



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE  
NATIONAL INSTITUTES OF HEALTH

FOR U.S. 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) 480-3377

August 1, 2022

Re: Animal Welfare Assurance  
#A3083-01 [OLAW Case 30]

Dr. Robert Rubin  
President and Chief Executive Officer  
Lovelace Biomedical Research Institute  
2425 Ridgecrest Drive, SE  
Albuquerque, NM 87108

Dear Dr. Rubin,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your July 27, 2022 letter responding to our request for information regarding allegations from People for the Ethical Treatment of Animals (PETA) against Lovelace Respiratory Research Institute. It is understood that the USDA citation referenced in the letter from PETA did not involve any studies that are PHS funded. Your institution does not have any PHS funded dog studies. The IACUC determined the issue to not be programmatic. No animals were impacted by the issue and respective corrective actions have been put in place.

OLAW appreciates your cooperation and assistance in this matter. The investigation of this matter by the Lovelace Respiratory Research Institute was consistent with the PHS Policy and your commitments as stated in your Animal Welfare Assurance with this office. We appreciate your open communication with OLAW and find no need for further action by this office regarding this matter. Thank you.

Sincerely,

**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: 2022.08.01 10:36:54  
-04'00'

cc: IACUC contact

## McCoy, Devora (NIH/OD) [E]

---

**From:** McCoy, Devora (NIH/OD) [E]  
**Sent:** Monday, August 1, 2022 10:57 AM  
**To:** rwrubin@lovelacebiomedical.org  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD); Brower, Jeremy  
**Subject:** OLAW Case A3083-3O  
**Attachments:** A3083-3O.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning Dr. Rubin,

Attached please find Dr. Morse's final response to OLAW Case A3083-3O. If you have any questions, feel free to contact us by phone or by e-mail.

Best,  
Devora

Devora McCoy, BS, MBA  
Program Analyst  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health  
301-435-2390



2425 Ridgcrest Drive SE  
Albuquerque, NM 87108  
voice 505 348 9400  
fax 505 348 8567  
www.Lovelacebiomedical.org

July 27<sup>th</sup>, 2022

Assurance A3083-01

Brent Morse, DVM,  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institute of Health  
Rockledge 1, Suite 360, MSC 7982  
6705 Rockledge Drive  
Bethesda, MD 20892-7982

Dear Dr. Morse,

We thank you for your correspondence regarding Animal Welfare Assurance #A3083-01 OLAW Case 30. The USDA citation referenced in the attached letter from People for the Ethical Treatment of Animals did not involve any studies that are PHS funded. All dogs housed in that kennel are either internally or commercially funded. We do not have any PHS funded dog studies at the institute so there was no potential impact to PHS/NSF/DHHS funded activity and this was not determined to be programmatic by the IACUC. No animals were impacted by the issue and respective corrective actions have been put in place.

Sincerely,

(b) (6)

Dr. Robert W. Rubin, PhD  
CEO  
Institutional Official  
Lovelace Biomedical

## McCoy, Devora (NIH/OD) [E]

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**From:** [REDACTED] (b) (6)  
**Sent:** Wednesday, July 27, 2022 3:57 PM  
**To:** Rubin, Robert; McCoy, Devora (NIH/OD) [E]  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD); Brower, Jeremy; [REDACTED] (b) (6); rcooper  
**Subject:** [EXTERNAL] RE: OLAW Investigative Case A3083-3O  
**Attachments:** OLAW\_Case 3O Signed.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Devora,

Please find attached our response regarding OLAW case 3O. Feel free to reach out if you have any additional questions or concerns.

Warm regards,

(b) (6)

**McCoy, Devora (NIH/OD) [E]**

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Wednesday, July 27, 2022 4:08 PM  
**To:** (b) (6)  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: OLAW Investigative Case A3083-30

Good afternoon (b) (6)

Thank you for sending this additional information. We will review it and send a response soon.

