



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare
6700B Rockledge Drive, Suite 2500, MSC 6910
Bethesda, Maryland 20892-6910
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare
6700B Rockledge Drive, Suite 2500
Bethesda, Maryland 20817
Telephone: (301) 496-7163
Facsimile: (301) 480-3387

April 28 2022

Re: Animal Welfare Assurance
#A3046-01 (OLAW Case 1H)

Dr. Kevin Burton
Vice President, Research Services
Southern Research
2000 Ninth Avenue South
Birmingham, AL 35205

Dear Dr. Burton,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your April 25, 2022 letter reporting two instances of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals within the animal care and use program at Southern Research. Your letter provides information requested by this office on April 20, 2022, in response to allegations made by People for the Ethical Treatment of Animals (PETA). According to the information provided, OLAW understands that a nonhuman primate manipulated a carabiner clip used to hang enrichment devices in such a way that the clip became stuck in the lateral commissure of the animal's mouth. The animal tore the skin of its cheek on the clip. The wound was treated by the veterinarian and the animal made a full recovery. In a second incident, a hamster was found with its teeth stuck in the wire mesh cage lid. The animal was moribund when found and was euthanized at the direction of the veterinarian. Neither of the animals involved in these incidents were supported by PHS funds.

Corrective and preventive measures were implemented. All carabiner clips used in nonhuman primate cages were evaluated and any clips that could result in similar injuries were removed and replaced. Now all clips are examined each time a rack is washed, and questionable clips are removed and replaced. There have been no further animal injuries related to cage clips. The hamsters were moved to a different style of rodent cage and the style of rodent cage involved in the incident is no longer used at Southern Research. There have been no similar injuries with the new cage style.

OLAW appreciates the consideration of these matters by Southern Research, which was consistent with the philosophy of institutional self-regulation. Based on the information provided, OLAW is satisfied that appropriate actions have been taken to investigate these incidents and prevent recurrence. Although these activities were not PHS funded, the application of the expectations of the PHS Policy across the animal care and use program reduces any potential appearance of a double standard. We appreciate being informed of these matters and find no cause for further action by this office.

Sincerely,

Robyn M. Engel -S

Digitally signed by Robyn M.
Engel -S
Date: 2022.04.28 09:13:50 -04'00'

Robyn M. Engel, DVM, DACLAM, DCAW
Animal Welfare Program Specialist
Office of Laboratory Animal Welfare

Page 2 – Dr. Burton
April 28, 2022
OLAW Case A3046-1H

cc: IACUC contact
Dr. Robert M. Gibbens, USDA, APHIS, Animal Care

Robyn

Morse, Brent (NIH/OD) [E]

From: Morse, Brent (NIH/OD) [E]
Sent: Monday, February 7, 2022 10:11 AM
To: (b) (6)
Subject: RE: Concerns from PETA re treatment of animals at Southern Research Institute:

Dear (b) (6)

OLAW will review the issues you have forwarded and investigate any, as required by the PHS Policy. Thank you for your interest in animal welfare.

Sincerely, Brent Morse

Brent C. Morse, DVM, DACLAM
Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health

From: (b) (6)
Sent: Thursday, February 3, 2022 1:59 PM
To: Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>
Subject: [EXTERNAL] Concerns from PETA re treatment of animals at Southern Research Institute:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Dear Dr. Morse,

Please see the attached letter from PETA.

Thank you very much for your time and consideration.

Sincerely,

(b) (6)



February 3, 2022

Brent C. Morse, D.V.M.
Director
Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health

Via e-mail: MorseB@mail.nih.gov

Dear Dr. Morse:

We believe that the federal Animal Welfare Act violations documented in the attached U.S. Department of Agriculture inspection report and official warning posted against Southern Research Institute constitute violations of the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy). Last year, Southern Research Institute received \$10,150,637 from the National Institutes of Health (NIH), and according to NIH, an estimated 47% of those funds supported projects that involved experiments on animals.

In 1985, members of Congress from both sides of the aisle worked together to strengthen protections for animals in laboratories in order to address deep-seated ethical concerns held by the American public regarding the use of animals in experiments. Polling by the Pew Research Center found that more than 50% of U.S. adults oppose the use of animals in experiments, and other surveys suggest that the support of the shrinking group that continues to accept animal experimentation is contingent on the existence and enforcement of stringent regulations aimed at protecting animals.

As you know, institutions that receive funding from Public Health Service agencies—including NIH—are required to comply with PHS Policy. Failure to comply violates not only federal animal welfare guidelines and policies but also public expectations that facilities receiving tax dollars to use animals—who are capable of experiencing pain, distress, love, and companionship and value their lives just as we value ours—at the very least, comply with minimal standards aimed at ensuring some modicum of animal welfare.

We ask that your office investigate the incidents outlined in the attached reports.

Thank you for your time and consideration.

