



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC22-868	Date Entered: June 28, 2022	Processed By: Sean Rehurek
Referred To: Jeffrey Shepherd		Reply Due: July 28, 2022
<b>Facility or Person Complaint Filed Against</b>		
Name: UNIVERSITY OF NORTH CAROLINA	Customer No.: 826	License No.:
Address: 312 SOUTH BUILDING CB#4000		Email Address:
City: CHAPEL HILL	State: NC	Phone No.: (919) 218-7125
<b>Complainant Information</b>		
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: (b) (6), (b) (7)(C), (b) (7)(D)	
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.		
Results: An inspection was conducted at UNC-CH on 12July2022 and an inspection report was generated.  Regarding the two incidents (guinea pig and pig) mentioned in this complaint, both were reported to OLAW in 2019. Both incidents had also been self-reported to USDA and were determined during subsequent inspections to be in compliance with the Incentives Program that was active at that time.  UNC-CH will continue to be inspected to ensure ongoing compliance with the Animal Welfare Act.		
Application Kit Provided: Yes:      No:		
Inspector: MARY ANN MCBRIDE		Date: July 14, 2022
Reviewed By: Jeffrey Shepherd		Date: July 15, 2022



June 28, 2022

Robert M. Gibbens, D.V.M.  
Director, Western Region  
USDA/APHIS/Animal Care

Via e-mail: [Robert.M.Gibbens@usda.gov](mailto:Robert.M.Gibbens@usda.gov)

Dear Dr. Gibbens:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 9 million members and supporters globally to request that the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) investigate possible violations of the federal Animal Welfare Act (AWA) and the associated Animal Welfare Regulations (AWRs), related to the use and treatment of pigs and guinea pigs at the University of North Carolina–Chapel Hill (UNC-CH; USDA Certificate No. 55-R-0004).

According to records obtained by PETA through the Freedom of Information Act, UNC-CH reported 33 violations of AWA guidelines in its laboratories to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW) from March 2017 to January 2022. It appears to us that two of these reported incidents, listed below, also represent violations of the AWRs.

We believe that the treatment of the pigs and guinea pigs at UNC-CH described in the incidents detailed below is out of compliance with personnel qualifications and the veterinary-care standards of the AWRs.

#### **Incident Involving the Fatality of a Pig**

In a letter to OLAW, UNC-CH reported that on February 6, 2019, a pig died after laboratory staff forgot to open the pressure relief valve on the anesthesia machine. The pig had been intubated and experienced a distended chest and abdomen before the animal stopped breathing and heart activity ceased. Emergency care was given, and the pig continued to improve but was euthanized.

Section 2.32(c)(3) of the AWRs states:

**Personnel qualifications.** Training and instruction of personnel must include guidance in at least the following areas: ... (3)  
Proper use of anesthetics, analgesics, and tranquilizers for any species of animals used by the facility.

Through its neglect, UNC-CH failed to ensure adequate training of personnel for anesthesia procedures required by Section 2.32(c)(3).

#### **Incident Involving Injuries to Guinea Pigs**

In a letter to OLAW, the university reported that on December 9, 2019, three guinea pigs experienced full-thickness contact burns with granulation across their

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THE ETHICAL  
TREATMENT  
OF ANIMALS

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#### Entities:

- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)



backs from heating pads improperly used during surgery, which were not noticed for three days post-procedure.

Section 2.33(b)(2) of the AWRs states:

**Attending veterinarian and adequate veterinary care.** Each research facility shall establish and maintain programs of adequate veterinary care that include: ... (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

However, UNC-CH's failure to give adequate consideration to whether guinea pigs would tolerate the direct contact of the heating implement during surgery resulted in severe adverse clinical outcomes for three guinea pigs. Through its neglect, UNC-CH failed to prevent the injuries, as required by Section 2.33(b)(2).

In addition, [UNC-CH has failed to comply with federal animal welfare guidelines](#). While these incidents do not fall under the USDA's purview, they offer further evidence of the problems in UNC-CH's laboratories. Experimenters violated protocols when they repeatedly caused animals to exceed the established humane endpoints, instead of removing them from the study or providing euthanasia. On at least six occasions, they caused more than 50 mice suffering from experimental procedures to exceed the set limit at which pain or distress can be prevented, stopped, or relieved. For example, one principal investigator (PI) allowed mice with excessively large tumors, extreme lethargy, and weight loss to exceed humane endpoints on four occasions, despite retraining efforts and repeat notification of the PI and lab members by the Department of Comparative Medicine veterinarian. Additionally, they failed to provide dehydrated and lethargic mice with supportive care, as per protocol.

In another incident, one mouse died and three others were euthanized after an experimenter subjected them to unapproved retro-orbital bleeding. The same experimenter also filled out the monitoring cards in advance with times and was involved in a separate incident in which mice were improperly euthanized against protocol. In other incidents, an experimenter subjected 12 mice to unapproved cranial injections. Two of 14 mice died after experimenters gave them an unapproved retro-orbital injection with an experimental agent. Sixty-two mice died or had to be euthanized after experimenters gave them an improper dose of influenza virus.

An experimenter attempted to perform unauthorized intra-tracheal intubation on a rat, was unable to perform the procedure, and put the anesthetized animal back into a cage without monitoring, instead of providing euthanasia. The rat was found unable to lift his head and died. Two rats died and one was euthanized after experimenters used unapproved nonpharmaceutical drugs.

The institution's negligence and culture of disregard for basic animal welfare must not be allowed to continue. We urge you to investigate the alarming failures at this facility and take swift and decisive action that includes citing UNC-CH for violations of the AWA.

Thank you for your consideration of this important issue. You can contact me at (b) (6), (b) (7)(C), (b) (7)(D) or (b) (6), (b) (7)(C), (b) (7)(D)

Sincerely,

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

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



## Inspection Report

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UNIVERSITY OF NORTH CAROLINA

312 SOUTH BUILDING CB#4000  
CHAPEL HILL, NC 27599

Customer ID: 826

Certificate: 55-R-0004

Site: 001

DIVISION OF LABORATORY  
ANIMAL MEDICINE

Type: FOCUSED INSPECTION

Date: 12-JUL-2022

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No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with facility representatives.

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**Prepared By:** MARY ANN MCBRIDE

USDA, APHIS, Animal Care

**Date:**

12-JUL-2022

**Title:** VETERINARY MEDICAL  
OFFICER

**Received by Title:** IACUC Representative

**Date:**

12-JUL-2022



### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
826	55-R-0004	001	DIVISION OF LABORATORY ANIMAL MEDICINE	12-JUL-2022

Count	Scientific Name	Common Name
000000	NONE	NONE
000000	Total	



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

June 28, 2022

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

Dear Complainant,

Thank you for your correspondence dated June 28, 2022. We are reviewing your concerns and assigned tracking number AC22-868. 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