



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

June 15, 2022

Re: Animal Welfare Assurance
A3551-01 [OLAW Case 1F]

MEMORANDUM FOR RECORD

The Office of Laboratory Animal Welfare (OLAW) has determined that the incidents and allegations referenced in the May 26, 2022 letter from (b) (6) of People for the Ethical Treatment of Animals (PETA) regarding the care of marmosets at the University of Massachusetts – Amherst, involved incidents that occurred greater than 3 years prior to the date of the letter. OLAW will therefore not initiate an investigation. This case is thereby administratively closed as of this date.

Signed,

Brent C. Morse -

S

Brent C. Morse, DVM

Director

Division of Compliance Oversight

Office of Laboratory Animal Welfare

Digitally signed by Brent C.
Morse -S

Date: 2022.06.15 09:03:52 -04'00'



May 26, 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:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) to request that the Office of Laboratory Animal Welfare (OLAW) investigate the University of Massachusetts—Amherst (UMass; PHS Assurance ID D16-00337) for its failure to meet the standard of care for monkeys held in its facility, as stipulated in the *Guide for the Care and Use of Laboratory Animals* (the *Guide*), and its failure to report incidents of noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy).

Although some of the incidents summarized here occurred more than three years ago, the salient issue is the *pattern* of noncompliance and the failure on the part of UMass to be transparent about violations in its laboratories. Taken together, the incidents summarized here raise questions about whether the school is meeting the requirements of federal animal welfare regulations and guidelines.

According to records recently obtained by PETA through public records requests, marmoset monkeys at UMass experienced physical harm on multiple occasions as a result of employees' improper handling. We believe these incidents constitute noncompliance with provisions stipulated in the *Guide*. Also, it appears that UMass failed to report one of the incidents described below, in noncompliance with Section IV.F.3. of the PHS Policy, which states the following:

The IACUC, through the Institutional Official, shall promptly provide OLAW with a full explanation of the circumstances and actions taken with respect to any serious or continuing noncompliance with this Policy; any serious deviation from the provisions of the *Guide*.

Principle VII of the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training states, "The living conditions of animals should be appropriate for their species and contribute to their health and comfort." The *Guide* expands on this point:

The primary enclosure should provide a secure environment that does not permit animal escape and should be made of durable, nontoxic materials that resist corrosion, withstand the rigors of

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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

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

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501 Front St.
Norfolk, VA 23510
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Entities:

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

cleaning and regular handling, and are not detrimental to the health and research use of the animals.

The *Guide* further advises, “[M]easures should be taken to minimize occupational hazards related to exposure to animals both in the research area and during transport to and from the area.” Additionally, it states, “Facilities, equipment, and procedures should also be designed, selected, and developed to reduce the possibility of physical injury or health risk to personnel.”

However, on March 20, 2017, the daily event record for marmosets identified as cagemates Padme and Anakin noted the following:

> 3 yrs.

P [Padme] got into a fight (through cage bars) w/ Han,¹ who got loose in the room upon escape from transfer box. P has multiple small punctures and lacerations on each hand.²

Four days later, Padme was “still careful of left hand but able to grip well.”³

Based on records we obtained from the National Institutes of Health of all reports documenting noncompliance with the PHS Policy and the *Guide* from 2015-present at UMass, it appears that UMass failed to report this violation of federal animal welfare guidelines to OLAW, as required by the university’s Public Health Service Assurance and PHS Policy. It’s unclear whether this event was reported to UMass’ Institutional Animal Care and Use Committee.

On April 27, 2017, just one month after Han escaped and injured Padme, another marmoset escaped from a restraint device, and when the handler captured the monkey, the animal’s tail was injured so severely that it required amputation.⁴ The USDA issued a repeat citation on June 26, 2017, under Section 2.38(f)(1), presumably following the citation UMass received under the same section on May 9, 2016, when a marmoset was severely burned after experimenters put hand warmers on his body while he was recovering from surgery, leading to his death three days later.⁵

It’s our understanding that an incident similar to Han’s escape occurred at UMass on October 5, 2018—and this incident was reported to OLAW and the USDA.⁶ At that time, the school stated that students were returning a marmoset who had undergone behavioral testing to a cage using a transport box, but the monkey’s cagemate jumped into the box, and then they both managed to escape and were loose in the room. This caused one of the monkeys to fight through cage wires with another monkey, leading to injuries. The school claimed, “This set-up and transfer method has been in use for approximately one year with no prior escapes.” UMass was not cited by the USDA at the time, but given that public records indicate that the school failed to acknowledge or report the March 20, 2017 escape which also led to the injury of a caged marmoset, it appears that it should have been cited with a repeat violation for this instance.

