



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC20-136	Date Entered: 14-Feb-20	Processed By: AVB	
Referred To: Care / Garland		Reply Due: 17-Mar-20	
<b>Facility or Person Complaint Filed Against</b>			
Name: University of Memphis		Customer No.: 852	License No.: 63-R-0006
Address: Animal Care Facility, 309 Administration Bldg		Email Address:	
City: Memphis	State: TN	Phone No.: (901) 678-2359	
<b>Complainant Information</b>			
Name: Anonymous		Organization:	
Address:		Email Address:	
City:	State:	Phone No.:	
How was the Complaint received? Email			
Details of Complaint: SEE ATTACHED			
<b>Results:</b> Performed a focused inspection covering areas described in the complaint. Second inspector present was Dr. Michael Schnell, VMO. Only one protocol is active which includes pigs, and it is under a different PI and it is a skin study using larger/adult pigs. All protocols associated with the PI, prior to his February 2018 departure from the University of Memphis, have been cancelled and he is no longer employed by the facility. According to facility representatives, there are no plans for this researcher to return to the University of Memphis. No pigs were present at the facility at the time of inspection. Discussed the importance of identifying and addressing any conflict of interest in future protocol approval processes. Discussed the use of an alternate veterinarian for protocol review and approval if the AV has a conflict of interest. Discussed benefits of post-approval monitoring to ensure protocols are being followed.			
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>			
Inspector: Diana Care, VMO		Date: 3/3/2020	
Reviewed By: KATHLEEN GARLAND		Date: 30-MAR-2020	
<small>Digitally signed by KATHLEEN GARLAND Date: 2020.03.30 09:52:57 -07'00'</small>			

## Benson, Amy V - APHIS

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**To:** Garland, Kathleen M - APHIS  
**Subject:** RE: complaint info

**From:** Garland, Kathleen M - APHIS  
**Sent:** Friday, February 14, 2020 12:17 PM  
**To:** Benson, Amy V - APHIS <amy.v.benson@usda.gov>  
**Subject:** FW: complaint info

fyi

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**From:** Care, Diana M - APHIS  
**Sent:** Friday, February 14, 2020 8:15 AM  
**To:** Garland, Kathleen M - APHIS <[kathleen.m.garland@usda.gov](mailto:kathleen.m.garland@usda.gov)>  
**Subject:** complaint info

Hi Kathy,

Here is the timeline for the complaint:

- April 2019: CID 841 (UT Memphis) identified problems and suspended the protocol of the PI
- July 2019: CID 841 (UT Memphis) submitted complaint against CID 852 (U of Memphis) to Cody Yager. Complaint not logged.
- August 2019: I did a focused inspection at CID 852 (U of Memphis) with no noncompliant findings. I suspect the piglet protocols were not yet approved and active at this time.
- Feb 2020: I did an inspection at CID 841 (UT Memphis) and wrote NCI for issues that occurred in April 2019

I would like to visit CID 852 (U of Memphis) to investigate the complaint now, since the inspection I did there in August did not look at any work done by this PI and he probably didn't have active protocols at that time. He is there now and as far as I know he is doing the same or similar research.

Thanks,

Diana Care DVM MPH DACVPM  
Veterinary Medical Officer  
USDA APHIS Animal Care  
Mississippi  
662-707-0131

## Benson, Amy V - APHIS

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**From:** Garland, Kathleen M - APHIS  
**Sent:** Thursday, February 13, 2020 5:45 PM  
**To:** Benson, Amy V - APHIS  
**Subject:** Re: Protocol suspension

Please do

Get [Outlook for iOS](#)

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**From:** Benson, Amy V - APHIS <amy.v.benson@usda.gov>  
**Sent:** Thursday, February 13, 2020 2:43:13 PM  
**To:** Garland, Kathleen M - APHIS <kathleen.m.garland@usda.gov>  
**Subject:** RE: Protocol suspension

Sorry – I haven't seen it and I also looked in the log and nothing was there.  
Do you want me to put it in tomorrow morning?

Sincerely,

Amy Benson  
Inspection & Licensing Assistant  
Program Support  
USDA APHIS Animal Care  
Phone: (970) 494-7478

**Please send all paperwork to our new mailing address:**  
Fort Collins: 2150 Centre Ave., **Building B, 3W11**, Fort Collins CO, 80526

**Our previous email addresses have been combined. For future communication, please use:**  
Email: [Animalcare@usda.gov](mailto:Animalcare@usda.gov)

[Join the Animal Care Stakeholder Registry and receive emails on topics of interest](#)

We are happy to announce that we have introduced an online self-service tool to assist you in determining the appropriate application to complete as required under the Animal Welfare Act (AWA).  
Visit [efile.aphis.usda.gov/LRAssistant](https://efile.aphis.usda.gov/LRAssistant) to complete the 5 to 15 minute questionnaire that will recommend the specific license and/or registration types required (if any) and provides links to download those applications.

