



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

February 1, 2023

Re: Animal Welfare Assurance
A3125-01 [OLAW Case X]

MEMORANDUM FOR RECORD

The Office of Laboratory Animal Welfare (OLAW) has determined the following regarding the incidents and allegations referenced in the January 24, 2023 letter from (b) (6) of People for the Ethical Treatment of Animals (PETA). Regarding the 8 December 2022 USDA inspection report concerning an incident involving a nonhuman primate at the Massachusetts Institute of Technology, the incident was properly self-reported by the institution to OLAW and USDA and the corrective measures were accepted by OLAW. This case was closed by OLAW on December 14, 2022 and no further action will be taken.

Signed,

(b) (6)

Axel Wolff, MS, DVM
Deputy Director, Office of Laboratory Animal Welfare

A3125-X

AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF ALL ANIMALS

PETA



January 24, 2023

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 posted against Massachusetts Institute of Technology (MIT; Animal Welfare Assurance D16-00078) further constitute violations of the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy). Last year, MIT received nearly \$118 million 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 incident outlined in the attached report.

Thank you for your time and consideration.

Sincerely,

(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
PETA.org

Entities:

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

McCoy, Devora (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Monday, January 30, 2023 7:51 PM
To: McCoy, Devora (NIH/OD) [E]
Subject: FW: Concerns regarding an incident involving a rhesus macaque at MIT (A3125-X)

From: Morse, Brent (NIH/OD) [E]
Sent: Monday, January 30, 2023 9:37 AM
To: (b) (6)
Subject: RE: Concerns regarding an incident involving a rhesus macaque at MIT:

Hello Dr. Chandna,

OLAW has received your email regarding the concerns at MIT, along with the two attachments. We will investigate and take any actions 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: Tuesday, January 24, 2023 6:07 PM
To: Morse, Brent (NIH/OD) [E] <morseb@mail.nih.gov>
Subject: [EXTERNAL] Concerns regarding an incident involving a rhesus macaque at MIT:

Dear Dr. Morse:

Please find attached a letter from PETA regarding animal welfare violations at MIT. It appears to us that the incident documented in the USDA's inspection report also constitutes a violation of PHS Policy, and we would appreciate it if your office would look into the matter.

Thank you for your time and consideration.

With kindest regards,

(b) (6)







Inspection Report

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
77 MASSACHUSETTS AVENUE, 3-234
CAMBRIDGE, MA 02139

Customer ID: 114

Certificate: 14-R-0018

Site: 001

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY

Type: FOCUSED INSPECTION

Date: 08-DEC-2022

2.31(c)(7)

Institutional Animal Care and Use Committee (IACUC).

On 9/18/2022, a rhesus macaque enrolled on protocol #0222-010-25 was restrained in a primate chair and transported to the lab for an experimental session. The investigator working with the macaque did not monitor the animal continuously; he subsequently forgot that the session was running and left the facility for the evening. The IACUC approved protocol states that experimental sessions are limited to a maximum length of 8 hours a day and that restrained animals are monitored continuously for physical and mental well-being.

Animal care staff noticed that the animal was not present in its enclosure the morning of 9/19/2022 and contacted the investigator immediately; he returned the animal to its home enclosure. Deviation from the IACUC approved monitoring practices and increasing the duration of the experimental session constituted significant changes to ongoing activities that did not undergo IACUC review and approval. Animal use activities must be conducted in accordance with the IACUC approved proposal and any changes to ongoing activities involving animals must undergo IACUC review and approval prior to implementation.

This incident was voluntarily reported to USDA and corrective measures had been implemented at the time of inspection.

Prepared By:

Title:

(b) (6)

Date:
16-DEC-2022

Received by Title: Attending Veterinarian

Date:
16-DEC-2022



Inspection Report

2.38(f)(1)

Repeat

Miscellaneous.

A rhesus macaque was restrained in a primate chair from 1:50pm on 9/18/2022 until approximately 8:30am on 9/19/2022. The animal was able to move his head and limbs within the device, but ultimately experienced continuous physical restraint for more than 18 hours. This animal was not handled as carefully as possible; failure to return the animal to its home enclosure at the conclusion of the experimental session resulted in the prolonged restraint of a conscious animal. Animals must be handled as expeditiously and carefully as possible in a manner that does not cause behavioral stress or unnecessary discomfort.

This incident was voluntarily reported to USDA and corrective measures had been implemented at the time of inspection.

This inspection and exit interview were conducted with facility representatives.

Prepared By:

Title:



(b) (6)

Date:
16-DEC-2022

Received by Title: Attending Veterinarian

Date:
16-DEC-2022



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 114
Inspection Date: 08-Dec-2022

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
114	14-R-0018	001	MASSACHUSETTS INSTITUTE OF TECHNOLOGY	08-DEC-2022

Count	Scientific Name	Common Name
000000	NONE	NONE
000000	Total	