- Case
- 1A
closed
10/22/18

¹Han was a marmoset kept in a separate cage from Padme but in the same room.

²Ex. 1

³Ibid.

⁴Ex. 2

⁵Ex. 3

⁶Ex. 4

UMass has shown that it cannot properly handle the marmosets in its laboratories, threatening all of these monkeys in its facility as well as its staff members. There is a clear pattern of inadequate handling of these animals at this school. Had UMass been transparent about its lapses in complying with federal regulations and guidelines, the March 2017 incident would have been reported and the two subsequent events could have been avoided. We urge you to look into this problematic pattern at UMass and take corrective action.

We appreciate your attention to this important matter. If you have any questions, please contact me at (b) (6). Thank you for your time and consideration.

Sincerely,

(b) (6)

Exhibit 1

() MA Daily Event Recd ()

ID: Anklin (215) species: C. jacchus M/F: M	PI: [REDACTED] Dept: PSYCH desk: [REDACTED]
vend: Worldwide b.w. (gms): 350 date of birth: 04/08/2011 age (yrs): 4.9	prot #: 2014-0017 expir date: Thu, 23 Jun, 2016 cell: [REDACTED]
Tech: [REDACTED] blgd: [REDACTED] rm: [REDACTED]	hsc received 12/15/2015; vasectomized 2/2/2016; paired with Padme (170) 2/16/2016

date: 03/04/2016 event/remarks: new MR page issued

8-12-16 P BAR active: observed voiding turned stool, but later also used soft stool -
10:25 am, none!
8-16-16 Resolved 8-13, clear on 14/15/16 day
18:45 am
12/23/16 BAR Normal stool
3-20-17 4:45 pm - P got into a fight (through cage bars) w/ Ham, he got loose in the room upon escape from transfer box. P has multiple small punctures and lacerations (25-40) on each hind, (1) & (2) for depth; mostly superficial pads - NO fx no joints affected: cleaned w/ betadine powder (advised) rinsed w/ sterile water - No stores, no wounds available to give closure, start Alex (L) (wax, 0.1 ml PO, BID Q 7D)
start Metax, 0.1 ml PO QD x 5d
H/L in am: P continuing to use both hands etc (full use today)
3-21-17 4:45 pm: P doing well, using both hands & normally doing rest of testing today: wounds healing over, continue tx, daily H/L
3-22-17 8:30 AM: Doing well - BAR
3-23-17 8:12: TAKES MEDS, DOING WELL, BAR
3/24/17 Still careful of left hand but able to grip well - BAR
3/27/17 10:00 am - using both hands equally today, no sign of pain when grasping/climbing upon cage - BAR
3-28-17 12:15 pm - resolved, case closed
9/7/17 8:40 am diarrhea in cage - chewing papers at corner closest to chewer. Block line of sight on chewer cage. 1x w/ squash/pumpkin and yogurt & monitor

Exhibit 2



Inspection Report

University Of Massachusetts Amherst
217 Mass Venture Center 100 Venture Way
Hadley, MA 01035

Customer ID: 515

Certificate: 14-R-0036

Site: 001

UNIVERSITY OF MASSACHUSETTS, AMHERST

Type: ROUTINE INSPECTION

Date: 26-JUN-2017

2.38(f)(1) REPEAT

MISCELLANEOUS.

Handling.

***In April 2017 a marmoset escaped from an acclimation device that was being used by investigator staff as described in the IACUC approved protocol. The animal's tail was injured during its recapture by laboratory staff. The facility veterinarian was contacted, immediately assessed the animal, and began treatment. The animal made a full recovery. Upon being notified and in response to this information, the IACUC and AV immediately looked into the incident.

