

March 2, 2017

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Via e-mail: wolffa@od.nih.gov, kbayne@aaalac.org

Dear Dr. Wolff,

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 5 million members and supporters to request that your office investigate alleged noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy) and the *Guide for the Care and Use of Laboratory Animals* (the *Guide*) related to the use and treatment of animals in the laboratories of Jackson Laboratory (JAX; PHS Approved Animal Welfare Assurance # D16-00170, A3268-01), located at 600 Main Street in Bar Harbor, ME.

PETA was recently contacted by an anonymous whistleblower who attested to the following problems at JAX:

1. Failure to maintain an adequate animal care and use program;
2. Failure minimize discomfort, distress, and pain experienced by animals;
3. Failure to adequately train personnel caring for animals and failure to foster a culture of humane care;
4. Failure to house animals under conditions that provide adequate space; and
5. Failure to ensure nondiscrimination against parties reporting animal welfare concerns.

I. Failure to maintain an adequate animal care and use program

The *Guide* defines “animal care and use program” as “the policies, procedures, standards, organizational structure, staffing, facilities, and practices put into place by an institution to achieve the humane care and use of animals in the laboratory and throughout the institution.” The *Guide* further advises that: “Each institution should establish and provide sufficient resources for a Program that is managed in accord with the *Guide* and in compliance with applicable regulations, policies, and guidelines.”

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However, the whistleblower reports problems with adequate staffing at JAX, particularly in relation to animal technicians. The whistleblower states that rooms housing animals would be left with, for example, “40 man hours of work,” but there would only be 20 man hours available. In spite of this, the whistleblower reports that they were instructed to “get it done” or told “it has to get done.” Supervisors would pressure technicians to finish tasks quickly, complaining that they did “not want to have to come in on Saturday.” The whistleblower alleges that the inadequate staffing at JAX results in a culture in which “people conduct perfunctory cage checks and cut corners.” The whistleblower further stated:

Staffers will initial forms or make notations in the computer software that they’ve changed pens, checked and replaced enrichment items, checked water bottles, and so on—without actually doing those things. It would take me approximately seven hours to do a welfare check properly, but some staffers would claim to have completed the welfare check in under two hours. This is documented as the lab retains those forms.

The whistleblower also informed PETA that inadequate staffing at JAX resulted in rough and hurried handling of animals, which, as detailed in the next section, compromised animal welfare.

II. Failure to minimize discomfort, distress, and pain experienced by animals

Principle IV of the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training emphasizes the “imperative” to avoid or minimize “discomfort, distress, and pain” to animals. The *Guide* endorses the principle of “avoidance or minimization of discomfort, distress, and pain” and bolsters the application of this principle through the establishment of an effective animal care and use program.

Moreover, the *Guide* defines “humane care” as “those actions taken to ensure that laboratory animals are treated according to high ethical and scientific standards” and advises the “creation of a laboratory environment in which humane care and respect for animals are valued and encouraged.”

However, as noted in the earlier section, the whistleblower alleges that JAX failed to maintain adequate staffing—and this resulted in employees handling animals in a rough and hurried manner, which caused animals additional discomfort, distress, and pain and undermined any efforts aimed at the provision of “humane care.”

The whistleblower attests to a number of alarming incidents:

1. Tail snipping: The whistleblower informed PETA that at JAX, in Annex 6, an animal care technician had been assigned the task of cutting off the tips of mice’s tails so that the tissue samples could be used for genotyping. However, this technician was having difficulty carrying out the activity as quickly as expected. Another employee “trained” the technician to use manual force to tear the tips off of the tails of mice with their fingers/fingernails, to avoid using scissors. The technician used this technique exclusively for a full year and made no attempt to hide this technique as he had been trained by another employee to use this method. Throughout that year, he was never questioned about it. In particular, the room supervisor, Katy Leathers, did not take issue with the technique. The whistleblower related that when this technician was transferred to Annex

2, he informed other staffers of the method he had learned in Annex 6. He was then trained by a JAX animal use trainer named Kristin Cough on how to use scissors to perform tail snipping. The training happened to take place during an AAALAC inspection. However, when the AAALAC inspector asked Cough why the technician was being retrained on the tail snipping procedure, Cough lied, saying that the technician had not previously conducted the procedure.

