



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC20-281	Date Entered: 3-Jun-20	Processed By: SPR	
Referred To: Program Support		Reply Due: 6-Jul-20	
Facility or Person Complaint Filed Against			
Name: BTS Research	Customer No.: 322137	License No.: 93-R-0532	
Address: 9990 Mesa Rim Rd Suite 100		Email Address:	
City: San Diego	State: CA	Phone No.: (858)605-5882	
Complainant Information			
Name: (b) (6), (b) (7)(C), (b) (7)(D)		Organization: SAEN	
Address:		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)	
City:	State:	Phone No.:	
How was the Complaint received? Email			
Details of Complaint: SEE ATTACHED			
<p>Results:</p> <p>This complaint refers to citations on a prior inspection report.</p> <p>Animal Care inspectors conduct unannounced inspections for all USDA registered and licensed facilities. Our authority is to ensure that they meet the standards required by Federal regulations. We also perform inspections in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with Federal law.</p> <p>When non-compliant items are found, these noncompliances are cited on the inspection report under the most accurate regulation based on the circumstances of the issue. Multiple noncompliances for the same issue are only cited when appropriate. With the exception of focused inspections, our inspectors evaluate the facility for compliance with all applicable regulations. Although all regulatory requirements are assessed, only noncompliant items are listed on the inspection report.</p> <p>We will continue to inspect this facility to make sure that past noncompliances are corrected and that AWA-regulated animals are protected to the fullest extent of Federal law.</p>			
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>			
Inspector: Program Support		Date: 3-Jun-20	
Reviewed By: Dr. Gibbens		Date: 3-Jun-20	



Animal and Plant
Health Inspection
Service

June 3, 2020

Animal Care
4700 River Road
Riverdale, MD 20737

(b) (6), (b) (7)(C), (b) (7)(D)

Dear Complainant,

Thank you for your correspondence dated 28-Apr-20. We are reviewing your concerns and assigned tracking number AC20-281. Please allow us enough time (30 to 60 days) to thoroughly look into your concerns. You may submit a request to the Animal and Plant Health Inspection Service (APHIS) Freedom of Information Act (FOIA) office to obtain any publically available information regarding our review.

FOIA Requests can be submitted three ways:

1. Web Request Form: <https://efoia-pal.usda.gov/App/Home.aspx>
2. Fax: 301-734-5941
3. US Mail:
USDA- APHIS- FOIA
4700 River Road, Unit 50
Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is a program within the U.S. Department of Agriculture (USDA) that directs activities to ensure compliance with and enforcement of the Animal Welfare Act and the Horse Protection Act. Animal Care establishes standards of humane treatment for regulated animals and monitors and achieves compliance through inspections, enforcement, education, and cooperative efforts under the Acts.

Please be assured that we will look into your concern(s) and take appropriate action(s).

Thank you for your interest into the humane treatment of these animals.

Sincerely,

Betty Goldentyer
Associate Deputy Administrator
Animal Care

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, April 28, 2020 1:41 PM
To: Gibbens, Robert - APHIS
Cc: APHIS-AnimalCare
Subject: Federal Complaint BTS REsearch



Dr. Robert Gibbens

4/28/20

Director, Western Region, USDA/APHIS/AC,
2150 Center Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117

Dr. Gibbens,

I am writing to you today to file an Official Complaint against BTS Research (93-R-0532), for clear violations of the Animal Welfare Act.

I have obtained an internal BTS report which discloses the strangulation death of a monkey. It states:

"Animal 2003 was found dead in room 103 by husbandry staff . . . The squeeze forward was activated to full range and the animal was trapped between the squeeze bar and door. . . . Necropsy showed bruising on the legs and lower abdomen from trying to free himself, otherwise no significant findings that would have caused death."

While this laboratory was cited for this incident in a USDA inspection dated 4/3/19, the code section used, 3.80(a)(2)(ii) CRITICAL PRIMARY ENCLOSURES was clearly insufficient.

Firstly, the squeeze mechanism should have been locked down to prevent just such an incident from occurring. Failure to lock this device down must be cited under a different code section, either 2.38 Misc (f)(1) animal handling, or possibly 2.32 Personnel Qualifications if the incident in question took place because unqualified staff at BTS Research were unaware of how the squeeze device could be locked down.

Secondly, the report discusses that the animal was simply found dead in the morning. In other words, it is highly likely that this monkey was only monitored during normal business hours. This amounts to inadequate observation of animals, because the injuries which the monkey suffered while apparently struggling to become free clearly indicate that if this monkey had been observed adequately, and not ignored for many hours of the day, this death could have been prevented. Therefore this incident also violates the requirements for adequate animal observation under Sec. 2.33 Attending Veterinarian and Adequate Veterinary Care.