Sincerely,

(b) (6)

Alka Chandna, Ph.D.
Vice President
Laboratory Investigations Cases

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Info@peta.org
PETA.org

Entities:

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



Inspection Report

SOUTHERN RESEARCH INSTITUTE
2000 NINTH AVENUE SOUTH
P.O. BOX 55305
BIRMINGHAM, AL 35255

Customer ID: **878**

Certificate: **64-R-0001**

Site: 001

SOUTHERN RESEARCH
INSTITUTE

Type: ROUTINE INSPECTION

Date: 21-SEP-2021

2.33(b)(3) Critical

Attending veterinarian and adequate veterinary care.

On November 23, 2020 there was a hamster that was found lethargic and thin. The animal had water but no food. It was after 2 days that the staff noticed the animal didn't have food and its health condition. The staff is required to do observations twice daily. Both the attending veterinarian and study director were called. It was determined that the animal could no longer be used for the study due to his condition and was euthanized. The lack of daily observations contributed to the animal not being fed and receiving adequate veterinary care in a timely manner. Daily observations are essential to assess the health and well-being of the animals and must be conducted. The staff involved was reprimanded and put on probation. Also the husbandry and technical staff were retrained on observing the animals along with routine husbandry and behavioral characteristics to detect sick or distressed hamsters. Correct from this day forward.

3.28(a) Critical

Primary enclosures.

On November 15, 2020 there was a hamster that got his teeth stuck in the metal screen that lined the top of its cage. After the animal was removed it sustained severe injuries. The attending veterinarian was contacted immediately and the animal was euthanized. The primary enclosures shall be constructed of a material appropriate for the animal and protects

Prepared By: ANNETTE CHAPMAN

USDA, APHIS, Animal Care

Date:
15-DEC-2021

Title: VETERINARY MEDICAL
OFFICER

Received by Title: Attending Veterinarian

Date:
15-DEC-2021



Inspection Report

the animal from injury or harm. The facility has removed and replaced the metal screens with wider-spaced plastic grids to prevent any issues in the future. Correct from this day forward.

3.80(a)(2)(ii) Critical

Primary enclosures.

On September 16, 2020 there was a cynomolgus monkey (#16883) that had injured its mouth on a faulty c-clamp hanging enrichment on the outside of the enclosure. The c-clamp got stuck on the monkeys mouth and when the animal became distressed it caused significant damage to his lip and mouth. The attending veterinarian had been contacted immediately and had provided the animal with adequate care. The animals primary enclosure should prevent injury and harm to the animals housed. The cage feature that had caused the animal trauma had been removed and replaced. Correct from this day forward.

This inspection and exit interview were conducted with the attending veterinarian.

Prepared By: ANNETTE CHAPMAN
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL
OFFICER

Date:
15-DEC-2021

Received by Title: Attending Veterinarian

Date:
15-DEC-2021



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 878
Inspection Date: 21-Sep-2021

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
878	64-R-0001	001	SOUTHERN RESEARCH INSTITUTE	21-SEP-2021

Count	Scientific Name	Common Name
000018	<i>Chlorocebus aethiops</i>	AFRICAN GREEN MONKEY / GRIVET
000025	<i>Mesocricetus auratus</i>	SYRIAN / GOLDEN HAMSTER
000025	<i>Macaca fascicularis</i>	CRAB-EATING MACAQUE / CYNOMOLGUS MONKEY
000021	<i>Macaca mulatta</i>	RHESUS MACAQUE
000044	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000073	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000010	<i>Sigmodon hispidus</i>	HISPID COTTON RAT
000216	Total	



<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p>USDA</p> <p>OFFICIAL WARNING</p> <p>NOTICE OF ALLEGED VIOLATION</p>	<p>CASE NUMBER: AL220003-AC</p> <p>ALLEGED VIOLATOR: SOUTHERN RESEARCH INSTITUTE</p> <p>ADDRESS (City, State, ZIP Code): BIRMINGHAM, AL 35255</p>
<p>The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:</p> <p>Date of Alleged Violation: September 21, 2021</p> <p>9 C.F.R. § 2.33(b)(3) Attending veterinarian and adequate veterinary care.</p> <p>(b) Each research facility shall establish and maintain programs of adequate veterinary care that include:</p> <p>(b)(3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.</p> <p>Date of Alleged Violation: September 21, 2021</p> <p>9 C.F.R. § 3.28(a) Primary enclosures.</p> <p>All primary enclosures for guinea pigs and hamsters shall conform to the following requirements: (a) General. (a)(1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury.</p> <p>Date of Alleged Violation: September 21, 2021</p> <p>9 C.F.R. § 3.80(a)(2)(ii) Primary enclosures.</p> <p>Primary enclosures for nonhuman primates must meet the following minimum requirements:</p> <p>(a)(2)(ii) Primary enclosures must be constructed and maintained so that they: Protect the nonhuman primates from injury.</p>	

The Animal and Plant Health Inspection Service (APHIS) published 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 alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name): Dr. Elizabeth Goldentyer, D.V.M.	OFFICE ADDRESS: 4700 River Road, Unit 84 Riverdale, MD 20737	
APHIS OFFICIAL (Title): Deputy Administrator, APHIS, Animal Care	DATE ISSUED: December 22, 2021	TELEPHONE NUMBER: (970) 494-7478

APHIS FORM 7060

Previous editions may be used

Rev. 4-23-21