



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC21-046	Date Entered: 12/15/20	Processed By: SPR
Referred To: Program Support		Reply Due: 15-Dec-20
Facility or Person Complaint Filed Against		
Name: Equitech-Bio Inc	Customer No.: 1752	License No.: 74-R-0161
Address:		Email Address:
City:	State:	Phone No.:
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: 12/15/20
Reviewed By: Dr. Gibbens		Date: 15-Dec-20



Animal and Plant
Health Inspection
Service

Animal Care

Fort Collins Office
2150 Centre Avenue
Building B, 3W11
Fort Collins, CO 80526
Phone: 970-494-7478

December 15, 2020

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

Dear Complainant,

Thank you for your correspondence dated December 14, 2020. We are reviewing your concerns and assigned tracking number AC21-046. 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 publicly 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,

Elizabeth Goldentyer, D.V.M.
Deputy Administrator
USDA, APHIS, Animal Care

Rehurek, Sean P - APHIS

From: APHIS-AnimalCare
Sent: Monday, December 14, 2020 12:46 PM
To: Rehurek, Sean P - APHIS
Subject: FW: Federal complaint Equitech Bio

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sean,

I am forwarding you complaint this from the Animal Care main organizational email box. Thank you.

Robert Baxter

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Sunday, December 13, 2020 2:30 PM
To: Gibbens, Robert - APHIS <robert.m.gibbens@usda.gov>
Cc: APHIS-AnimalCare <AnimalCare@usda.gov>
Subject: Federal complaint Equitech Bio



Dr. Robert
Gibbens
12/14/20
Director, Animal Welfare Operations, USDA-APHIS-Animal Care,
2150 Center Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117
Via Email: robert.m.gibbens@usda.gov; animalcare@usda.gov

Dr. Gibbens,

I am writing to you today to file an Official Complaint against Equitech Bio (74-R-0661) for serious violations of the Animal Welfare Act.

As you know, Equitech was inspected 11/5/20, and was cited for multiple failures of the Institutional Animal Care & Use Committee (IACUC), specifically Equitech's IACUC had not fulfilled several responsibilities including protocol reviews and had failed to assemble reports from internal inspections. If no reports have been assembled, it is impossible to know for certain if these internal inspections were performed at all. It is worth noting that this facility had previously been cited for serious veterinary care violations in 2019 (which were photographically documented --

see attachments) and for the IACUC's failure to review protocols in 2018. It is also worth noting that Equitech Bio received an Official Warning from the USDA in 2015 for violations relevant to the IACUC and inadequate veterinary care. Collectively, this information clearly indicates that this lab has a long history of violating the Animal Welfare Act.

As you know, a USDA inspection report dated 10/10/19 cited Equitech Bio for a rare DIRECT violation of the Animal Welfare Act pertaining to numerous injured or sick goats. Equitech Bio was cited for violating Section 2.33 Attending Veterinarian and Adequate Veterinary Care for not providing adequate care to these injured and sick goats. Specifically, this report states:

*****A white male goat with tag HL10 was toe-touching on his right front leg while standing. He was unable to bear weight on this leg when he moved.**

*****A black male goat with tag HL2 was toe-touching on the left front leg while standing. He was unable to bear weight on this leg when he moved.**

*****A tan and white castrated male goat with tag 565 was toe-touching on the left front leg while standing. He was unable to bear weight on this leg when he moved.**

*****A white and brown male goat with tag HL11 was toe-touching on the right rear leg while standing. He was able to bear some slight weight on this limb while moving, although he moved with an obvious limp. This animal received topical treatment according to the program of veterinary care yesterday, but did not receive pain medication and was released back into the herd as requiring no further treatment.**

*****A white male goat with tag 0624 has a milky white opacity in his right eye.**

*****A black female goat with tag 464 had a moderate amount of thick green discharge from both nares.**

*****An additional 3-4 goats were also identified during the inspection as limping, but not to the point of toe-touching while standing or unable to bear weight while moving."**

1081-B State Route 28 #280 Milford, OH 45150

513-575-5517

www.SAENonline.org

So, as many as 8 goats were unable to walk properly due to inability to bear weight on a leg, one may have been partly blind, and another obviously has a serious bacterial infection. Only one of the eight goats who were limping is discussed as having received any veterinary treatment, and no treatments are discussed relevant to the other goats.