The discussions of one of the monkeys somehow unlocking the squeeze mechanism themselves are ludicrous. This mechanism should be locked down so that it is IMPOSSIBLE for the mechanism to be triggered by the monkeys. This stinks of a cover-up.

Also, I find it very disturbing that one page of the IACUC minutes obtained by SAEN were almost entirely redacted. What other data connected to this incident is being hidden by BTS Research?

This issue is highly important because the staff at BTS Research has a history of abusing primates. As you know, this facility has previously been cited for improper Animal Handling, and for inadequate Environmental Enhancement for the severe confinement of primates in restraint chairs (see USDA photos at: <https://saenonline.org/news-media-news-2018/BTS-photos-2-21-18.html>). This lab has also previously received an Official Warning for inadequate veterinary care. Now this lab has allowed a monkey to die of strangulation.

What are you waiting for? Must more primates be killed or abused before the USDA takes action? I must insist that you immediately open a full investigation of this facility and at the conclusion of this investigation you must levy the largest fine allowable under the Animal Welfare Act, \$10,000 per infraction/per animal.

I look forward to hearing from you in the near future about the fate of this facility.

Sincerely,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

1081-B State Route 28 #280	Milford, OH 45150	513-575-5517	www.SAENonline.org
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Attachments: 1BTS Research report, 2 USDA inspection reports, 1 Official Warning



Institutional Animal Care and Use Committee (IACUC)

Meeting Minutes
September 13, 2018

Members Present

Members Absent

1. Adverse Events Report

- Animal 2003 was found dead in room 103 by husbandry staff around 0710 am on Sunday Aug 26, 2018. The squeeze forward was activated to full range and the animal was trapped between the squeeze bar and door. Dr. Bray felt that the cage mate must have pushed the squeeze bar mechanism to capacity as it was not likely animal 2003 could not have done this on his own. The husbandry staff also stated the cage mate was the dominant one and the animal 2003 may have activated the mechanism to get away from the cage mate.

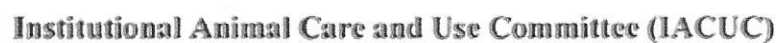
Necropsy showed bruising on the legs and lower abdomen from trying to free himself, otherwise no significant findings that would have caused death.

USDA was notified of the incident.

Prevention of future incidence: Chains or locks have been placed on the squeeze back mechanism for most cages to prevent the animals from reaching the squeeze activator. There are still a few cages that need chains or locks to be place. Staff was reminded to check the squeeze mechanism several times a day.

Follow-up on 20 Sep 2018: During an audit in the morning of 20 Sep, IACUC members noted a few cages that still needed chains or locks to be placed on the locking mechanisms. A reminder was sent out and the IACUC noted additional chains and locks being applied later that same afternoon.

Exact Copy
Collected
Date 03-14-2018

[illegible]

All NHP cages were verified to have locks applied by the time the minutes were signed. ■■■■



Inspection Report

B T S Research
P.O. Box 910418
San Diego, CA 92191

Customer ID: 322137
Certificate: 93-R-0532
Site: 003
B T S RESEARCH

Type: ROUTINE INSPECTION
Date: 03-APR-2019

3.80(a)(2)(ii) CRITICAL

PRIMARY ENCLOSURES.

A cynomolgus macaque was found deceased in his cage one morning, having been trapped between the squeeze bar and cage door overnight. Presumably, the squeeze had been activated by the affected animal or his cage mate at some point during the night. Necropsy showed bruising from the animal trying to free himself, with no other significant findings that would have caused death.

This incident was reported to USDA Animal Care. The facility promptly instituted preventative measures, including the use of chains/locks to prevent inadvertent activation or animal manipulation of squeeze mechanisms, and reminding staff to check the squeeze mechanisms several times a day.

Primary enclosures must be constructed and maintained so that they protect the nonhuman primates from injury.

CORRECTED PRIOR TO INSPECTION.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors

Schnell Michael, Veterinary Medical Officer

Prepared By:

WHITE AMANDA, D V M

WHITE AMANDA, D V M USDA, APHIS, Animal Care

Date:
05-APR-2019

Title: VETERINARY MEDICAL OFFICER 6131

Received By:

Title:

Date:
05-APR-2019



Inspection Report

B T S Research
P.O. Box 910418
San Diego, CA 92191

Customer ID: 322137
Certificate: 93-R-0532
Site: 002
B T S RESEARCH

Type: FOCUSED INSPECTION
Date: 15-NOV-2016

2.38(f)

MISCELLANEOUS.

