



USDA-APHIS-Animal Care

23-03058-F-000221



ANIMAL WELFARE COMPLAINT			
Complaint No. AC23-0105	Date Entered: November 7, 2022	Processed By: Jeremy Flockhart	
Referred To: Jeffrey Shepherd		Reply Due: December 7, 2022	
Facility or Person Complaint Filed Against			
Name: UNIVERSITY OF MEMPHIS	Customer No.: 852	License No.:	
Address: 365 Innovation Drive		Email Address:	
City: 365 Innovation Drive	State: TN	Phone No.:	
Complainant Information			
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization:		
Address:		Email Address:	
City:	State:	Phone No.:	
How was the Complaint received? Email			
Details of Complaint: See Files			
Results: This complaint refers to citations on a prior inspection report. Animal Care inspectors conduct unannounced inspections for all USDA registered and licensed facilities. Our authority is to ensure that they meet the standards required by Federal regulations. Inspectors also perform inspections in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with Federal law. When non-compliant items are found, these non-compliances are cited on the inspection report under the most accurate regulation based on the circumstances of the issue. Multiple non-compliances for the same issue are only cited when appropriate. With the exception of focused inspections, inspectors evaluate the facility for compliance with all applicable regulations. Although all regulatory requirements are assessed, only non-compliant items are listed on the inspection report. Animal Care will continue to inspect this facility to ensure that past non-compliances are corrected and that AWA-regulated animals are protected to the fullest extent of Federal law.			
Application Kit Provided: Yes: No:			
Inspector: DIANA CARE		Date: November 7, 2022	
Reviewed By: Jeffrey Shepherd		Date: November 8, 2022	



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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

November 7, 2022

FOIA REQUEST

Dear Complainant,

Thank you for your correspondence dated October 4, 2022. We are reviewing your concerns and assigned tracking number AC23-0105. 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

From: saen@cinci.rr.com
 To: ["robert.m.gibbens@aphis.usda.gov"](mailto:robert.m.gibbens@aphis.usda.gov); ["animalcare@usda.gov"](mailto:animalcare@usda.gov)
 Subject: [External Email]Prosecute the University of Memphis
 Date: Tuesday, October 4, 2022 7:21:56 PM

[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 10/4/22
 Director, Animal Welfare Operations, USDA/APHIS/AC
 Via email: robert.m.gibbens@aphis.usda.gov ; animalcare@usda.gov

Dr. Gibbens,

I am writing to you today to file an Official Complaint against the University of Memphis (63-R-0006) for clear violations of the Animal Welfare Act, connected to the death of approximately 27 animals.

As you know, the University of Memphis (63-R-0006) failed an inspection on 8/22/22 receiving a total of three CRITICAL violations, and six non-critical violations. This is the worst inspection report of any US research facility so far in 2022.

The first of the CRITICAL violations states:

"2.38(f)(1) Critical Miscellaneous. Since July 19, 2022 there have been 15 deaths (including animals found dead and those who were euthanized for medical reasons) in the main room housing approximately 250 Damaraland mole rats (DMRs). In contrast, during the timeframe 10/9/21 to 7/18/22 there were only 4 deaths in DMRs in the same room. On 7/19/22 an employee identified a Damaraland mole rat with a "missing rear leg from a fight with other mole rats." The animal was euthanized in consultation with the attending veterinarian. On 8/1/22 an employee identified two Damaraland mole rats with problems- the first had a back rear leg that was broken, and the other had a rear leg that was swollen and red and the animal was unable to bear weight or walk normally. The second animal also had an eye that was swollen shut. The animals were euthanized after prompt consultation with the attending veterinarian. On 8/22/22, two additional DMRs were euthanized per the instruction of the attending veterinarian due to fight wounds on the head and face."

It is quite clear that these animals are not receiving anything close to proper care, otherwise they would not be simply "found dead," have broken bones, or be missing a limb.

The second CRITICAL violation accounts for the deaths of 12 more animals:

"3.126(b) Critical Facilities, indoor. On April 1, 2022 in the life sciences building, the HVAC unit broke down overnight, resulting in decreased ventilation, increased ambient temperatures, and the death of 12 voles."

So, 12 voles were essentially cooked to death due to University of Memphis negligence for not having a temperature alarm in place which would have made staff aware of the malfunction. Instead a dozen animals died horrifically.

The third CRITICAL violation assessed against the University of Memphis was relevant to inadequate veterinary care. It states:

"2.33(b)(3) Critical Attending veterinarian and adequate veterinary care. Medical records show that on 5/25/22, a vole was identified by an animal care technician as having a swollen, red, hairless left front limb. The records show that the Attending Veterinarian (AV) recommended euthanasia and the animal was euthanized on 6/23/22. The timing of the AV's recommendation of euthanasia is unclear. The facility does not know which protocol this animal was on. The facility could not locate any additional records concerning the care of this animal between 5/25/22 and 6/23/22. The Attending Veterinarian and Associate Director could not recall this animal."

This violation clearly demonstrates that veterinary care at the University of Memphis is haphazard at best. This facility cannot even maintain accurate treatment records for animals (or find the records if they exist), let alone provide proper care. How is it possible that they cannot even tell when the AV said a suffering animal should be euthanized? Though it is not possible to confirm this, it appears that an animal may have suffered for a month before euthanasia was performed.

The other violations in this inspection are protocol related. One approved protocol (#0860) was violated because the animals were not observed sufficiently.

Protocol "CY22-008" was found to be faulty because it did not completely describe the animals to be used, or the number of animals to be used. This same protocol also fails to adequately describe the protocol itself, such as methods of euthanasia for the animals. Protocol #0873 and Protocol #0860 are both missing critical information as well.

In summary, due to University of Memphis negligence a dozen animals were cooked to death, and 15 other animals were simply found dead, or were euthanized due to injuries, such as broken bones or being without a limb. An animal may have suffered for a month before being euthanized. Also, protocols are missing basic information such as the number of animals to be used.

It is quite clear that these animals were not handled properly, or cared for properly. It is also quite clear that the protocols are not properly constituted. All of these things would seriously impact not only the well-being of the animals, but also the reproducibility of the experimentation in which they were used.

I am hereby filing an Official Complaint against University of Memphis (63-R-0006) for serious violations of the Animal Welfare Act which killed 27 animals.

I am calling upon your office to open a new enforcement case relevant to these violations. At the conclusion of your investigation, you must prosecute to the fullest extent of the law, assessing a penalty of \$10,000 per infraction/per animal.

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

Sincerely,

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

AEN

Attachments: 1 University of Memphis Inspection Report

1081-B State Route 28 #280 Milford, OH 45150 513-575-5517 www.SAENonline.org

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