



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC22-962	Date Entered: July 22, 2022	Processed By: Emily Fausch	
Referred To: KRISTIN NAPOLI		Reply Due: August 21, 2022	
Facility or Person Complaint Filed Against			
Name: UNIVERSITY OF GEORGIA		Customer No.: 900	License No.:
Address: 212 TUCKER HALL 310 EAST CAMPUS ROAD		Email Address:	
City: ATHENS	State: GA	Phone No.:	
Complainant Information			
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			
<p>Results:</p> <p>This complaint refers to citations on a prior inspection report. 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:      No:			
Inspector:		Date:	
Reviewed By:		Date:	



# USDA-APHIS-Animal Care



Emily Fausch	July 22, 2022
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From: (b) (6), (b) (7)(C), (b) (7)(D)  
To: Gibbens, Robert - MRP-APHIS; APHIS-AnimalCare  
Subject: [External Email]Prosecute the University of Georgia  
Date: Wednesday, July 20, 2022 2:22:26 PM

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
Use caution before clicking links or opening attachments.  
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Dr. Robert Gibbens 7/20/22  
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 a Federal Complaint against University of Georgia (UGA) (57-R-0005) for multiple violations of the Animal Welfare Act which led to animal deaths and injuries.

I have recently received a document from via FOIA which discusses a serious violation of the Animal Welfare Act. This report dated 5/2/22 discusses an incident in which two monkeys fought and *"one monkey had sustained injuries."* This incident would clearly violate Sec. 2.38 Misc (f)(1) Animal Handling. This violation should be a CRITICAL violation because this incident had *"a serious or severe adverse effect on the health and well-being of the animal."*

Once this CRITICAL violation is assessed against the University of Georgia, it will constitute the third consecutive inspection in which UGA received a CRITICAL violation. UGA failed two previous inspections (8/5/21 and 2/25/21), with CRITICAL violations being assessed in both of these inspections.

As you know, UGA was inspected on 8/25/21, and this inspection issued two CRITICAL violations against UGA. One of these CRITICAL violations was for failure to consult with the Attending Veterinarian to provide treatment to several animals, one of whom was euthanized. The second CRITICAL violation was for a faulty enclosure which caused an injury to a cat. All of these CRITICAL Violations seriously impacted the health and well-being of these animals.

The first of these CRITICAL violations discusses sick deer: *"At Whitehall Forest Deer Facility, two deer with health issues were observed: A slightly underweight female deer (Y44) with intermittent diarrhea ongoing for over a month and another female deer (Y25) with a deformity at her lower right jaw that has previously led to swelling that was described as resulting from food impactions with occasional abscess formation."*

The second incident in this violation was: *"In an incident occurring July 2-3, 2021, gerbils located at CAF were regrouped the afternoon of Friday, July 2 for experimental purposes which led to fighting. This resulted in death of one gerbil and injuries in another, which was discovered the morning of July 3. The injured gerbil was euthanized July 3, 2021 without consultation of the attending veterinarian or designee."*

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

The second violation involved injury to a cat: *"Until recently, one of the cat rooms in CAF had a buffer rail running approximately a couple of inches away from the wall leaving behind a small gap. In May 2021, a young male neutered orange tabby cat, found by staff with his left rear leg caught in that gap, sustained an injury requiring surgical repair. The secondary enclosure did not protect this cat from injury."*

UGA also Received a citation for inadequate facilities.



However, this was not the first 2021 inspection in which UGA received CRITICAL violations. UGA first received CRITICAL USDA violations in an inspection dated 2/25/21. This inspection also involved two CRITICAL citations, and one non-CRITICAL. One of the CRITICAL citations was relevant to the deaths of several hamsters, and the second CRITICAL noncompliance mentions the death of single ferret which occurred on September 9, 2020.

***“2.38(f)(1) Critical Miscellaneous. On September 9th 2020, a 2 year old sable colored female fitch ferret ID # E6640 was unable to recover from inhalation anesthesia and died unexpectedly. The facility’s internal investigation found that mistakes in the anesthesia technique used during the procedure contributed to the death of this ferret.”***

As you know, the maximum penalty is computed as \$10,000 per infraction/per animal. This latest incident would involve two monkeys. The earlier inspection from February of 2021 discusses the deaths of two hamsters and one ferret. The more recent inspection discusses violations relevant to two deer, two gerbils, and one cat. After the CRITICAL violation is assessed for the monkey fight/injury, UGA will have amassed five CRITICAL violations potentially drawing a fine of \$100,000.

It is extremely clear that UGA staff negligence caused deaths/injuries for at least ten animals. Therefore, I hereby file an Official Complaint against University of Georgia (57-R-0005) for violations of the Animal Welfare Act. I insist that your office launch a full investigation of UGA, and at the end of your investigation they must be penalized to the fullest extent of the law, a fine of \$10,000 per infraction/per animal, and that fine must be computed including the deaths/injuries of all ten animals.

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)

Attachments: 1 University of Georgia OLAW Report  
2 University of Georgia Inspection Reports

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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

July 22, 2022

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

Dear Complainant,

Thank you for your correspondence dated July 20, 2022. We are reviewing your concerns and assigned tracking number AC22-962. 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