



# USDA-APHIS-Animal Care

24-00260-F-000090



ANIMAL WELFARE COMPLAINT			
Complaint No. AC23-0839	Date Entered: August 2, 2023	Processed By: Michelle White	
Referred To: Jeffrey Shepherd		Reply Due: September 16, 2023	
<b>Facility or Person Complaint Filed Against</b>			
Name: Pennsylvania State University		Customer No.: 306	License No.:
Address: OFFICE FOR RESEARCH PROTECTIONS THE 330 BUILDING SUITE 205		Email Address:	
City: UNIVERSITY PARK	State: PA	Phone No.: (814) 865-1775	
<b>Complainant Information</b>			
Name: (b) (6), (b) (7)(C), (b) (7)(D)		Organization: SAEN	
Address:		Email Address:	
City:	State:	Phone No.:	
How was the Complaint received? Email			
Details of Complaint: See attached			
Results: A complaint was received on 7/31/2023 regarding a research protocol.  On Wednesday, 8/16/2023, a focused inspection was completed at Pennsylvania State University Hershey Medical Campus in Hershey, PA. The facility was cited for a discrepancy of number of animals used in a protocol. This was documented as a non-compliant item on the 8/16/2023 inspection report. Corrective actions had been implemented at the time of the inspection.  Animal Care 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: Kira Wagner		Date: August 24, 2023	
Reviewed By: Jeffrey Shepherd		Date: August 29, 2023	



## 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

August 2, 2023

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

Dear Complainant,

Thank you for your correspondence dated July 31, 2023. We are reviewing your concerns and assigned tracking number AC23-0839. 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,

A handwritten signature in black ink that reads "Roxanne / Mullaney".

Dr. Roxanne Mullaney D.V.M.  
Acting Deputy Administrator  
USDA, APHIS, Animal Care

**From:** [APHIS-AnimalCare](#)  
**To:** [MRP.APHIS.AC.Complaints](#)  
**Subject:** FW: [External Email]Prosecute Penn State University  
**Date:** Tuesday, August 1, 2023 3:29:34 PM

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23-R-0021 from SAEN

[Pennsylvania State University | Account | Salesforce](#)

— Emily

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**From:** saen@cinci.rr.com <saen@cinci.rr.com>  
**Sent:** Monday, July 31, 2023 3:13 PM  
**To:** Gibbens, Robert - MRP-APHIS <robert.m.gibbens@usda.gov>; APHIS-AnimalCare <AnimalCare@usda.gov>  
**Subject:** [External Email]Prosecute Penn State University

**[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](mailto:Spam.Abuse@usda.gov)



Dr. Robert Gibbens

8/2/23

Director, Animal Welfare Operations, USDA/APHIS/AC

Via email: [robert.m.gibbens@aphis.usda.gov](mailto:robert.m.gibbens@aphis.usda.gov) ; [animalcare@usda.gov](mailto:animalcare@usda.gov)

Dr. Gibbens,

I am writing to you today to file an Official Complaint against Pennsylvania State University Hershey Medical Center (23-R-0021) for clear violations of the Animal Welfare Act, which have been admitted in a Penn State document.

Penn State University correspondence dated 4/21/23 states: “... a survival surgery procedure was conducted on six rabbits more than the number described in the IACUC-approved protocol.”

This incident would be a clear violation of *Sec. 2.31 Institutional Animal Care and Use Committee (IACUC)*.

I am hereby filing an Official Complaint against University of Minnesota (41-R-0005) for a serious violation of the Animal Welfare Act.

At the conclusion of your investigation, you must prosecute Penn State University to the fullest extent of the law, assessing a penalty of \$12,722 per infraction/per animal.

I expect that your office will reply to this correspondence within five business days.

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

Attachments: 1 Pennsylvania State University OLAW Report

1081-B State Route 28 #280 Milford, OH 45150 513-575-5517 [www.SAENonline.org](http://www.SAENonline.org)

