



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC20-194	Date Entered: 20-Mar-20	Processed By: AVB
Referred To: Gowins / Hadjis		Reply Due: 21-Apr-20
Facility or Person Complaint Filed Against		
Name: University of Pennsylvania	Customer No.: 309	License No.: 23-R-0023
Address: Office of the Vice Provost for Research, 1 College Hall, Ste. 118A		(b) (6), (b) (7)(C) Address: @upenn.edu
City: Philadelphia	State: PA	Phone No.: (215) 573-4863
Complainant Information		
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: (b) (6), (b) (7)(C), (b) (7)(D)	
Address: (b) (6), (b) (7)(C), (b) (7)(D)		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)
City: (b) (6), (b) (7)(C), (b) (7)(D)	State: (b) (6), (b) (7)(C), (b) (7)(D)	Phone No.: (b) (6), (b) (7)(C), (b) (7)(D)
How was the Complaint received? Email		
Details of Complaint: SEE ATTACHED		
Results:		
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		
Inspector:		Date:
Reviewed By:		Date:



March 20, 2020

Animal and Plant
Health Inspection
Service

Animal Care
4700 River Road
Riverdale, MD
20737

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

Dear Complainant:

Thank you for your correspondence dated 3-Mar-20. We are reviewing your concerns and assigned tracking number AC20-194. 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. U.S. 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
Deputy Administrator
Animal Care

Benson, Amy V - APHIS

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, March 3, 2020 11:44 AM
To: Goldentyer, Betty J - APHIS
Cc: APHIS-AnimalCare
Subject: Federal Complaint -- University of Pennsylvania

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



Dr. Elizabeth Goldentyer
USDA/APHIS/AC
920 Main Campus Drive, Suite 2000
Raleigh, NC 27606

3/3/20

Dr. Goldentyer,

I am writing to you today to file an Official Complaint against University of Pennsylvania (23-R-0023) (UPA) for a clear violation of the Animal Welfare Act.

I am in possession of UPA correspondence dated 12/18/19 which states:

"The University of Pennsylvania would like to report an unexpected drug adverse event on an IACUC approved study. The study was to investigate an adjunct therapy to treat a naturally occurring genetic disease in canines. . . . However, in the subsequent study an unexpected terminal adverse event did occur with one subject on study."

The fact that this dog was allowed to die, and no discussion of treatment, or even the condition of the animal in this report indicates a clear lack of adequate veterinary care and/or observation. If this dog had been observed adequately, this death likely could have been prevented with treatment. Therefore, this incident violates ***Sec. 2.33 Attending veterinarian and adequate veterinary care.***

Another University of Pennsylvania report dated 6/3/19 states:

"Unfortunately, we had an altercation among a group of three dogs that had been co-housed for approximately six months . . . One of the animals of the co-housed group received significant injuries, the other animals were not injured. The on-site veterinarian provided immediate medical attention, but it was decided that the best course of action for the animal was to be humanely euthanized."

This incident potentially violates many sections of the Animal Welfare Act, including:

- **Sec. 2.33 Attending veterinarian and adequate veterinary care** for failure to adequately observe the animals and recognize aggressive behavior ;
- **Sec. 2.32 Personnel qualifications** for staff who are apparently incapable of recognizing potentially aggressive behavior, which if recognized could have prevented this incident;
- **Sec. 2.38 Misc (f)(1) Animal Handling** for failure to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

The correspondence listed above does discuss the history of the dog who was euthanized, it neglects to mention the condition or medical history of the dog who was the aggressor. This could be significant because the dogs in question are part of a vision project which has included the use of animals with genetic eye conditions, and vision abnormalities can impact behavior. Additionally, the overall health of the aggressor could also impact behavior, and should have been addressed.

As you know, the University of Pennsylvania was inspected in August of 2017, receiving three significant citations for failures to comply with the Animal Welfare Act (see attached inspection report).

Therefore, I am filing an Official Complaint against the University of Pennsylvania (23-R-0023) for the deaths of two dogs within . I insist that your office launch a full investigation of the incidents surrounding these deaths and at the conclusion of the investigation, punish this criminal laboratory with the maximum penalty of \$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)

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

Attachments: 2 NIH OLAW Report, 1 USDA Inspection report

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



Office of the Vice Provost for Research

December 18, 2019

Brent Morse, DVM, DACLAM
 Director of Compliance Oversight
 Office of Laboratory Animal Welfare
 National Institutes of Health
 RKL 1, Suite 360, MSC 7982
 6705 Rockledge Drive
 Bethesda, MD 20892-7982

University of Pennsylvania
 A3079-01

Dear Dr. Morse,

The University of Pennsylvania would like to report an unexpected drug adverse event on an IACUC approved study. The study was to investigate an adjunct therapy to treat a naturally occurring genetic disease in canines. The drug which was used is FDA approved for humans and the drug did have published canine dosages in the literature. A pilot dosing study was performed without issues. However, in the subsequent study an unexpected terminal adverse event did occur with one subject on study. The IACUC, veterinary staff and IACUC compliance group were informed and reviewed the incident. Working with the PI on the study, the IACUC protocol was modified to include a gradually rising dose of the drug to allow acclimatization, as well as, more frequent drug blood level monitoring to adjust the dosing per individual animal. The clinical and the research veterinary staff have coordinated their collaboration to ensure strong oversight and documentation of the study.

