



United States Department of Agriculture

Animal and Plant  
Health Inspection  
Service

October 28, 2022

Animal Care  
4700 River Road  
Riverdale, MD 20737

**SUBJECT:** Request for Investigation of Alleged Violations  
Regarding the AWA, Regulations and/or Standards

**TO:** Eileen Sullivan, Director  
Investigative and Enforcement Services

**FROM:** Elizabeth Theodorson, DVM  
Assistant Deputy Administrator  
Animal Care

**RE:** Potential Violation: 9 C.F.R. parts 2 and/or 3 (see background  
information)

Person(s) referring for investigation:

Customer #: 852  
License/Registration No: 63-R-0006  
Name: University of Memphis  
Address: 365 Innovation Drive Memphis, TN 38152

*Summary:*

Animal Care has documented serious critical noncompliances involving veterinary care, ventilation, and handling at the University of Memphis (MEMPHIS) facility. MEMPHIS is registered as a Class "R" research facility<sup>1</sup> under the Animal Welfare Act (AWA).

*Background Information:*

On August 22, 2022, Animal Care Veterinary Medical Officer Diana Care (CARE) conducted a routine inspection at MEMPHIS and cited three critical noncompliances.

---

<sup>1</sup> Research facility means any school, institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.

- **2.33(b)(3) Attending veterinarian & adequate veterinary care<sup>2</sup>**

On May 25, 2022, a vole was identified by a staff member to have a swollen, red, and hairless left front leg. The vole was not euthanized until June 23, 2022. There is no definitive information to show exactly when the vole was observed by the AV and when euthanasia was advised.

- **2.38(f)(1) Handling<sup>3</sup>**

Between July 19, 2022, and August 22, 2022, 15 mole rats were either found dead or were euthanized due to medical reasons. An internal investigation revealed a higher incidence of agitation and wounds from fighting. The investigation also discovered a light switch issue created an environment with continual 24-hour light within the room and found a humidifier had created additional noise. Both aggravating factors are believed to have caused stress and agitation, resulting in fighting and the related injuries and deaths.

- **3.126(b) Facilities Indoor; ventilation<sup>4</sup>.**

On April 2, 2022, an HVAC unit broke down resulting in decreased ventilation and increased ambient temperatures which consequently led to the deaths of 12 voles. The HVAC unit was repaired prior to the inspection and the inspector indicated a backup HVAC alarm system has been installed.

No other noncompliant items cited in the past three years.

*Concerns and scope:*

The serious nature of these critical noncompliances is very concerning to Animal Care. Animal Care requests IES investigate these documented noncompliances to determine if they can be substantiated.

<sup>2</sup> § 2.33(b)(3) - **Attending veterinarian and adequate veterinary care.** (b) Each research facility shall establish and maintain programs of adequate veterinary care that include (3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

<sup>3</sup> § 2.38(f)(1) **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.

<sup>4</sup> § 3.126 - **Facilities, indoor. Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

If additional information is discovered during the investigation that could substantiate other noncompliances with the Animal Welfare Act and its Regulations, notify the program point of contact listed below to discuss next appropriate steps.

*Prior History:*

None

Attached is all relevant evidence that Animal Care collected in connection with the violation, specifically:

- Inspection report
- License application and certificate

Veterinary Medical Officer

Diana Care (662) 707-0131

[diana.care@usda.gov](mailto:diana.care@usda.gov)

Acting Supervisory Animal Care Specialist

Eilis Karr (978) 501-4093

[eilis.karr@usda.gov](mailto:eilis.karr@usda.gov)

**If you have any questions about this request, please contact Jan Feldman at (240) 461-9187 or [ac.cas.mailbox@usda.gov](mailto:ac.cas.mailbox@usda.gov).**