Best,  
Devora

Devora McCoy, BS, MBA  
Program Analyst  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health  
301-435-2390

**From:** (b) (6)  
**Sent:** Wednesday, July 27, 2022 3:57 PM  
**To:** Rubin, Robert <rwrubin@lovelacebiomedical.org>; McCoy, Devora (NIH/OD) [E] <devora.mccoy@nih.gov>  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>; Brower, Jeremy <jbrower@lovelacebiomedical.org>; (b) (6) rcooper <rcooper@lovelacebiomedical.org>  
**Subject:** [EXTERNAL] RE: OLAW Investigative Case A3083-30

Good afternoon Devora,

Please find attached our response regarding OLAW case 30. Feel free to reach out if you have any additional questions or concerns.

Warm regards,

(b) (6)





DEPARTMENT OF HEALTH & HUMAN SERVICES

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Telephone: (301) 496-7163  
Facsimile: (301) 480-3377

July 27, 2022

Re: Animal Welfare Assurance  
#A3083-01 [OLAW Case 30]

Dr. Robert Rubin  
President and Chief Executive Officer  
Lovelace Biomedical Research Institute  
2425 Ridgecrest Drive, SE  
Albuquerque, NM 87108

Dear Dr. Rubin,

The Office of Laboratory Animal Welfare (OLAW) has received from People for the Ethical Treatment of Animals (PETA) an allegation of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at Lovelace Respiratory Research Institute regarding a USDA APHIS Inspection Report dated June 13, 2022 (see enclosed). It is possible that such an occurrence should have been reported directly to our office as required by the PHS Policy and per your commitment to do so in your Animal Welfare Assurance.

Please instruct the IACUC, avoiding any conflict of interest, to send a report, signed by you as the Institutional Official, to the following OLAW email inbox: [OLAWdco@od.nih.gov](mailto:OLAWdco@od.nih.gov) and provide a description of the occurrence and all corrective/preventive actions. Please have them consider if the occurrence represented programmatic failures. Please also include information regarding any PHS/NSF/DHHS funding of activities related to the occurrences, including grant or contract numbers. If other reportable non-compliances have occurred during this period, please also include them with the report.

We appreciate your cooperation and ask that you please provide the requested information by **September 1, 2022**. Please reference Case A3083-30 in your reply. Do not hesitate to contact me if I can be of assistance at [morseb@mail.nih.gov](mailto:morseb@mail.nih.gov).

Sincerely,

**Brent C. Morse** - Digitally signed by Brent C.  
Morse -S  
Date: 2022.07.27 09:08:11 -04'00'

S  
Brent C. Morse, DVM  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare

cc: IACUC contact  
Encl

**McCoy, Devora (NIH/OD) [E]**

---

**From:** McCoy, Devora (NIH/OD) [E]  
**Sent:** Wednesday, July 27, 2022 9:20 AM  
**To:** rwrubin@lovelacebiomedical.org  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD); jbrower@lovelacebiomedical.org  
**Subject:** OLAW Investigative Case A3083-3O  
**Attachments:** 1836\_001.pdf; Rubin Lovelace 3083-3O.pdf

Good morning Dr. Rubin,

Please see the attached investigative report along with supplemental information from Dr. Morse regarding allegations of noncompliance. If you have any questions, feel free to contact us by phone or by e-mail.

Best,  
Devora

Devora McCoy, BS, MBA  
Program Analyst  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health  
301-435-2390



July 11, 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](mailto:MorseB@mail.nih.gov)

Dear Dr. Morse:

We believe that the federal Animal Welfare Act violation documented in the attached U.S. Department of Agriculture inspection report posted against Lovelace Biomedical Research Institute constitutes a violation of the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy). Last year, Lovelace received more than \$4 million in grants from the National Institutes of Health (NIH), and additional millions in contracts with federal agencies. An estimated 47% of these funds support projects that involve 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 report.

Thank you for your time and consideration.