The study was funded by R01-AR-071975-01.

Sincerely yours,

(b) (6)

Dawn Bonnell, PhD
 Vice Provost for Research
 Trustee Professor of Materials Science and Engineering
 Institutional Official

CC: IACUC Chair, University of Pennsylvania
 Attending Veterinarian and ULAR Director, University of Pennsylvania
 Director of Animal Welfare, University of Pennsylvania

1 College Hall, Suite 118, Philadelphia, PA 19104-6381
 Tel 215-898-7236 Fax 215-573-2108 <http://www.upenn.edu/research>



Office of the Vice Provost for Research

June 3, 2019

Axel V. Wolff, MS, DVM
Deputy Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
RKL 1, Suite 360, MSC 7982
6705 Rockledge Drive
Bethesda, MD 20892-7982

University of Pennsylvania
A3079-01
Case 053119

Dear Dr. Wolff,

Our university has a strong animal enrichment program that includes social housing. All of our canines are housed in kennels that allow for social housing. Animals can only be exempted from social housing for scientific reasons which must be approved by our IACUC or for medical reasons which must be approved by a staff veterinarian. The housing is consistent with the Animal Welfare Act regulations and those stated in the Guide for the Care and Use of Laboratory Animals. Unfortunately, we had an altercation among a group of three dogs that had been co-housed for approximately six months and had no prior issues of aggressive behavior in the group. One of the animals of the co-housed group received significant injuries, the other animals were not injured. The on-site veterinarian provided immediate medical attention, but it was decided that the best course of action for the animal was to be humanely euthanized. The background on the animal: it was given an experimental treatment for a genetic degenerative retinal disease 5 years ago and since then has only had medical eye examinations to monitor the retinal condition. After the incident, the Office of Animal Welfare and the IACUC chair were immediately notified and IACUC was informed at a meeting.

The facility staff have been receiving consultations on social housing and general animal behavior from a veterinarian specialized in animal behavior for the last two years and they have been implementing his suggestions. The consultant recently completed a continuing education training session with the facility staff on animal body language and colony behavior monitoring. Support for this project was provided by grant R2-DOI-EY-017549-10.

The facility diligently works to provide a social enriched environment and will continue to closely monitor all socially housed animals.

Sincerely,
(b) (5)

Dawn Bonnell, PhD
Vice Provost for Research
Trustee Professor of Materials Science and Engineering
Institutional Official

CC: IACUC Chair, University of Pennsylvania
Attending Veterinarian and ULAR Director, University of Pennsylvania
Director of Animal Welfare, University of Pennsylvania

1 College Hall, Suite 118, Philadelphia, PA 19104-6381
Tel 215-898-7236 Fax 215-573-2108 <http://www.upenn.edu/research>



Inspection Report

University Of Pennsylvania
Office Of The Vice Provost For Research
1 College Hall Suite 118a
Philadelphia, PA 19104

Customer ID: 309
Certificate: 23-R-0023
Site: 001
UNIVERSITY OF PENNSYLVANIA

Type: ROUTINE INSPECTION
Date: 03-AUG-2017

2.31(e)(3)

INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE (IACUC).

Item IACUC 2.31 e 3

At the time of inspection protocol 803366 is a teaching protocol. Protocol involves various procedures such as rectal exams, restraint, nasogastric tubing, etc.

The protocol does not indicate the limits per procedure or the number of attempts per animal or the number of students per animal.

The investigator needs to provide to the IACUC with a complete description for the proposed use of the animals as required by the regulation.

Correct by 9/15/2017

2.33(b)(5)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE.

Item IACUC 2.33 b 5

At the time of inspection 4 bottles of Enlon expired 4/2017 were found in SS at NBC.

Outdated drugs does not constitute adequate veterinary care with current established veterinary medical procedures.

Facility needs to review its monitoring procedures for drugs to insure outdated drugs are removed in a timely manner.

Facility corrected this item at the time of inspection by removing the drugs from the area for proper disposal.

3.125(a)

FACILITIES, GENERAL.

Item Facilities General 3.125 a

Prepared By:

LOPINTO JOHN, D V M

LOPINTO JOHN, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 1008

Date:

03-AUG-2017

Received By:

Title:

Date:

03-AUG-2017



Inspection Report

1) At the time of inspection some of the outdoor pens were constructed with a wood frame and sheet metal panels for the walls. There were three shelters (CMKH, CMKC, and HCTM) that had areas of the sheet metal wall where the edges of the sheet metal had become bent outward so that the edges were no longer flush with the wall. The upturned edges of sheet metal were sharp and could cause an injury to the nose or face of the animals.

2) The coral fence by the automatic water dispenser for heifer unit 2 had nails which were bent down but still had exposed sharp point which could injure an animal.

Per this section of the regulations, outdoor facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury.

The research facility corrected these items during the inspection by repairing the bent upturned sheet metal edges in the three shelters as well as the removal of the nails so that all the edges were flush and no sharp edges.

Exit interview took place at the end of inspection with the Director and other staff members.

Inspection took place from 7/31-8/3/2017

Additional Inspectors

McIntosh Ashley, Veterinary Medical Officer

Gladue Paula, Veterinary Medical Officer

Prepared By:

LOPINTO JOHN, D V M

LOPINTO JOHN, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 1008

Date:

03-AUG-2017

Received By:

Title:

Date:

03-AUG-2017