ANIMAL WELFARE COMPLAINT

Complaint No.	Date Entered:	Processed By:
AC22-1079	September 2, 2022	Jeremy Flockhart

Referred To:	Reply Due:
Jeffrey Shepherd	October 17, 2022

Facility or Person Complaint Filed Against

Name:	Customer No.:	License No.:
UNIVERSITY OF PITTSBURGH	289	

Address:	Email Address:
3500 Terrace Street	

City:	State:	Phone No.:
Pittsburgh	PA	

Complainant Information

Name:	Organization:
(b) (6), (b) (7)(C), (b) (7)(D)	

Address:	Email Address:

City:	State:	Phone No.:

How was the Complaint received?
Email

Details of Complaint:
See Files

Results:
After review of the complaint and the facility inspection history, it was determined that the complainant's concerns have all been investigated and addressed during previous inspections.
The additional animals (mice, rats, and amphibians) within this complaint are not covered under the Animal Welfare Act (AWA) and are not subject to regulation by Animal Care.
We will continue to monitor and inspect this facility for compliance through unannounced inspections to ensure the AWA- regulated animals are wholly protected by Federal Law.

Application Kit Provided:
Yes: No:

Inspector:	Date:
AMY NOOYEN	September 9, 2022
Reviewed By:	Date:
Jeffrey Shepherd	September 12, 2022

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Uploaded to Animal Research Laboratory Overview (ARLO) on 02/15/2024

United States Department of Agriculture

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

September 2, 2022

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

Dear Complainant,

Thank you for your correspondence dated August 23, 2022. We are reviewing your concerns and assigned tracking number AC22-1079. 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

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AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF ALL ANIMALS

PETA

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

August 23, 2022

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

Via e-mail: 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 APHIS investigate possible violations of the federal Animal Welfare Act (AWA) and the associated Animal Welfare Regulations (AWR) related to the use and treatment of nonhuman primates, pigs, and rabbits at the University of Pittsburgh (Pitt; USDA Certificate No. 23-R-0016).

According to records obtained by PETA U.S. through the Freedom of Information Act, Pitt reported 74 violations of animal welfare guidelines in its laboratories to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW) from 2017 to 2022. It appears to us that **six** of these reported incidents, listed below, also represent violations of the AWRs.

We believe that the treatment of the nonhuman primates, pigs, and rabbits at Pitt described in the following detailed incidents is out of compliance with the veterinary care and housing standards of the AWRs.

1. **Incident Involving a Rabbit's Fall**
   In a letter to OLAW, the university reported that in May 2018, a rabbit was discovered on the floor beneath his or her primary enclosure and had sustained a bruised lip after falling out of an unlocked cage.

   Section 3.53(a)(1) of the AWRs states the following:

   > **General.** Primary enclosures shall be structurally sound and maintained in good repair to protect the rabbits from injury, to contain them, and to keep predators out.

   However, Pitt failed to maintain enclosures as required by Section 3.53(a)(1), which resulted in injury to this rabbit.

2. **Incident Involving Entanglement Injuries to Two Nonhuman Primates**

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

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In a letter to OLAW, the university reported that in April 2019, two nonhuman primates (NHP) became entangled via their chain collars and both animals were found in severe respiratory distress. One died before they could be disentangled, and the other sustained bruising to the face and minor injuries and had to be treated for three days.

Section 2.33(b)(2) of the AWRs states the following:

> **Attending veterinarian and adequate veterinary care.** 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.

However, Pitt failed to prevent injuries to these two NHPs as required by Section 2.33(b)(2), which resulted in severe adverse clinical outcomes and the death of one of them.

3. **Incidents Involving Severe Injuries to Two Marmoset Monkeys**
In a letter to OLAW, the university reported that two incidents occurred in August 2019: First, a marmoset sustained a broken jaw and facial swelling after a broken hammock clip pierced his mouth and lower jaw. He was euthanized as a result. Second, a marmoset escaped from a social wheel and injured his right hand, resulting in the amputation of the third and fourth digits.

Section 3.80(a)(2)(i) of the AWRs states the following:

> Primary enclosures for nonhuman primates must meet the following minimum requirements: Have no sharp points or edges that could injure the nonhuman primates.

And Section 3.81(b) of the AWRs states the following:

> The physical environment in the primary enclosures must be enriched by providing means of expressing noninjurious species-typical activities.

However, by not replacing the broken hammock clip, Pitt failed to implement safety measures in the construction of secure housing with no sharp points, as required by Section 3.80(a)(2)(i). And in its placement of the social wheel, the school failed to ensure that the "enrichment" device would provide the NHPs with a means of expressing "noninjurious" social behavior.

4. **Incidents Involving Fight Injuries to NHPs**
In a letter to OLAW, the university reported that in January 2020, an NHP "was injured by another NHP due to an unsecured floor pan. A latch to secure the floor pan was not put in the correct position following cage sanitization, and when the husbandry technician removed the floor pan and latch[ed] the animal in the lower enclosure, [the animal] was able to access the animal above, resulting in a fight. One of the animals received a laceration to the foot that was treated by a veterinarian." That animal was then provided with analgesics.

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Section 3.75(a) of the AWRs states the following:

> **Structure: construction.** Housing facilities for nonhuman primates must be designed and constructed so they are structurally sound for the species of nonhuman primates housed in them. They must be in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

However, through its neglect, Pitt failed to restrict other animals' entry and protect animals from injury, as required by Section 3.75(a).