Sincerely,

(b) (4), (b) (6)

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)

EnBHG2

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



## Inspection Report

LOVELACE BIOMEDICAL RESEARCH INSTITUTE  
2425 RIDGECREST S E  
ALBUQUERQUE, NM 87108

Customer ID: 1072

Certificate: 85-R-0003

Site: 001

LOVELACE BIOMEDICAL  
RESEARCH INSTITUTE

Type: ROUTINE INSPECTION

Date: 08-JUN-2022

### 3.3(a)

#### Sheltered housing facilities.

Thirty-nine adult beagle dogs were housed in "Kennel J," a sheltered housing facility in which the temperature inside the sheltered area exceeded 29.5 degrees Celsius for approximately six hours. The temperature was measured and recorded by the automated environmental monitoring system as remaining within the range of 29.6 degrees Celsius and 30.9 degrees Celsius with an average temperature of 30.3 degrees Celsius between the hours of 4:45pm and 10:45pm on June 7, 2022.

Dogs that are hot may experience discomfort, lethargy, or stress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot weather. The licensee must provide additional / alternate cooling mechanisms or make adjustments that adequately provide for animal comfort and well-being and ensure ambient temperatures inside the sheltered areas do not exceed 29.5 degrees Celsius for more than four consecutive hours when dogs are present.

Correct by June 17, 2022

This inspection and exit interview were conducted with facility representatives.

Prepared By:

Title:

(b) (6)

Date:

13-JUN-2022

Received by Title: Facility Representative

Date:

13-JUN-2022



United States Department of Agriculture  
Animal and Plant Health Inspection Service

Customer: 1072  
Inspection Date: 08-Jun-2022

**Species Inspected**

Cust No	Cert No	Site	Site Name	Inspection
1072	85-R-0003	001	LOVELACE BIOMEDICAL RESEARCH INSTITUTE	08-JUN-2022

Count	Scientific Name	Common Name
000243	<i>Canis lupus familiaris</i>	DOG ADULT
000304	<i>Macaca fascicularis</i>	CRAB-EATING MACAQUE / CYNOMOLGUS MONKEY
000014	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000071	<i>Chlorocebus aethiops</i>	AFRICAN GREEN MONKEY / GRIVET
000013	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000645	<b>Total</b>	

**Morse, Brent (NIH/OD) [E]**

---

**From:** Morse, Brent (NIH/OD) [E]  
**Sent:** Wednesday, July 13, 2022 7:23 AM  
**To:** (b) (6)  
**Subject:** RE: Concerns re operations at Lovelace Biomedical:

Dear (b) (6)

OLAW acknowledges receipt of your email and attached documents. We will investigate the matter and take action as required by the PHS Policy.

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:** Monday, July 11, 2022 5:45 PM  
**To:** Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>  
**Subject:** [EXTERNAL] Concerns re operations at Lovelace Biomedical:

Dear Dr. Morse,

Please see attached a letter from PETA regarding treatment of animals at Lovelace Biomedical Research Institute, and violations documented by the U.S. Department of Agriculture.

Thank you for your consideration.

Sincerely,

(b) (6)

**Morse, Brent (NIH/OD) [E]**

A3083-30

**From:** [REDACTED] (b) (6)  
**Sent:** Saturday, July 16, 2022 5:17 PM  
**To:** Morse, Brent (NIH/OD) [E]  
**Subject:** [EXTERNAL] RE: Concerns re operations at Lovelace Biomedical:  
  
**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Dr. Morse,

Thank you very much for your kind acknowledgement of our letter of concern.

Kind regards,

[REDACTED] (b) (6)

**From:** Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>  
**Sent:** Wednesday, July 13, 2022 7:23 AM  
**To:** [REDACTED] (b) (6)  
**Subject:** RE: Concerns re operations at Lovelace Biomedical:

Dear [REDACTED] (b) (6)

OLAW acknowledges receipt of your email and attached documents. We will investigate the matter and take action as required by the PHS Policy.

Sincerely, Brent Morse

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

**From:** [REDACTED] (b) (6)  
**Sent:** Monday, July 11, 2022 5:45 PM  
**To:** Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>  
**Subject:** [EXTERNAL] Concerns re operations at Lovelace Biomedical:

Dear Dr. Morse,

Please see attached a letter from PETA regarding treatment of animals at Lovelace Biomedical Research Institute, and violations documented by the U.S. Department of Agriculture.

Thank you for your consideration.

Sincerely,

(b) (6)



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