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**From:** Garland, Kathleen M - APHIS  
**Sent:** Thursday, February 13, 2020 5:11 PM  
**To:** Benson, Amy V - APHIS <amy.v.benson@usda.gov>  
**Subject:** FW: Protocol suspension

Do you know anything about this- was it logged? Thanks! ( couldn't see it in last year's log-)

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**From:** Yager, Cody M - APHIS  
**Sent:** Thursday, February 13, 2020 8:31 AM  
**To:** Garland, Kathleen M - APHIS <[kathleen.m.garland@usda.gov](mailto:kathleen.m.garland@usda.gov)>  
**Subject:** FW: Protocol suspension

Should be.

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**From:** McBride, Mary Ann T - APHIS  
**Sent:** Thursday, July 25, 2019 1:48 PM  
**To:** Yager, Cody M - APHIS <[cody.m.yager@usda.gov](mailto:cody.m.yager@usda.gov)>  
**Subject:** Re: Protocol suspension

Submitted for complaint processing.

Thanks,

Mary Ann McBride, DVM

USDA APHIS Animal Care  
920 Main Campus Drive Suite 200  
Raleigh, NC 27606  
[Maryann.t.mcbride@usda.gov](mailto:Maryann.t.mcbride@usda.gov)  
919-258-5348

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**From:** Yager, Cody M - APHIS <[cody.m.yager@usda.gov](mailto:cody.m.yager@usda.gov)>  
**Sent:** Thursday, July 25, 2019 1:12:16 PM  
**To:** McBride, Mary Ann T - APHIS <[maryann.t.mcbride@usda.gov](mailto:maryann.t.mcbride@usda.gov)>  
**Subject:** FW: Protocol suspension

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**From:** (b) (6), (b) (7)(C), (b) (7)(D)  
**Sent:** Tuesday, July 23, 2019 4:13 PM  
**To:** Yager, Cody M - APHIS <[cody.m.yager@usda.gov](mailto:cody.m.yager@usda.gov)>  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** FW: Protocol suspension

Dear Dr. Yager,

Thanks for speaking with me this afternoon. Per our conversation, attached is a copy of the original report that (b) (6), (b) (7)(C) made to the USDA in May of 2019, regarding protocol non-compliance and concerns for animal welfare that resulted in the suspension (pending correction) of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) IACUC protocol #18-021. This protocol utilizes a pre-term pig model (105 days gestation). To date, (b) (6), (b) (7)(C) has not completed the required refresher training mandated by the IACUC, nor has he modified his protocol in accordance with the IACUC's direction. Of concern, that prompted my call, was a report that (b) (6), (b) (7)(C) was starting a new pig study at the University of Memphis, his former institution. More specifically, one of (b) (6), (b) (7)(C) reported that, over this past weekend, (b) (6), (b) (7)(C) removed specific items related to his pig research from our vivarium. Further, the staff member was told by (b) (6), (b) (7)(C) that these items were being moved to the University of Memphis, for the purpose of doing a new pig study there. Thus, I have concern that what is occurring is an attempt to end-run the (b) (6), (b) (7)(C) regulatory and compliance process, as well as appropriate oversight. Please note that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Thank you for your assistance in this potential oversight matter.

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



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**From:** (b) (6), (b) (7)(C)

**Date:** Tuesday, July 23, 2019 at 3:28 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** FW: Protocol suspension

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**From:** (b) (6), (b) (7)(C)

**Sent:** Monday, May 06, 2019 8:23 AM


**To:** [cody.m.yager@usda.gov](mailto:cody.m.yager@usda.gov)

**Subject:** Protocol suspension


Per our conversation this morning. Report attached.

Please contact us if additional information is needed.

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



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





## Inspection Report

University Of Memphis  
Animal Care Facility  
309 Administration Bldg  
Memphis, TN 38152

Customer ID: **852**  
Certificate: **63-R-0006**  
Site: 001  
UNIV. OF MEMPHIS

Type: FOCUSED INSPECTION  
Date: 03-MAR-2020

No non-compliant items identified during this inspection.  
This inspection and exit interview were conducted with facility representatives.

### Additional Inspectors

Schnell Michael, Veterinary Medical Officer

Prepared By: **DIANA CARE** Digitally signed by DIANA CARE  
Date: 2020.03.03 15:06:34 -06'00'

CARE DIANA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6136

Date:  
03-MAR-2020

Received By: 6136\_000035

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

Obtained by Rise for Animals. Uploaded 07/08/2020

Date:



## Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
852	63-R-0006	001	UNIV. OF MEMPHIS	03-MAR-20

No Animals were Inspected.

Count	Scientific Name	Common Name
000000	NONE	NONE
000000	Total	