The whistleblower's report that some employees used their fingers to tear the tips off of mice's tails raises several concerns:

- i. There is no way to ensure that the amount of tissue taken is 5mm or less, as recommended by the National Institutes of Health's (NIH) [Animal Research Advisory Committee \(ARAC\) Guidelines](#) (please also see the [National Institute of Neurological Disorders and Stroke & National Institute on Deafness and Other Communication Disorders Animal Care and Use Committee's Policies and Guidelines on Tail Snips and Pup Identification](#)). Removing greater than 5mm from a mouse's tail increases the risk of complications and adversely affects mouse welfare. The fingers are blunt instruments, and unlike the small precision cut of a scalpel blade, there is less control when using fingers.
- ii. Use of fingers/fingernails creates a "crush injury" rather than a precision cut. In this type of injury, there is extensive bruising, bleeding, and greater risk of infection and necrosis of damaged tissue. There is a greater level of pain due to more tissue trauma and bruising, and prolonged healing times.
- iii. It is impossible to guarantee aseptic technique. Even if gloves are worn, it is likely the person will have to use pressure from the fingernails to cut through the skin and tissue of the tail. This makes a tear in the gloves more likely, causing not only bacterial contamination of the wound, but also contamination of the DNA sample.
- iv. Tissue remaining on the person's gloves and fingers will contaminate subsequent samples.
- v. It is more difficult to control bleeding. Hemostatic agents such as silver nitrate and Quik-stop are more likely to adhere properly to clean incisions. If surgical glue is used, it is nearly impossible to properly close a ragged crushed margin as opposed to a cleanly cut incision.
- vi. It does not appear that there is any provision for pain management or anesthesia, as required by the ARAC Guidelines.

2. Improper handling techniques:

- a. The whistleblower alleges that several technicians at JAX pick up mice by grabbing some skin on the middle of the mouse's back and lifting them, without supporting their feet.

Lifting mice by the scruff without supporting their feet increases the chances that the mice will panic, bite, and injure their skin and tissues over their back and neck. If the mouse is hanging on to a surface and is gripped by the scruff and pulled, this could severely injure the joints and tissues of the feet and legs.

- b. The whistleblower also states that it is common to see workers dropping the mice back into their cages—releasing their grip on the mouse's tail long before the mouse's feet touch the shavings.

While mice tend to be somewhat resistant to falls, when they are hanging from their tail and dropped they may not be able to right themselves in time. This could lead to orthopedic injuries and even internal injuries depending on how hard they fall.

3. Wet boxes: The whistleblower states that it is not uncommon to see “wet boxes”—when mice are physically standing in water or soaked shavings—at JAX. If the situation is caught early and mice are given nestlets, distress and discomfort to the mice in wet cages can be minimized. But the whistleblower alleges that due to insufficient staffing and perfunctory cage checks, wet boxes can go undetected for a full day. In such cases, the mice must be euthanized. In spite of the requirement to euthanize mice who have suffered exposure to wetness, the whistleblower states that staffers don’t always bother to euthanize the mice—which means that there could be mice who continue to suffer. The whistleblower attests to having seen mice with mold on their backs. On multiple occasions, the whistleblower has witnessed mice who drowned in their cages when their cages flooded with water.

Mice dislike being exposed to water, and though they will choose to swim or cross water for a reward, it is not their preference. Being forced to remain in these conditions not only causes physical discomfort and pain, it also causes psychological stress and anxiety. Prolonged exposure to wet bedding and standing water decreases immune function and increases the risk of respiratory and skin disease. If food becomes wet, mice will not want to eat it, leading to debilitation and weight loss.

4. Abusive treatment of mice: The whistleblower alleges that an animal technician named Andrew Lovely repeatedly tried to pick up a mouse by using the sides of his sneakers to toss her into the air while trying to catch her. After a few tries, the mouse collapsed and started twitching, at which point the staff member euthanized her. The whistleblower alleges that Vicki Gerrish, the supervisor of Annex 2, was aware of this but to the whistleblower’s knowledge, no action was taken.

III. Failure to adequately train personnel caring for animals and failure to foster a culture of humane care

The *Guide* specifies that: “Personnel caring for animals should be appropriately trained ... and the institution should provide for formal and/or on-the-job training to facilitate effective implementation of the Program and the humane care and use of animals.” As noted earlier, the *Guide* also advises that animals in laboratories should be “treated according to high ethical and scientific standards” and that it is the responsibility of the institution to create “a laboratory environment in which humane care and respect for animals are valued and encouraged.”

However, the incidents described above suggest that JAX has failed to ensure adequate training for its employees who are responsible for humane care and use of animals. Moreover, the failure of room supervisors or staff involved in post-approval monitoring or facility inspection to flag the improper handling of animals described earlier suggests a pervasive culture where employees at multiple rungs of the JAX hierarchy fail to notice inhumane handling of animals or actively turn a blind eye to such inhumane treatment.

