use of such animals at this time.

For these reasons, Sterling Drug urges the members of the Pennsylvania House Judiciary Committee to vote NO on HB-873.