



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

May 27, 2022

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

Dear Complainant,

Thank you for your correspondence dated May 25, 2022. We are reviewing your concerns and assigned tracking number AC22-731. 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

APHIS-AnimalCare

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wednesday, May 25, 2022 3:13 PM
To: Gibbens, Robert - MRP-APHIS; APHIS-AnimalCare
Subject: [External Email] Investigate Case Western Reserve University

Categories: Complaints

[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
5/25/22
Director, Animal Welfare Operations, USDA/APHIS/AC
Via email: robert.m.gibbens@aphis.usda.gov ; animalcare@usda.gov

Dr. Gibbens,

I am contacting you today to file a complaint against Case Western Reserve University (CWRU 31-R-0028). I am in possession of a report filed by CWRU with the NIH's Office of Laboratory Animal Welfare (OLAW). This report to OLAW admits incidents which would constitute serious violations of the Animal Welfare Act (AWA).

The OLAW Report states: *"Observation, feeding, and cleaning was not performed by husbandry staff in a room with 4 young pigs. . . . The pigs did not have access to food ... the pigs would have experienced significant hunger and discomfort . . ."*

I believe that the time frame for the potential violation is uncertain. One part of the report claims that it may have been for only one day. However, another section of the report discusses the fact that another group of animals was neglected for *"3 to 5 days."*

An indication of the lapse's potential length is that the report states that for the other area of the facility which housed an unregulated species (mice) *"1 cage has a dead decomposed mouse housed with 4 other mice."* Some sources indicate that mice can survive for as much as four days without food. Decomposition of a mouse's body doesn't happen in an hour, especially in a controlled environment. So, this is another indication that the neglect of all of these animals may have been for a longer period than the report discusses.

The point is that the mice were left for an extended period without care of any kind, as stated *"3 to 5 days,"* or possibly more. It is possible that the length of time the pigs were left unattended could be misreported to avoid serious AWA violations/enforcement actions, which do not exist for mice.

This incident may violate *Sec. 3.129 Feeding. (a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.*

This may also violate *Sec. 3.131 Sanitation. (a) Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.*

This incident may also violate *Sec. 2.33 Attending veterinarian and adequate veterinary care. (b) Each research facility shall establish and maintain programs of adequate veterinary care that include: (3) Daily observation of all animals to assess their health and well-being;*

The total failure to feed, observe, or clean regarding animals, potentially for several days would not only subject animals to the stress of hunger, but could also increase the severity of any pathological conditions which existed in these animals.

And, even though the other species which was ignored by CWRU staff was not a regulated species, just the fact that the neglect occurred indicates that this is a wider problem, and though no other species were reported to have been impacted, the potential for other species to have been neglected must be addressed, as well. Therefore, it is important to perform a complete investigation to discover any additional incidents of neglect which have occurred.

I am hereby filing a complaint against Case Western Reserve University (CWRU 31-R-0028) for violation(s) of *Sec. 3.129 Feeding, Sec. 3.131 Sanitation*, and *Sec. 2.33 Attending veterinarian and adequate veterinary care*.

I must insist that your office immediately launch an investigation of this facility, and that at the conclusion of the investigation you issue a fine of \$10,000 per infraction/per animal.

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 OLAW Report

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