Since Equitech Bio (74-R-0661) has demonstrated a multi-year pattern of significant failures to comply with federal regulations, and these non-compliances have directly impacted the welfare of animals, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately launch a full investigation and at the conclusion of the investigation issue the maximum fine allowable against Equitech Bio (74-R-0661) -- \$10,000 per infraction, per animal.

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

Sincerely,

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

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



Inspection Report

Equitech-Bio Inc.
3650 HARRIS RD
HAMILTON, OH 45013

Customer ID: 1752
Certificate: 74-R-0161
Site: 004
EQUITECH-BIO INC.

Type: FOCUSED INSPECTION
Date: 05-NOV-2020

2.31(c)(3)

Institutional Animal Care and Use Committee (IACUC).

For the past two semi-annual evaluations (conducted November 2019 and May 2020) an Institutional Official (IO) report has not been generated. Organizing the semi-annual evaluation findings into the IO report provides a means of accountability for correcting identified deficiencies, and therefore helps assure optimal animal welfare. The Institutional Animal Care and Use Committee (IACUC) shall prepare reports of its evaluations and submit the reports to the IO. The reports must contain all of the required information.

Correct by: May 31, 2021

2.31(d)(5)

2.31(d)(5)

The active protocol has not been reviewed by the Institutional Animal Care and Use Committee (IACUC) within the past year. Animal health and well-being is updated and improved with IACUC continuing reviews. The IACUC shall conduct continuing reviews of covered activities at appropriate intervals, but not less than annually.

Correct by: December 6, 2020

This inspection and exit interview were conducted with the Lab Manager.

Prepared By: KERRY MCHENRY
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER

Date:
06-NOV-2020

Received by Title: Manager

Date:
06-NOV-2020



United States Department of Agriculture
Animal and Plant Health Inspection Service

KMCHENRY
2016090000465153 Insp_id

Inspection Report

Prepared By: KERRY MCHENRY

USDA, APHIS, Animal Care

Date:
06-NOV-2020

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Manager

Date:
06-NOV-2020

Page 2 of 2



Inspection Report

Equitech-Bio Inc.
3650 Harris Rd
Hamilton, OH 45013

Customer ID: 1752
Certificate: 74-R-0161
Site: 004
EQUITECH-BIO INC.

Type: ROUTINE INSPECTION
Date: 10-OCT-2019

2.33(b)(2) DIRECT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE.

During the inspection, the following animals were identified in need of veterinary care:

***A white male goat with tag HL10 was toe-touching on his right front leg while standing. He was unable to bear weight on this leg when he moved.

***A black male goat with tag HL2 was toe-touching on the left front leg while standing. He was unable to bear weight on this leg when he moved.

***A tan and white castrated male goat with tag 565 was toe-touching on the left front leg while standing. He was unable to bear weight on this leg when he moved.

***A white and brown male goat with tag HL11 was toe-touching on the right rear leg while standing. He was able to bear some slight weight on this limb while moving, although he moved with an obvious limp. This animal received topical treatment according to the program of veterinary care yesterday, but did not receive pain medication and was released back into the herd as requiring no further treatment.

***A white male goat with tag 0624 has a milky white opacity in his right eye.

***A black female goat with tag 464 had a moderate amount of thick green discharge from both nares.

***An additional 3-4 goats were also identified during the inspection as limping, but not to the point of toe-touching while standing or unable to bear weight while moving.

Failure to use appropriate methods to prevent, control, diagnose, and treat diseases and injuries causes undue pain and distress in animals with conditions such as these listed here.

