



USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC19-100	Date Entered: 2-Feb-19	Processed By: WDA	
Referred To: Smith/Garland		Reply Due: 5-Mar-18	
Facility or Person Complaint Filed Against			
Name: Pacific Biolabs	Customer No.: 1143	License No.: 93-R-0189	
Address: 551 Linus Pauling Drive		Email Address:	
City: Hercules	State: CA	Phone No.: 510-964-9000	
Complainant Information			
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: (b) (6), (b) (7)(C)		
Address: (b) (6), (b) (7)(C), (b) (7)(D)		Email Address:	
City: (b) (6), (b) (7)(C), (b) (7)(D)	State: (b) (6), (b) (7)(C)	Phone No.: (b) (6), (b) (7)(C), (b) (7)(D)	
How was the Complaint received? Email			
Details of Complaint: SEE ATTACHED			
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. We 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 noncompliances are cited on the inspection report under the most accurate regulation based on the circumstances of the issue. Multiple noncompliances for the same issue are only cited when appropriate. With the exception of focused inspections, our inspectors evaluate the facility for compliance with all applicable regulations. Although all regulatory requirements are assessed, only noncompliant items are listed on the inspection report. We will continue to inspect this facility to make sure that past noncompliances are corrected and that AWA-regulated animals are protected to the fullest extent of Federal law.			
Application Kit Provided: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>			
Inspector: Program Support		Date: 1-Feb-19	
Reviewed By: Dr. Petervary		Date: 1-Feb-19	

From: (b) (6), (b) (7)(C), (b) (7)(D)
To: [Gibbens, Robert - APHIS](#)
Cc: [AC West](#)
Subject: Official Complaint -- Pacific Biolabs
Date: Sunday, December 16, 2018 7:59:56 AM



Dr. Robert Gibbens 12/16/18
Director, Western Region, 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 the Pacific Biolabs 93-R-0189, for clear violations of the Animal Welfare Act .

As you know, Pacific Biolabs was inspected on 11-13-18, and this inspection discloses two Animal Welfare Act violations both of the violations are for incidents in which rabbits legs were broken:

"2.38(f)(1) CRITICAL MISCELLANEOUS. On 7/24/18 a rabbit with ID # 71434 was being handled during a dermal scoring procedure when it jumped off the table and fell five feet to the ground. It was immediately apparent that the animal had lost function of its right hind limb. It was determined that the animal had a fractured leg."

"3.53(a)(4) CRITICAL PRIMARY ENCLOSURES. On 5/1/18 a rabbit with ID # 70849 was observed to catch its front leg in the floor grate of its enclosure, and then quickly turn its body, twisting the leg in a manner that caused a fracture in the forelimb."

On 1/17/17 Pacific Biolabs was cited for another violation of Sec. 2.38 (f)(1) Animal Handling:

"2.38(f)(1) CRITICAL MISCELLANEOUS. On 12/16/15 a dog identified as # 2510325 was accidentally exposed to a full-strength quaternary disinfectant called "Maxima 256" during a routine kennel cleaning procedure, and suffered severe chemical burns on its skin, oral cavity, and one eye." This inspection also cites the lab in the death of a guinea pig:

"At the time of inspection, the facility reported that a guinea pig had become entangled and died in its enclosure earlier in the week. The employee who found the animal pointed out an opening in the enclosure where the guinea pig had become entrapped, and the animal was found dead, and had apparently asphyxiated."

On 1/28/16 Pacific Biolabs was cited for a violation of Sec. 2.33 Attending Veterinarian and Adequate Veterinary Care:

" 2.33 ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE. Two guinea pigs, # 27604 and # 27675, had pink cards noting a veterinary care issue on their enclosures. Upon inspection, it was observed that each animal had a large lesion measuring approximately one inch wide and 1/2 inch in height over the shoulder blade area. The lesions were wet, with red, hairless tissue exposed. According to staff, the lesions had resulted as a serious reaction to an adjuvant injection given as part of a study. Upon reviewing the corresponding Veterinary Services Report for each animal, and discussing the matter with the attending veterinarian, it was found that although the lesions were first observed on 1/25/16, the attending veterinarian had not been consulted until the day of inspection (1/28/16)."

Therefore in 3 inspections during less than 3 years was cited for killing a guinea pig, injuring two rabbits, and a dog. The lab was also cited for failure to provide veterinary care to two guinea pigs. Due to the nature of these injuries it is highly likely that the rabbits and the dog were euthanized as a result of their injuries. The inspection reports do not discuss veterinary treatment.

This same lab previously received an Official Warning for failure to handle a rabbit properly.

Apparently this facility has a long-term problem with animal handling and care. This pattern must not

be allowed to continue. It is up to your office to initiate an enforcement action to prevent further injury to animals.

I know that your office considers major violations of the Animal Welfare Act to be very serious in nature, especially when these violations kill, abuse, or seriously injure animals. In light of the drastic incompetence of Pacific Biolabs which has killed a guinea pig, injured 2 rabbits and a dog, while also failing to provide veterinary care to guinea pigs -- I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately begin the process of issuing the maximum fine allowable against Pacific Biolabs at the completion of your investigation -- \$10,000 per infraction/per animal, for a potential penalty of \$50,000.

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)

Attachment: 3 USDA Inspection reports and an Official Warning document

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