



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC22-698	Date Entered: May 16, 2022	Processed By: Sean Rehurek
Referred To: KATHLEEN GARLAND		Reply Due: June 15, 2022
<b>Facility or Person Complaint Filed Against</b>		
Name: University of California-Berkeley	Customer No.: 9191	License No.:
Address: 119 CALIFORNIA HALL		Email Address:
City: BERKELEY	State: CA	Phone No.: (b) (6), (b) (7)(C)
<b>Complainant Information</b>		
(b) (6), (b) (7)(C), (b) (7)(D)		Organization: (b) (6), (b) (7)(C)
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.		
<b>Results:</b> Complaint covers four incidents that were reported to OLAW by UC Berkeley: - 11/5/2019 - a macaque was given an expired analgesic - 8/17, 8/19, and 8/19/2021 - a macaque was given an expired analgesic - 6/22 and 6/30/2020 - guinea pig deaths related to pilocarpine - 7/5/2020 - strangulation death of a macaque  An investigation was conducted by USDA APHIS Animal Care veterinary medical officers on campus to review these incidents. All of these incidents had been previously reviewed and addressed by USDA APHIS Animal Care during regular unannounced inspections and following self-reporting from the attending veterinarian. USDA APHIS Animal Care will continue to closely monitor animal welfare at this institution.		
Application Kit Provided: Yes:      No:		
Inspector: PAMELA SMITH		Date: May 20, 2022
Reviewed By: KATHLEEN GARLAND		Date: May 20, 2022



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 16, 2022

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

Dear Complainant,

Thank you for your correspondence dated May 12, 2022. We are reviewing your concerns and assigned tracking number AC22-698. 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



May 12, 2022

Robert M. Gibbens, D.V.M.  
Director, Western Region  
USDA/APHIS/Animal Care

Via e-mail: [Robert.M.Gibbens@usda.gov](mailto:Robert.M.Gibbens@usda.gov)

Dear Dr. Gibbens:

I'm writing on behalf of People for the Ethical Treatment of Animals U.S.—PETA entities have more than 9 million members and supporters globally—to request that the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) investigate possible violations of the federal Animal Welfare Act (AWA) and the associated Animal Welfare Regulations (AWR) in relation to the use and treatment of nonhuman primates at the University of California–Berkeley (UC-Berkeley; USDA registration no. 93-R-0432).

According to records obtained by PETA through the Freedom of Information Act, UC-Berkeley reported 12 violations of federal animal welfare guidelines in its laboratories to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW) from November 2019 to November 2021. It appears to us that four of these reported incidents, listed below, also represent violations of the AWRs.

We believe that the treatment of the monkeys and guinea pigs at UC-Berkeley described in the incidents detailed below is out of compliance with several veterinary-care and humane-handling standards of the AWRs.

#### **Incidents Involving Expired Analgesic Administered to Monkeys**

- In a letter to OLAW, UC-Berkeley reported that on November 5, 2019, a macaque monkey received an injectable dose of expired analgesic following a surgical dura scrape procedure.
- In a letter to OLAW, the university reported that on three separate occasions—August 17, 18, and 19, 2021—veterinary staff from the Office for Laboratory Animal Care administered expired oral analgesic to a monkey.

Section 2.33 of the AWRs, "Attending Veterinarian and Adequate Veterinary Care," states the following:

(b) Each research facility shall establish and maintain programs of adequate veterinary care that include ... (5) Adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.

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](mailto:Info@peta.org)  
[PETA.org](http://PETA.org)

#### **Entities:**

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



Through its neglect, UC-Berkeley failed to provide animals with adequate post-procedural care as required by Section 2.33(b)(5).

#### **Incident Involving Deaths of Guinea Pigs Following an Adverse Response to an Agent**

In a letter to OLAW, the university reported that on June 22 and 30, 2020, two guinea pigs died during a surgical procedure after receiving pilocarpine eye drops with a suspected fatal quantity of drugs while under anesthesia.

Section 2.33 of the AWRs, “Attending Veterinarian and Adequate Veterinary Care,” states the following:

- (b) Each research facility shall establish and maintain programs of adequate veterinary care that include ... (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

UC-Berkeley’s failure to give adequate consideration to whether guinea pigs would tolerate the dose of drugs administered resulted in severe negative clinical responses, leading to the death of two guinea pigs. Through its neglect, UC-Berkeley failed to prevent the lethal response as required by Section 2.33(b)(2).

#### **Incident Involving Strangulation of a Monkey**

In a letter to OLAW, the university reported that on July 5, 2020, a young monkey was found asphyxiated and deceased after their neck became entrapped in a loop of the chain used to anchor the caging.

Section 3.75, “Housing Facilities, General,” of the AWRs states the following:

- (a) Housing facilities for nonhuman primates must be designed and constructed so that they are structurally sound for the species of nonhuman primates housed in them. They must be kept in good repair, and they must protect the animals from injury.

Through its neglect, UC-Berkeley failed to protect the monkey from injury as required by Section 3.75(a), which resulted in the animal’s death.

As you know, UC-Berkeley has a long history of chronic and systemic violations of the AWA in its laboratories. On a site visit in July 2021, your agency reported that a monkey had been on severe water restriction for an entire month, against approved protocol. Two bats died when they were left inside a transport enclosure and weren’t discovered until the following week, and a bat in the school’s laboratory was found dead in an enclosure and disposed of by a student before veterinarians could determine a cause of death. Another bat was injured during a monthly colony catch and was unable to fly. In August 2013, your agency fined UC-Berkeley following the deaths from dehydration of five voles who had been locked inside cages without water in the university’s laboratories.

In addition, UC-Berkeley has failed to comply with federal animal welfare guidelines. Although these incidents do not fall under the USDA’s purview, they offer further evidence of the problems in

UC-Berkeley's laboratories. For example, 30 mice in a tumor study were not appropriately monitored for tumor growth and exceeded the humane endpoint for euthanasia. Seven young mice were found alive in a freezer after experimenters violated euthanasia protocol. Four live mice were found in stacked cages that were ready to be put through the cage washer. Experimenters also performed craniotomies on mice and failed to provide them with post-operative care, which led to their deaths.

The institution's negligence and culture of disregard for basic animal welfare must not continue. We urge you to investigate the alarming failures at this facility and take swift and decisive action that includes citing UC-Berkeley for violations of the AWA.

Thank you for your consideration of this important issue. You can contact me at (b) (6), (b) (7)(C), (b) (7)(D) or (b) (6), (b) (7)(C), (b) (7)(D)

Sincerely

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