5. **Incidents Involving Neglected Anemia in Four NHPs**
In a letter to OLAW, the university reported that in February 2019, several serious violations occurred: (1) Blood draws from NHPs exceeded the limit specified in the protocol of 12 ml/kg/month, which resulted in four NHPs becoming anemic. (2) "Routine aggressive fluid and nutritional support was not administered regularly post-infection," contrary to recovery procedures in the protocol. (3) Weekly and monthly evaluations of complete blood cell results weren't conducted, the animals' anemic states weren't detected, and blood draw frequency wasn't altered, leading to severe anemia. (4) Animal weights weren't evaluated and monthly physical exams weren't conducted as per protocol, which resulted in a lack of monitoring of the condition. (5) Daily multivitamins with iron weren't given to prevent anemia as per protocol.

Section 2.33(b)(2) of the AWRs states the following:

> **Attending veterinarian and adequate veterinary care.** 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.

However, Pitt failed to follow the approved protocol for venipuncture, medical and nutritional support, and monitoring, which resulted in severe adverse clinical outcomes for four NHPs. Through its neglect, the school failed to prevent injury to NHPs, as required by Section 2.33(b)(2).

6. **Incidents Involving Inadequate Analgesia in Pigs**
In a letter to OLAW, the university reported that in May 2018, two pigs were subjected to burns and then biopsy procedures without receiving analgesics as per protocol.

Section 2.33(b)(4) of the AWRs states the following:

> **Attending veterinarian and adequate veterinary care.** Each research facility shall establish and maintain programs of adequate veterinary care that include: … (4) Guidance to principal investigators and other personnel

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involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia.

However, Pitt failed to provide pigs with the approved post-operative analgesic, as required by Section 2.32(a)(c)(3).

In addition, Pitt has failed to comply with numerous federal animal welfare guidelines. While not all of these incidents fall under the USDA's purview, they offer further evidence of the problems in the school's laboratories. Among other serious documented issues, its experimenters failed to provide more than 100 animals used in painful, invasive procedures with adequate pain relief. For example, mice and rats endured spinal cord surgery, pancreatic tumor surgery, lung transplant surgery, brain surgery, tail clipping, and the implantation of pumps into their backs—all without pain relief as required in the approved protocol.

On at least six occasions, experimenters failed to euthanize rats, mice, and their pups properly and threw them into carcass bags or coolers—while they were still alive. In one incident, seven mouse pups were discarded and later found alive in a bag with several dead adult mice. Experimenters violated protocols and caused numerous animals to suffer beyond the established humane endpoints. For example, lethargic mice held in several enclosures were discovered to be in "obvious distress," suffering from enormous tumors and showing low bodyweight after staff failed to follow the approved protocol for humane endpoints. A student failed to follow veterinary orders to euthanize three very ill mice whom experimenters had infected with a fungus. The mice were found dead in their enclosures. On three occasions, the temperature in the room where animals were housed dropped so low that several mice and rats died and a litter of mouse pups was cannibalized by their mother—likely because of cold stress.

Experimenters repeatedly failed to provide numerous animals with even the most basic of necessities—including food, water, oxygen, and light. The lights in a room where mice were held failed over a holiday break, and they were left in total darkness for five days. Staff also failed to perform daily health checks during this time. In 25 incidents, more than 50 mice died of starvation or dehydration, and many more suffered because they weren't given access to food or water. In two incidents, 12 rats died from a lack of oxygen in the experimental hypoxia chamber they were held in and 11 frogs developed red leg infections and were killed because they didn't receive fresh water in their tanks for two days. The water in one tank dried up completely.

In another incident, three mice were euthanized after an experimenter injected them with an unapproved substance. On two occasions, 15 live mice were subjected to invasive procedures, including tumor removal surgery and drug injections that were only approved post-mortem. An experimenter performed multiple major surgeries (e.g., hind-limb transplant) on a rat, even though they were approved to conduct only one surgery, and failed to provide that animal with appropriate pain relief.

The institution's negligence and culture of disregard for basic animal welfare must not be allowed to continue. We urge you to investigate the alarming failures at this facility and take swift and decisive action, including citing Pitt for violations of the AWA.

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Thank you for your consideration of this important issue. You can contact me at [redacted] or [redacted].

Sincerely,

[redacted]

[redacted]

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APHIS-AnimalCare

From: Gibbens, Robert - MRP-APHIS
Sent: Tuesday, August 23, 2022 1:55 PM
To: APHIS-AnimalCare; Whisenton, Katie M - MRP-APHIS
Subject: FW: [External Email]Please take action against the University of Pittsburgh for animal welfare violations
Attachments: Letter from PETA to USDA re Pitt 8-23-2022.pdf

Importance: High

Categories: Complaints

Please log in and handle as a complaint. Thanks.....Bob

From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Tuesday, August 23, 2022 8:38 AM
To: Gibbens, Robert - MRP-APHIS <robert.m.gibbens@usda.gov>
Subject: [External Email]Please take action against the University of Pittsburgh for animal welfare violations
Importance: High

[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

August 23, 2022

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Animal Care, APHIS, USDA

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Sincerely,

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

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

2023-APHIS-03057-F_000052
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