During the inspection 6 adult male cynomolgus macaques were observed in restraint chairs for an IACUC approved research protocol. The animals were restrained in a standing position with their collar fixed in the yoke of the chair. After discussion with the facility, it was determined that the macaques would be restrained in the chairs for 2-3 hours.

The primate chair was designed for animals to perch in a natural position, hunched slightly forward, per the product website. The position in which the animals are being restrained is not the appropriately ergonomic seated position for which the chairs were designed and the duration for which they are held in this posture results in unnecessary discomfort for the animals. Several animals were noted attempting to make postural adjustments seeking adequate support for a species appropriate resting posture.

Handling of all animals shall be done in a manner that does not cause unnecessary discomfort. A system should be in place to ensure that all animals are handled as expeditiously and carefully as possible.

Correction date: 30 November, 2016

3.81

ENVIRONMENT ENHANCEMENT TO PROMOTE PSYCHOLOGICAL WELL-BEING.

The environment enhancement to promote psychological well-being of nonhuman primates plan on file primarily addresses enrichment items provided to the animals. In the plan, the animals are provided with a toy, a food treat and a foraging item every day, but only 1/3 to 1/2 of nonhuman primates in the facility had a foraging item at the time of inspection.

In addition to these items, the plan is required to address the following elements: social grouping, special considerations, restraint devices and exemptions.

Prepared By:

KATHARINE FRANK, DVM

KATHARINE FRANK USDA, APHIS, Animal Care

Date:
17-NOV-2016

Title: VETERINARY MEDICAL OFFICER, 6001

Received By:

(b)(6), (b)(7)(c)

Title: SENT BY EMAIL

Date:
17-NOV-2016



Inspection Report

The research facility must update their plan for environment enhancement in order to address special considerations. The special considerations section needs to address the special attention regarding the enhancement of the environment for certain nonhuman primates, for example animals showing signs of being in psychological distress through behavior or appearance. During inspection, one animal was observed stereotypically circling the enclosure, and there is no documented process in place to manage abnormal behaviors. Additionally, the restraint and handling SOP does not include enough detail regarding the duration of restraint.

The plan must be in accordance with the currently accepted professional standards as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian.

To be corrected by December 15th, 2016

Exit interview conducted with facility representatives.

Additional Inspectors

Gwendalyn Maginnis, Veterinary Medical Officer

Prepared By:

KATHARINE FRANK, D V M

KATHARINE FRANK USDA, APHIS, Animal Care

Date:
17-NOV-2016


Title: VETERINARY MEDICAL OFFICER, 6004

Received By:

(b)(6), (b)(7)(c)

Date:
17-NOV-2016

Title: SENT BY EMAIL

<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p style="text-align: center;">  OFFICIAL WARNING VIOLATION OF FEDERAL REGULATIONS </p>		<p>CASE NUMBER: CA160072</p>			
		<p>VIOLATOR: BTS Research Customer# 322137 License# 93-R-0532</p>			
		<p>ADDRESS (Street, City, State, ZIP Code): P.O. Box 910418 San Diego, CA 92191</p>			
<p>The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed violations of the following sections of the Code of Federal Regulations, Title 9:</p> <p>Date(s): November 12, 2015</p> <p>§2.33(b)(5) Attending veterinarian and adequate veterinary care.</p> <p>Each research facility shall establish and maintain programs of adequate veterinary care that include adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.</p> <p><i>The above is not intended to be an all-inclusive list. Please know that you are responsible for ensuring that your facility, animals, and property are in compliance with the Animal Welfare regulations. Inspection reports can be found on APHIS' website at:</i> https://acisearch.aphis.usda.gov/LPASearch/faces/Warning.jspx</p>					
<p>The Animal and Plant Health Inspection Service (APHIS) created federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.</p>					
<p>APHIS OFFICIAL: Gerald Rushin</p>		<p>OFFICE ADDRESS: 4700 River Road Riverdale, MD 30737</p>			
<p>APHIS OFFICIAL: Assistant Deputy Administrator Animal Care</p>		<p>DATE ISSUED: 2/05/16</p>	<p>TELEPHONE NO: (970) 494-7478</p>		
<p>CERTIFIED MAIL RECEIPT NO: 7015 0640 0000 4063 7160</p>					

APHIS FORM 7060

Previous editions may be used

Rev. September 2011

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