



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC20-037	Date Entered: 13-Nov-19	Processed By: AVB
Referred To: White / Garland		Reply Due: 15-Dec-19
Facility or Person Complaint Filed Against		
Name: Novus Biologicals	Customer No.: 331569	License No.: 84-R-0089
Address: 10730 Briarwood Ave		Email Address: (b) (6), (b) (7)(C)@bio-techne.com
City: Centennial	State: CO	Phone No.: (303) 730-1950
Complainant Information		
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: PETA	
Address: 1536 16th Street NW		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)@peta.org
City: Washington	State: DC	Phone No.: (b) (6), (b) (7)(C), (b) (7)(D)
How was the Complaint received? Email		
Details of Complaint: SEE ATTACHED		
Results: This complaint refers to citations on the prior inspection reports of July 11, 2016, March 27, 2017, March 21, 2018, and April 2, 2019. 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. When non-compliant items are found during an inspection, these noncompliances are cited on the inspection report under the most applicable 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. 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. If necessary, formal investigations and enforcement actions are taken to ensure compliance.		
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		



USDA-APHIS-Animal Care



Inspector:	KATHLEEN GARLAND Digitally signed by KATHLEEN GARLAND Date: 2019.11.14 14:42:49 -08'00'	Date: 14-Nov-19
Reviewed By:	DEBBIE CUNNINGHAM Digitally signed by DEBBIE CUNNINGHAM Date: 2019.11.14 16:45:59 -06'00'	Date: 14-Nov-19



Animal and Plant
Health Inspection
Service

Animal Care
4700 River Road
Riverdale, MD
20737

November 13, 2019

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

People for the Ethical Treatment of Animals
1536 16th Street NW
Washington, DC 20036
(b) (6), (b) (7)(C), (b) (7)(D) peta.org

Dear Complainant:

Thank you for your correspondence dated 11-Nov-19. We are reviewing your concerns and assigned tracking number AC20-037. 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
Associate Deputy Administrator
Animal Care



November 11, 2019

Dr. Betty Goldentyer
Acting Deputy Administrator
Animal and Plant Health Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Via e-mail: betty.j.goldentyer@aphis.usda.gov

Dear Dr. Goldentyer,

On behalf of People for the Ethical Treatment of Animals (PETA) and our 6.5 million members and supporters, I am writing to respectfully request that you refer the case of Novus Biologicals (Certificate 84-R-0089) to the USDA's Investigative and Enforcement Services in light of the persistent violations of the Animal Welfare Act (AWA) as documented by USDA inspectors. USDA inspections from the past five years document a continual failure to comply with the minimum requirements of the AWA. These violations, particularly related to the Institutional Animal Care and Use Committee (IACUC), have resulted in animal neglect and death.

In its April 2019 inspection report, the USDA documented that Novus Biologicals' IACUC approved the acquisition of 400 rabbits per year for two years when the research protocol justified acquisition of 200 rabbits per year. USDA regulations require that proposals contain a rationale for the appropriateness and approximate number of animals to be used, which is imperative for the IACUC to fulfill its duties. Further, the facility is unkempt and understaffed, and dried blood splatters were on supplies at the facility. Approximately 18% of rabbits were found to have dried blood on their ears and others to have lesions and long toenails, a sign of inadequate activity levels and poor monitoring and care.

During its compliance inspection conducted in March 2018, USDA cited Novus Biologicals for rabbits suffering significant weight loss and diarrhea without veterinary care. The issue was so severe that two rabbits were found dead. Further, some rabbits had overgrown toenails which could catch on the metal wires of their cages, putting them at risk for injuries.

The March 2017 and July 2016 USDA inspection reports document violations of the AWA related to Novus Biologicals' IACUC. Activities involving animals and departures from the protocol were not monitored, the IACUC chair approved his/her own protocol, and the IACUC did not review the program for humane care of animals or inspect all of the animal facilities as frequently as required. This lack of IACUC oversight resulted in substandard animal husbandry, including excessive bleeding of rabbits used to produce antibodies, which the

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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 - PETA India
 - PETA France
 - PETA Australia
 - PETA Germany
 - PETA Netherlands
 - PETA Finland
- Obtained by (UK)**

USDA inspection report notes could result in a serious impact on the health of the animals.

Novus Biologicals' continual disregard for regulations governing its IACUC has led to its inability to ensure compliance with the AWA and minimize pain and distress in animals. PETA respectfully requests that the USDA open a formal investigation into the facility and take appropriate enforcement actions as deemed appropriate. Thank you for your prompt consideration.

Sincerely,

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

A large black rectangular redaction box covering the signature area.

Laboratory Investigations Cases

People for the Ethical Treatment of Animals

(b) (6), (b) (7)(C), (b) (7)(D) [@peta.org](mailto:peta.org)