Correct by using appropriate methods to diagnose and treat these animals' conditions; in addition, the facility must establish and maintain a program of adequate veterinary care that includes the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

Correct by: corrected at the time of exit: All of the animals identified above were separated during the inspection to allow for examination by the veterinarian and/or initiation of treatments as indicated in the program of veterinary care. The veterinarian was contacted by the facility during the inspection to schedule an examination for these animals, and the veterinarian arrived prior to delivery of this inspection report.

Prepared By: CAMPITELLI D.V.M KATHRYN, D V M USDA, APHIS, Animal Care Date: 10-OCT-2019
Title: VETERINARY MEDICAL OFFICER 6085

Received by Title: LAB MANAGER Date: 10-OCT-2019



Inspection Report

This inspection and exit interview were conducted with the lab manager.

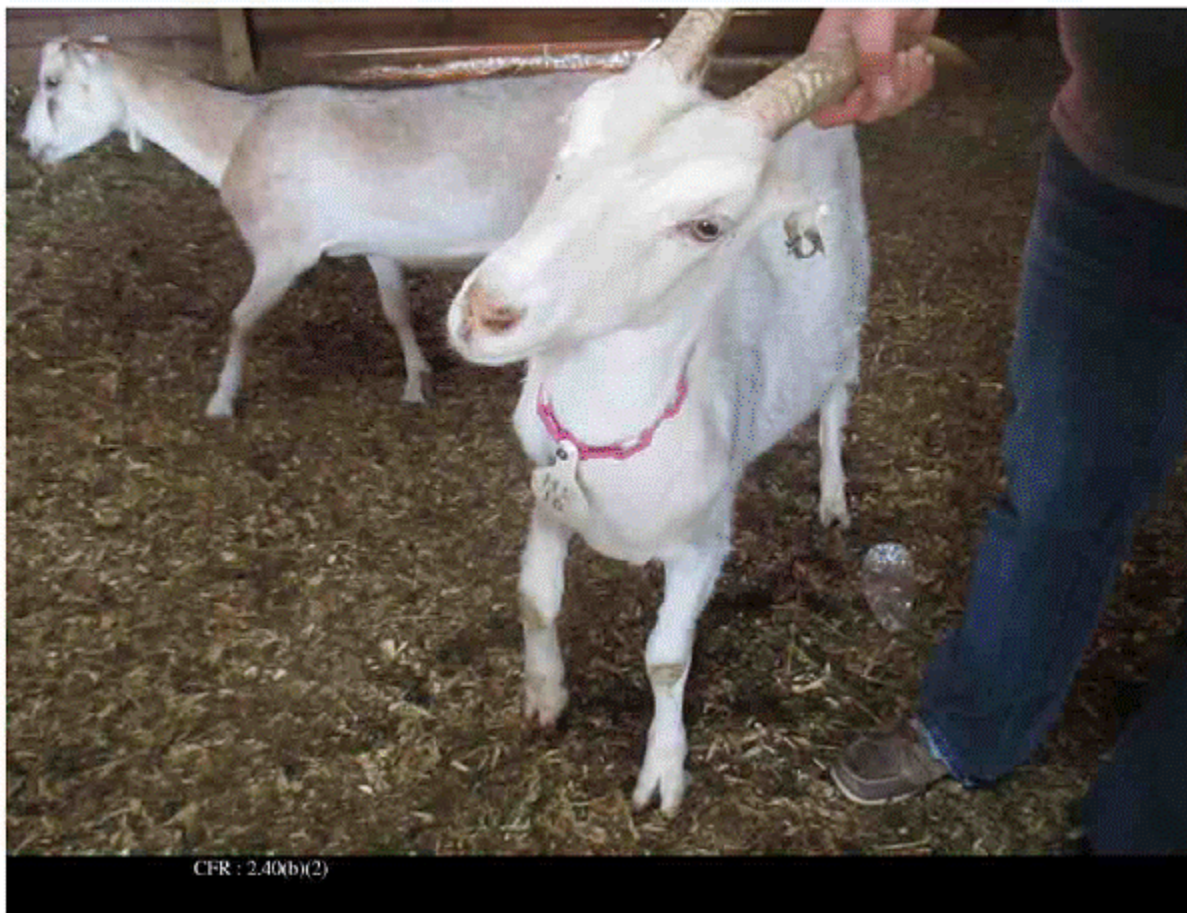
Prepared By: CAMPITELLI D.V.M KATHRYN, D V M USDA, APHIS, Animal Care