It was determined that investigator staff did not follow the recapture SOP when the NHP escaped from the acclimation device. A method not included in the recapture SOP was used that caused the tail injury in the marmoset.

Per this Section of the Regulations, handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort.

Upon being notified and in response to this incident, the research facility acted promptly and conducted an investigation, reported the incident to OLAW, and swiftly implemented appropriate corrective actions to prevent similar incidents in the future. Corrective actions included but were not limited to providing additional retraining of investigator staff, revision of the recapture SOP, and modifications were made to the acclimation device.

No additional incidents have occurred since these corrective actions were implemented. This item has been appropriately addressed by the research facility.

NOTE -- Inspection conducted 6/26/17 and 6/27/17. Exit briefing held 6/27/17 on-site with facility representatives.

Prepared By: GLADUE PAULA, V M D USDA, APHIS, Animal Care

Date:
27-JUN-2017

Title: VETERINARY MEDICAL OFFICER 1054

Received by Title: ATTENDING VETERINARIAN UMASS AMHERST

Date:
27-JUN-2017



Inspection Report

END OF REPORT

Additional Inspectors

Sismour Naomi, Veterinary Medical Officer

Prepared By: GLADUE PAULA, V M D USDA, APHIS, Animal Care

Date:
27-JUN-2017

Title: VETERINARY MEDICAL OFFICER 1054

Received by Title: ATTENDING VETERINARIAN UMASS AMHERST

Date:
27-JUN-2017



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
515	14-R-0036	001	UNIVERSITY OF MASSACHUSETTS, AMHERST	26-JUN-17

Count	Scientific Name	Common Name
000004	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000032	<i>Callithrix jacchus</i>	COMMON MARMOSET
000014	<i>Macaca mulatta</i>	RHESUS MACAQUE
000128	<i>Mesocricetus auratus</i>	SYRIAN / GOLDEN HAMSTER (COMMON PET/RESEARCH TYPE)
000001	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000179	Total	

Exhibit 3



Inspection Report

University Of Massachusetts Amherst
217 Mass Venture Center 100 Venture Way
Hadley, MA 01035

Customer ID: **515**
Certificate: **14-R-0036**
Site: 001

UNIVERSITY OF MASSACHUSETTS AT AMH

Type: ROUTINE INSPECTION
Date: 09-MAY-2016

2.38(f)(1)

MISCELLANEOUS.

Handling.

1. On 10/2/15 a marmoset underwent a surgical procedure under general anesthesia as per the IACUC approved protocol. Thermal support for the animal was needed during the post-operative recovery period but the heating blanket normally used was not working properly and an alternate method was used to provide thermal support under the direction of the attending veterinarian. The marmoset subsequently sustained thermal injuries that were recognized by veterinary personnel during the immediate post-operative recovery period. The animal was immediately examined by the attending veterinarian and treatment was instituted. The marmoset's condition deteriorated despite the treatment prescribed and the animal died 72 hours later.

Per this Section of the Regulations, handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, behavioral stress, physical harm, or unnecessary discomfort. The use of the alternate method to provide thermal support to the marmoset during post-operative recovery induced thermal injuries that resulted in the death of the marmoset.

Upon being notified and in response to this incident, the research facility acted promptly and conducted an investigation, reported the incident to OLAW and USDA, and swiftly implemented appropriate corrective actions to prevent any future incidents. Additional surgical procedures have taken place since the corrective measures were implemented, and no additional incidents have occurred.

The research facility has taken appropriate steps to address this item and it has been corrected.

3.125(a)

FACILITIES, GENERAL.

Structural strength.

1. Pertaining to the outside pen for 2 adult cows: One of the horizontal boards of the wooden fence that was

Prepared By: PAULA GLADUE, V M D USDA, APHIS, Animal Care

Date:
10-MAY-2016

Title: VETERINARY MEDICAL OFFICER 1054

Received by Title: ATTENDING VETERINARIAN UMASS AMHERST

Date:
10-MAY-2016



Inspection Report

located approximately 3 feet from the ground was damaged. About one third of the length of the board was broken off and on the ground inside the pen. The missing piece of the board created a space in the fence large enough for a cow's head to fit through.

