



USDA-APHIS-Animal Care

| ANIMAL WELFARE COMPLAINT | | | |
|--|--------------------------------|-------------------------------------|--------------|
| Complaint No. AC23-0680 | Date Entered: June 14, 2023 | Processed By: Amy Benson | |
| Referred To: Jeffrey Shepherd | | Reply Due: July 29, 2023 | |
| Facility or Person Complaint Filed Against | | | |
| Name: CARNEGIE MELLON UNIVERSITY | | Customer No.: 316 | License No.: |
| Address: 5000 FORBES AVE WARNER HALL | | Email Address: | |
| City: PITTSBURGH | State: PA | Phone No.: (412) 268-8746 | |
| Complainant Information | | | |
| Name: (b) (6), (b) (7)(C), (b) (7)(D) | | Organization: SAEN | |
| Address: | | Email Address: saen@cinci.rr.com | |
| City: | State: | Phone No.: | |
| How was the Complaint received? Email | | | |
| Details of Complaint: See attached. | | | |
| Results: After review of the complaint and the facility inspection history, it was determined that the complainant's concerns have been investigated and addressed during the previous inspection. 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: AMY NOOYEN | | Date: June 27, 2023 | |
| Reviewed By: Jeffrey Shepherd | | Date: July 6, 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

June 14, 2023

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

SAEN

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

Dear Complainant,

Thank you for your correspondence that we received June 05, 2023. We are reviewing your concerns and assigned tracking number AC23-0680. 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

MRP.APHIS.AC.Complaints

From: (b) (6), (b) (7)(C)
Sent: Monday, June 5, 2023 12:02 PM
To: Gibbens, Robert - MRP-APHIS; APHIS-AnimalCare
Subject: [External Email]Prosecute Carnegie Melon 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



Dr. Robert Gibbens
 6/5/23
 Director, Animal Welfare Operations, USDA/APHIS/AC,
 2150 Center Ave.
 Building B, Mailstop 3W11
 Fort Collins, CO 80526-8117

Dr. Gibbens,

I am writing to you today to file an Official Complaint against Carnegie Melon University (23-R-0024 CMU) for clear violations of the Animal Welfare Act.

Using the Freedom of Information Act I have obtained a report in which Carnegie Melon University admits to negligence which caused the illegal death of a monkey. The report states:

"... the IACUC office received information that an NHP in the above-referenced protocol had died following a procedure outlined in the approved study. The incident was described as an anesthesia-related complication during which the endotracheal tube had come out during recovery and there was what seemed to be stomach contents in the mouth of the animal. The stomach contents turned out to be bedding from the animal's enclosure. The attending veterinarian attempted to resuscitate the animals but efforts were not successful."

The fact that the endotracheal tube came out is a clear example of negligence on the part of CMU staff. Either the tube was not properly placed, or the cuff was not inflated sufficiently to hold the endotracheal tube in place.

In other words, this monkey died because Carnegie Melon University staff used the equipment improperly, and likely didn't monitor the monkey sufficiently.

This primate death clearly violates *Sec. 2.32 Personnel Qualifications*, because adequately trained/qualified staff would have used the endotracheal tube properly and prevented the death.

This incident could also qualify as a violation of *Sec. 2.38 Misc (f)(1) Animal Handling: Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort*. It is clear that this monkey was not handled in such a way as to prevent physical harm.

Additionally, any non-compliance issued against Carnegie Melon University for this death should be in the Critical category because this incident had *"a serious or severe adverse effect on the health and well-being of the animal."* Clearly this incident had an adverse impact on this monkey because he/she died, there is no more serious impact.

Since Carnegie Melon University staff negligence unnecessarily killed this monkey, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately launch a full investigation, and at the conclusion of the investigation issue the maximum fine allowable against Carnegie Melon University (23-R-0024) — \$12,722 per infraction/per animal.
 I look forward to hearing from you in the near future about the fate of this facility.

Sincerely,



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

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

Attachment: 1 Carnegie Mellon University Report

1081-B State Route 28 #280 Milford, OH 45150

513-575-5517

www.SAENonline.org