Date:
10-OCT-2019

Title: VETERINARY MEDICAL OFFICER 6085

Received by Title: LAB MANAGER

Date:
10-OCT-2019



Photographer: K. CAMPITELLI

Date and Time: 10-OCT-19

Inspection No: 2016082569627459

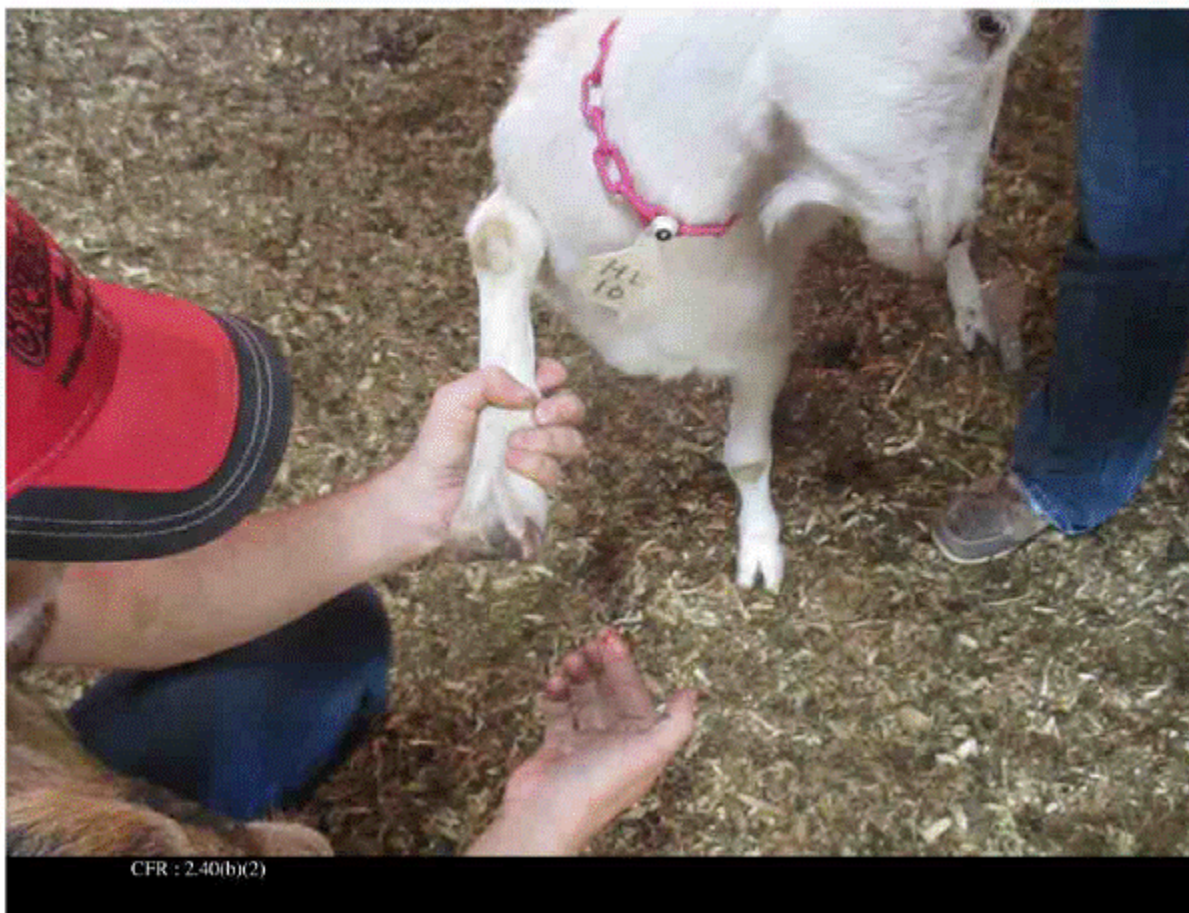
Description:

White male goat HL10 unable to bear weight on the right front leg.