Per this Section of the Regulations, outdoor housing facilities should be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

The research facility needs to repair or replace the broken board to maintain the enclosure fence in good repair and to ensure the structural strength of the pen.

Correct by 5/17/16.

NOTE - Inspection conducted 5/9/16 and 5/10/16. Exit interview held 5/10/16 on-site with facility representatives.

END OF REPORT

Prepared By: PAULA GLADUE, V M D USDA, APHIS, Animal Care

Date:
10-MAY-2016

Title: VETERINARY MEDICAL OFFICER 1054

Received by Title: ATTENDING VETERINARIAN UMASS AMHERST

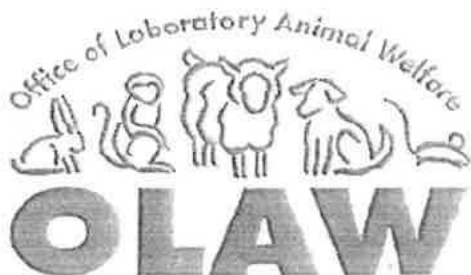
Date:
10-MAY-2016



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
515	14-R-0036	001	UNIVERSITY OF MASSACHUSETTS AT AMH	09-MAY-16

Count	Scientific Name	Common Name
000002	<i>Bos taurus</i>	CATTLE / COW / OX / WATUSI
000028	<i>Callithrix jacchus</i>	COMMON MARMOSET
000017	<i>Macaca mulatta</i>	RHESUS MACAQUE *MALE
000089	<i>Mesocricetus auratus</i>	SYRIAN HAMSTER (GOLDEN HAMSTER)
000002	<i>Oryctolagus cuniculus</i>	EUROPEAN RABBIT
000019	<i>Ovis aries aries</i>	SHEEP INCLUDING ALL DOMESTIC BREEDS
000003	<i>Scalopus aquaticus</i>	EASTERN MOLE
000160	Total	



Initial Report of Noncompliance

By: (b) (6)

Date: 10/19/15

Time: 2:15

Name of Person reporting

Secondary individual

Telephone #:

Fax #:

telephone #

Email:

Name of Institution:

U. Mass Amherst

Assurance number:

A3551

Did incident involve PHS funded activity? Yes

Funding component:

Was funding component contacted (if necessary):

What happened?

Hand warmer used during recovery of marmoset post-op. Thermal Burns. Animal died 3 days later.

Species involved:

Personnel involved:

Dates and times:

Animal deaths:

Surgeon
Yes, one marmoset ♂

Projected plan and schedule for correction/prevention (if known):

Hand warmers no longer used.

Bear-hugger ordered

Other warmers used (Water bath)

Projected submission to OLAW of final report from Institutional Official:

Have notified USDA AC VMO + will copy
USDA regional office.

OFFICE USE ONLY

Case #

Exhibit 4



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

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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) 402-7065

October 22, 2018

Re: Animal Welfare Assurance
A3551-01 [OLAW Case 1A]

Dr., Michael F. Malone
Vice Chancellor for Research and Engagement
University of Massachusetts-Amherst
(b) (6) Whitmore Admin. Building
181 Presidents Drive
Amherst, MA 01003

Dear Dr. Malone,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your October 12, 2018 letter reporting an adverse event at the University of Massachusetts, Amherst. According to the information provided, OLAW understands that a marmoset escaped through a small gap between the transport box and home cage while being transferred after a cognitive testing session and engaged in aggressive behavior with another marmoset who was recovering from surgery, which resulted in the wounding of the escaped marmoset and removal of sutures from the post-surgical animal. Veterinary care was immediately provided to both animals with no additional animal welfare concerns. The animal activity in question was supported by PHS funds.

The corrective actions consisted of modifying the equipment by eliminating the space between the transport box and the home cage and halting cognitive testing until the redesign is complete.

