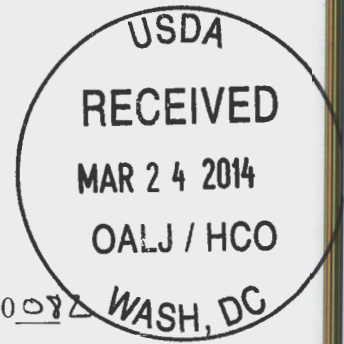


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re:

THE UNIVERSITY OF ALASKA  
FAIRBANKS, a public educational  
institution,

Respondent

) AWA Docket No. 14-0072  
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)  
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)  
) COMPLAINT

There is reason to believe that the respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act or AWA), and the regulations and standards (9 C.F.R. § 1.1 et seq.) (Regulations and Standards) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging as follows:

JURISDICTIONAL ALLEGATIONS

1. The University of Alaska Fairbanks (UAF) is a public educational institution whose address is 909 North Koyukuk Drive, Suite 212, Post Office Box 757270, Fairbanks, Alaska 99775. Respondent UAF is governed by the University of Alaska Board of Regents, whose General Counsel is Michael Hostine, Office of the General Counsel, University of Alaska, 203 Butrovich Building, Post Office Box 755160, Fairbanks, Alaska 99775-5160. At all times mentioned herein, respondent UAF was registered and operating as a research facility under the Act, and was assigned registration number 96-R-0001. On October 10, 2012, respondent UAF obtained an AWA exhibitor's license (number 96-C-0034).

ALLEGATIONS REGARDING THE SIZE OF UAF'S BUSINESS, GRAVITY OF THE  
ALLEGED VIOLATIONS, GOOD FAITH AND COMPLIANCE HISTORY

2. Respondent is a member of the University of Alaska public university system, which currently has approximately 11,000 students and 11,000 faculty and staff. UAF's 2012 endowment was approximately \$143,000,000. Respondent has three sites where it houses animals. In November 2012, respondent UAF reported to APHIS that it used or controlled 358 animals. The gravity of respondent's violations is great. While in respondent's care, twelve muskoxen died of starvation within a six-month period.

ALLEGED VIOLATIONS

3. On or about July 12, 2010, respondent violated the Regulations by appointing to its Institutional Animal Care and Use Committee (IACUC) four members from the same administrative unit of the research facility; specifically, respondent's IACUC consisted of more than three members, and four members of its IACUC were from UAF's Institute of Arctic Biology (IAB). 9 C.F.R. § 2.31(b)(4).

4. On or about October 22, 2010, respondent violated the Regulations by failing to handle animals as carefully as possible in a manner that does not cause them behavioral stress, physical harm or unnecessary discomfort, and failed to ensure that its personnel involved in animal care were qualified to perform their duties; specifically, respondent's personnel allowed a student to enter a primary enclosure housing moose, there was no distance or barrier between the animals, the student was alone, and a moose approached and kicked the student in the head. 9 C.F.R. §§, 2.32, 2.38(f)(1).

5. From July 21, 2010, and continuing through February 17, 2011, respondent violated the Regulations (9 C.F.R. §§ 9 C.F.R. § 2.33(a), 2.33(b)(3)), by failing to maintain a program of adequate veterinary care that included daily observation of all animals and a mechanism to convey accurate information to respondent's attending veterinarian, and specifically, respondent failed to

observe muskoxen, failed to identify that the muskoxen were losing weight, failed to make, keep, and maintain accurate records of the weight of the muskoxen, failed to communicate or report the ongoing and acute weight losses to respondent's attending veterinarian, and failed to have its attending veterinarian treat the muskoxen. Between August 29, 2010, and February 16, 2011, twelve muskoxen died, as follows:

Name/ID	Age	Sex	Date of Death	Weight at Necropsy	Necropsy Findings
Kheta MOX 950	10½	F	Aug. 29, 2010 euthanized	162.5 kg	muskox metabolic syndrome possibly precipitated by inappetance; copper and selenium deficits
Tomtor MOX 254	2	M	Sept. 20, 2010	145.5 kg	emaciation; bile stasis; copper and selenium deficits
Bludgeon MOX 255	2	M	Sept. 24, 2010	113 kg	emaciation; bile stasis; copper deficit
Vladimir MOX 259	1	M	Sept. 24, 2010	76 kg	emaciation; bile stasis; low copper/selenium
Nuka MOX 262	17 mos.	M	Sept. 29, 2010	unknown	emaciation; bile stasis
Ichinsky MOX 246	3	M	Sept. 29, 2010 euthanized	123.5 kg	emaciation
Cayenne MOX 260	1	F	Oct. 16, 2010	84.5 kg	emaciation
Lyggy MOX 939	15	F	Oct. 16, 2010	176 kg	emaciation
Zane MOX 953	11	M	Nov. 11, 2010 euthanized	227.5 kg	Bile stasis; icterus; emaciation; muskox metabolic syndrome; copper and cobalt deficits
Carter MOX 916	16	N	Nov. 29, 2010 euthanized	150 kg	emaciation

Guba MOX 249	3.7	M	Jan. 6, 2011	85.5 kg	emaciation
Popper MOX 227	6.7	M	Feb. 16, 2011 euthanized	215.5 kg	emaciation

6. From July 2010 and continuing through February 17, 2011, respondent violated the Regulations by failing to meet the minimum feeding Standards (9 C.F.R. § 3.129(a)), and specifically respondent failed to provide muskoxen with wholesome food in sufficient quantity and having adequate nutritive value to maintain the animals' good health. 9 C.F.R. § 2.38(k).

7. On August 30, 2011, respondent violated the Regulations by failing to meet the minimum facilities Standards (9 C.F.R. § 3.125(a)). Respondent failed to construct and maintain outdoor housing facilities for reindeer in good repair so as to protect the animals contained therein from injury, and an APHIS inspector observed a female reindeer whose antlers had become entangled in the wire fencing of her enclosure. 9 C.F.R. § 2.38(k).

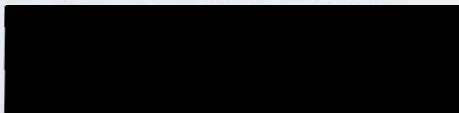
WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefore, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are



authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.  
this 19<sup>th</sup> day of March 2014

  
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Administrator  
Animal and Plant Health Inspection Service

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