Certificate: 74-B-0345

Legal Name:

Equitech-Bio Inc.



Photographer: K. CAMPITELLI

Date and Time: 10-OCT-19

Inspection No: 2016082569627459

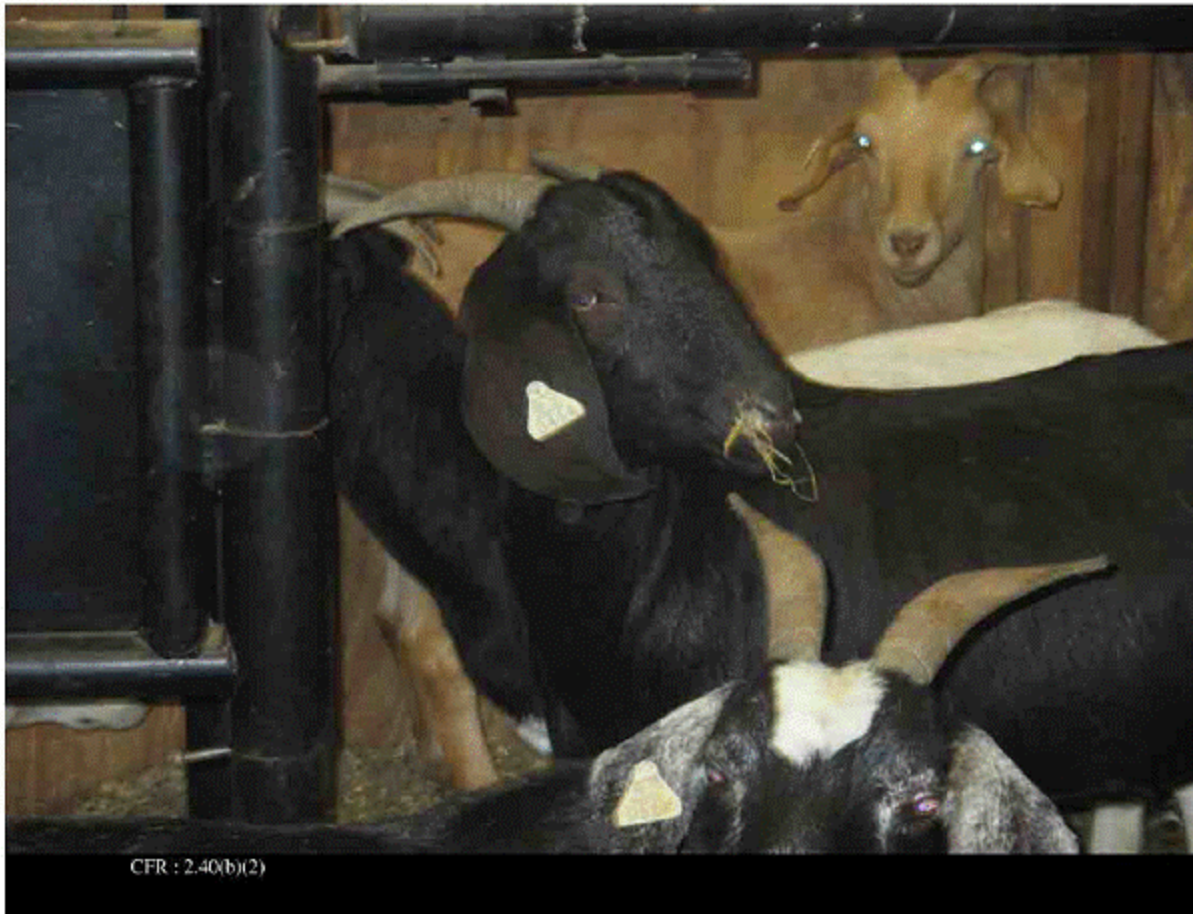
Description:

Close-up of right front leg of male goat HL10. Some bloody/purulent discharge was present on the hoof.