Based on the information provided, OLAW is satisfied that appropriate actions have been taken to investigate, correct and prevent recurrence of the noncompliance. Your prompt and thorough resolution of this matter is commendable and consistent with the PHS Policy philosophy of monitored self-regulation. We appreciate having been informed of this matter and find no cause for further action by this Office.

Sincerely,

(b) (6)

Neera V. Gopee, DVM, PhD, DACLAM, DABT
Animal Welfare Program Specialist
Division of Compliance Oversight
Office of Laboratory Animal Welfare

cc: IACUC Chair

Dr. Robert M. Gibbens, Director Western Sector, USDA, APHIS, AC



**University of Massachusetts
Amherst**

IACUC office
Mass Venture Center, Room 217
100 Venture Way
Hadley, MA 01035

**Office of the Vice Chancellor for Research
& Engagement**

voice: 413.545.0668
fax: 413.577.1728

October 12, 2018

Dr. Brent Morse, D.V.M.
Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
RKL1, Suite 360, MSC 7982
6705 Rockledge Drive
Bethesda, MD 20892-7982

Re: PHS Assurance # D16-00337

Dear Dr. Morse,

In compliance with PHS policy, I am writing to provide a report on an adverse event that occurred on Friday, October 5, 2018. The event pertained to research funded by NIH award # 3R21 AG053841-02S1 and covered by IACUC approved protocol # 2016-0065.

During behavioral testing of marmosets, students were returning an animal to its home cage, using a transport box. As the doors to home cage and transport box were lifted, the cage mate jumped into the transport box. While the students waited for the two animals to move back into the home cage, one and then the other rapidly escaped through a small gap where the box was not flush against the home cage.

This set-up and transfer method has been in use for approximately one year with no prior escapes. No one previously detected the gap being large enough for animals to escape.

When the two animals were loose in the room (less than 5 minutes), one fought through the cage with another animal who was recovering from surgery two

days prior. The escaped animal was wounded and the post-surgical animal had sutures pulled out, but did not suffer additional injuries. Both animals were immediately treated by the veterinary staff and have fully recovered; no study data was lost.

The cause of escape was deemed to be due to the equipment, which is now under modification so there will be no space between the box and the cage. It is common practice for behavior testing and surgical recoveries to all occur in the colony room to reduce stress of separation.

We anticipate the redesign of the equipment to provide a rapid and effective solution to this circumstance. No cognitive testing will occur using this set-up until the box is redesigned.

We look forward to your acknowledgment and will answer any questions you may have.

Sincerely,

(b) (6)

Michael F. Malone
Vice Chancellor for Research & Engagement
Institutional Official

Cc: Jesse Mager, IACUC Chair

(b) (6)

Dr. Betty Goldentyer, D. V. M., Eastern Regional Director, USDA APHIS Animal Care, 920 Main Campus Drive, (b) (4) Raleigh, NC 27606

Morse, Brent (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Friday, October 12, 2018 3:03 PM
To: Vice Chancellor for Research and Engagement; OLAW Division of Compliance Oversight (NIH/OD)
Cc: (b) (6)
Subject: RE: PHS Assurance # D16-00337

Thank you for providing this prompt report. We will send an official response soon.

Best regards, Brent Morse

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

Please note that this message and any of its attachments are intended for the named recipient(s) only and may contain confidential, protected or privileged information that should not be distributed to unauthorized individuals. If you have received this message in error, please contact the sender.

From: Vice Chancellor for Research and Engagement [mailto:vcrc@umass.edu]
Sent: Friday, October 12, 2018 2:26 PM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Cc: (b) (6)
(b) (6) Betty.J.Goldentyer@aphis.usda.gov; Vice Chancellor for Research and Engagement <vcrc@umass.edu>
Subject: PHS Assurance # D16-00337

Dear Dr. Morse,

Please find the attached letter reporting on an adverse event that occurred on Friday, October 5, 2018. We look forward to your acknowledgement and feel free to reach out to answer any questions.

Sincerely,
Mike

Michael F. Malone
Vice Chancellor for Research & Engagement
Ronnie & Eugene Isenberg Distinguished Professor of Engineering
University of Massachusetts Amherst
(b) (6) Assistant: (b) (6)