



DEPARTMENT OF HEALTH & HUMAN SERVICES
HEALTH

NATIONAL INSTITUTES OF

Office of Laboratory Animal Welfare
6700B Rockledge Drive
Suite 2500
Bethesda, Maryland 20892
<http://olaw.nih.gov>

March 23, 2020

Michael A. Budkie, A.H.T.,
Executive Director, Stop Animal Exploitation Now
1081-B St. Rt. 28 #280
Milford, Ohio 45150

Dear Mr. Budkie:

This letter is in response to your communication of March 15, 2020 to Dr. Anthony Fauci concerning reported noncompliance at the Rutgers University. As you know, the Office of Laboratory Animal Welfare (OLAW) is the unit within the US Department of Health and Human Services responsible for investigating noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy), and as such, is providing a response.

NIH and OLAW take seriously all noncompliance with the PHS Policy, either self-reported by the institution or received from other sources and investigated by the Division of Compliance Oversight. OLAW's authority is derived from the Health Research Extension Act, Public Law 99-158, which is implemented through the PHS Policy. OLAW is authorized through the PHS Policy to restrict or withdraw approval of an institution's Animal Welfare Assurance if that institution fails to correct identified deficiencies.

Under the Health Research Extension Act, the institution was given a reasonable opportunity to take corrective action. Because corrective actions were taken in each situation and accepted by OLAW there was no cause for suspension or revocation of any grant or contract or support for ongoing activities. The Assurance remains valid because the institution responded to the incidents in accordance with the PHS Policy.

Because these matters were appropriately handled by the institution, no further action will be taken by OLAW or NIH. Thank you for your concern regarding the humane care and use of laboratory animals in NIH-supported research.

Sincerely,

Patricia A. Brown -S
Digitally signed by Patricia A.
Brown -S
Date: 2020.03.23 11:24:13 -04'00'
Patricia A. Brown, V.M.D., DACLAM
Director, Office of Laboratory Animal Welfare

cc: Dr. Anthony Fauci

Wolff, Axel (NIH/OD) [E]

From: Hampton, Lori (NIH/OD) [E]
Sent: Wednesday, March 18, 2020 10:38 AM
To: Brown, Patricia [OLAW] (NIH/OD) [E]; Wolff, Axel (NIH/OD) [E]
Subject: FW: Request for Official Action CAS-08109

Follow Up Flag: Follow up
Flag Status: Flagged

Not sure if Joan usually forwards to you but this inquiry can to the main olaw mailbox a couple days ago:

From: NIAID Ocpostoffice (NIH/NIAID) <OCPOSTOFFICE@niaid.nih.gov>
Sent: Monday, March 16, 2020 10:54 AM
To: Laboratory Animal Welfare, Office of (NIH/OD) <OLAW@OD.NIH.GOV>
Cc: NIAID Ocpostoffice (NIH/NIAID) <OCPOSTOFFICE@niaid.nih.gov>
Subject: FW: Request for Official Action CAS-08109

Good morning, OLAW:

We are forwarding the below inquiry that falls within the purview of your Office.

We would appreciate it if you could respond directly to the requester or handle as you deem appropriate.

Thank you.

Sincerely,

Kara M. Harris, MPH
 Section Chief for Controlled Correspondence and Public Inquiries
 Legislative Affairs and Correspondence Management Branch
 Office of Communications and Government Relations
 National Institute of Allergy and Infectious Diseases
 National Institutes of Health

From: Michael A. Budkie <saen@cinci.rr.com>
Sent: Sunday, March 15, 2020 2:57 PM
To: Fauci, Anthony (NIH/NIAID) [E] <afauci@niaid.nih.gov>
Subject: Request for Official Action



Dr. Anthony S. Fauci, NIAID
Director
National Institute of Allergy and Infectious Diseases
BG 31 RM 7A03
31 CENTER DR
BETHESDA MD 20814
Via Email: anthony.fauci@nih.gov

3/16/20

Director Fauci,

As the Director of NIAID you have been front and center in the U.S. fight against Corona Virus. Your role at NIAID will also allow you to have a significant impact on the research facilities who receive federal funding to perform projects involved in fighting corona virus (COVID-19).

Allocating funding for COVID-19 research will clearly be a high priority in the near future. I must insist that you prohibit labs that have consistently violated federal regulations from receiving any funding for COVID-19 research.

One such lab is Rutgers University. In a period of only eleven months, Rutgers University, who maintains two separate Animal Welfare Assurances, reported 23 separate incidents wherein their staff failed to comply with federal regulations. This is one major non-compliant event approximately every thirteen days.

The volume of these incidents is clearly disturbing, and so is their seriousness.

Two separate events resulted in protocol suspensions, both of which are reported in documents from 9/16/19. One project was suspended for failure to perform procedures aseptically, failure to provide pain relief, and failure to properly perform euthanasia. The second of these projects was suspended for failure to document provision of pain relief, and improperly diluting an analgesic against manufacturer recommendations.

Another serious incident, recounted in a report dated 12/23/19, discusses the deaths of 23 research animals due to dehydration because Rutgers University staff failed to notice that the automatic watering apparatus was malfunctioning.

Another disturbing incident, documented in a report dated 11/22/19, discusses the death of a pig following a botched surgical procedure in which the bowel was perforated.

Yet another incident documented in a report dated 9/16/19 reveals that an anesthetized animal was left unattended while confined in a stereotaxic device. This is extremely serious because if this animal had awakened, he/she could have been injured/died while struggling to escape the stereotaxic device.

Another report dated 9/16/19 discusses another animal who was left unattended while still anesthetized.

An additional report dated 9/16/19 discloses the death of a rabbit who was left in a cage which was sterilized.

Another report dated 9/16/19 discloses the deaths of ten rats who were euthanized because, again, staff did not recognize that these animals were not receiving water.

The remaining reports are simply too numerous to fully discuss, so I will mention only a few.

One report from 12/16/19 discusses the mysterious and unexpected deaths of 67 animals during an infectious disease study. If the staff doesn't know what killed these animals, they shouldn't be involved in infectious disease research. Another report of the same date reveals the discovery of a living animal in a carcass freezer

due to a failed euthanasia. Yet another report with the same date discusses the starvation death of an animal because no one bothered to feed the animal.

The details of these incidents and more are contained in the actual reports attached below. These incidents disclose the deaths of multiple animals due to pure negligence such as failure to provide food or water. They also discuss botched projects which Rutgers University administration suspended, a failed euthanasia, an animal death due to being left in a cage which was sterilized, and many more incidents that clearly violated federal regulations.

The bottom line is that bungling labs, like Rutgers, who continuously violate federal guidelines should not be permitted to perform research which involves highly contagious diseases with high mortality rates. Labs who are so obviously incompetent should not be permitted to perform experiments using corona virus (COVID-19).

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

Sincerely,

Michael A. Budkie, A.H.T.

Michael A.

Budkie, A.H.T.,

Executive

Director, SAEN

Attachments: 23 Incident Reports, filed with the National Institutes of Health

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www.SAENonline.org