Certificate: 74-B-0345

Legal Name:

Equitech-Bio Inc.



Photographer: K. CAMPITELLI

Date and Time: 10-OCT-19

Inspection No: 2016082569627459

Description:

Black female goat 464 with thick green discharge from both nares.

Certificate: 74-B-0345

Legal Name:

Equitech-Bio Inc.



Photographer: K. CAMPITELLI

Date and Time: 10-OCT-19

Inspection No: 2016082569627459

Description:

White male goat HL10 unable to bear weight on the right front leg. Also visible is black male HL2 toe-touching/unable to bear weight on the left front leg.

Certificate: 74-B-0345

Legal Name:

Equitech-Bio Inc.

<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p>OFFICIAL WARNING VIOLATION OF FEDERAL REGULATIONS</p>	<p>CASE NUMBER: OH150009</p>
	<p>VIOLATOR: Equitech-Bio Inc.</p>
	<p>Customer# 1752 License# 74-R-0161</p>
	<p>ADDRESS (Street, City, State, ZIP Code): 512 Cotton Gin Lane Kerrville, TX 78028</p>
<p>The U.S. Department of Agriculture has evidence that on or about September 30, 2014 through February 12, 2015, you or your organization committed violations of the following sections of the Code of Federal Regulations, Title 9:</p> <p>2.31(a), 2.31 (c), 2.31(d) Institutional Animal Care and Use Committee (IACUC)</p> <p>On September 30, 2014 and January 7, 2015 you: failed to appoint an IACUC; and failed to have an IACUC review the research facility's program of for humane care and use of animals, inspect all of the animals facilities or prepare and submit reports of these evaluations to the Institutional Official at least once every six months.</p> <p>2.31(d)(1) Institutional Animal Care and Use Committee (IACUC) (Repeat)</p> <p>On January 7, 2015 and February 12, 2015 you failed to ensure all animal use activities had been approved by the IACUC before any animal procedures had begun, and ensure all required information listed in 2.31(d) and (e) were available to the IACUC.</p> <p>2.33(b)(2) Attending Veterinarian and Adequate Veterinary Care (DIRECT)(Repeat)</p> <p>On January 7, 2015 a white and black spotted adult rabbit was observed to have a broken leg. While the staff was aware of the injury, the rabbit had not been treated and was not seen by a veterinarian. Animals with injuries or diseases must receive appropriate methods to diagnose and adequately treat diseases in a timely manner.</p> <p>2.33(b)(3) Attending Veterinarian and Adequate Veterinary Care (DIRECT)</p> <p>On January 7, 2015, you failed to communicate injuries to a rabbit to a veterinarian. The regulations require you to provide an adequate and timely means of communication so that all problems for all animals are reported to a veterinarian. Failure to report injuries to a veterinarian results in injuries not being treated in a timely manner and can result in further progression of the injury.</p> <p>3.127(b) Facilities, Outdoor (DIRECT)</p> <p>On January 7, 2015, it was determined that 180 goats were housed in a manner that did not protect them from the cold weather. Specifically, the barn housing the goats had no bedding and did not provide a wind-break for the animals. Animals must be housed in a manner to prevent discomfort and stress.</p>	

An Equal Opportunity Provider and Employer

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.

APHIS OFFICIAL (Name and Title): Chester A. Gipson Deputy Administrator Animal Care		OFFICE ADDRESS: 4700 River Road Riverdale, MD 30737	
SIGNATURE:		DATE ISSUED: [DATE]	TELEPHONE NO: (919) 855-7100
CERTIFIED MAIL RECEIPT NO: [CERTIFIED #]			

APHIS FORM 7060

Previous editions may be used

Rev. September 2011

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