In addition to the incidents summarized in the earlier section, the whistleblower also attests to the following disturbing episodes:

1. The whistleblower states that JAX failed to report to OLAW multiple issues that should have been reported. For example, after a technician reported to his room lead cases where mice starved or died of dehydration, it was later determined that these incidents were not reported to the institutional hierarchy and were therefore not reported to OLAW. The whistleblower states that this failure to communicate lapses in animal welfare is a problem across departments and a problem across the entire JAX campus.
2. The whistleblower states that the attitude that animal welfare problems should be “swept under the rug” is embedded in the culture at JAX. At a meeting of JAX’s Research Animal Facility, Ken Hendrix, who is the Associate Director of JAX’s Animal Care and Operations, jokingly related a story about how he had seen a wet box while standing with inspectors from AAALAC. He said “needless to say,” he placed his body in front of the cage so the inspectors wouldn’t see it. While it is obviously deeply troubling that Mr. Hendrix’s first instinct, upon witnessing the wet box, was to hide the matter from the AAALAC inspectors rather than to attend to the welfare of the mice in the wet box, it is doubly concerning that Mr. Hendrix would publicize his disregard for animal welfare in the presence of animal care staff—in essence, signaling that animal welfare is not a priority for JAX and joking about it with like-minded colleagues.
3. The whistleblower attests that while JAX was attempting to hire additional animal technicians, applicants who expressed an interest in ensuring compliance with federal guidelines were passed over. The whistleblower related the comments of an employee named Justin Coonf (not sure of the spelling of this surname) who said in reference to a female applicant who expressed concerns regarding animal welfare and the likelihood that Dan Myrick, who serves on JAX’s Animal Care and Use Committee would hire her: “Like Dan is going to hire some pregnant bitch that’s gonna come up here and look at the way we illegally euthanize mice and threaten my job? I don’t think so.”
4. The whistleblower reports that animal care technicians are “publicly scolded” by superiors for reporting welfare violations during a welfare check—sending a clear and indisputable message that the purpose of such inspections is to check a box and not to actually ensure the welfare of animals at the facility. As well, the whistleblower reports having observed “active collusion” among employees to hide their friends’ lapses in animal care. There was an unspoken expectation that animal technicians would prioritize protecting fellow employees from management over carrying out their responsibilities related to animal welfare. Here are some examples:
 - i. In Annex 2, a technician noticed that there were too many mice in a cage and reported this to Vicki Gerrish, a JAX supervisor. The cage had been the responsibility of another animal technician named Melissa Fountain. After Gerrish spoke with Fountain about keeping an eye on cages to avoid overcrowding, Fountain said to the technician: “Oh, I see how this is gonna be,” and she quickly became overbearing. Fountain also serves as a

trainer, so it may be the case that her lackadaisical approach to animal care is implicitly or explicitly conveyed to the people she trains.

- ii. The Jackson Laboratory's policy on euthanasia of mice requires that the number of breeding mice placed in a cage for gassing not exceed ten. However, an animal technician named "Jim C" (surname not known) would routinely gas 20 breeding mice to death at one time—and he also instructed a new employee that it was appropriate to put that many mice together for euthanasia. Unfortunately, according to the whistleblower, Mr. C was not unique amongst JAX employees and euthanasia rules were frequently violated—and rarely reported.

IV. Failure to house animals under conditions that provide adequate space

The *Guide* specifies that: "All animals should be housed under conditions that provide sufficient space as well as supplementary structures and resources required to meet physical, physiologic, and behavioral needs. Environments that fail to meet the animals' needs may result in abnormal brain development, physiologic dysfunction, and behavioral disorders ... that may compromise both animal well-being and scientific validity." In addition, the *Guide* advises: "Socially housed animals should have sufficient space and structural complexity to allow them to escape aggression or hide from other animals in the pair or group." And: "At a minimum, animals must have enough space to express their natural postures and postural adjustments without touching the enclosure walls or ceiling, be able to turn around, and have ready access to food and water."

However, the whistleblower informs PETA that "mice are frequently overcrowded in their cages at JAX—in all departments and in most every room." The whistleblower further attests: "This overcrowding results in more fighting, sick and stressed mice, dirtier cages, and arguably worst of all, mice with no food and no water because other mice consumed all of the food and water. Combined with improper or perfunctory welfare checks, it is not unusual to see mice starve, sometimes to death."

V. Failure to ensure nondiscrimination against parties reporting animal welfare concerns

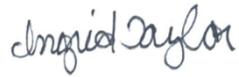
The *Guide* advises that while "safeguarding animal welfare is the responsibility of every individual associated with [the animal care and use program]," the "institution must develop methods for reporting and investigating animal welfare concerns." Importantly, the *Guide* states that the process whereby animal welfare concerns are reported "should include a mechanism for anonymity, compliance with applicable whistleblower policies, nondiscrimination against the concerned/reporting party, and protection from reprisals."

However, the whistleblower reports: "It did not seem to me that my confidentiality was maintained when I reported animal welfare concerns – and the violation of confidentiality was such that I faced negative repercussions from both supervisors and colleagues as a result of my reporting concerns." The whistleblower attests that such negative repercussions stemming from reporting animal welfare concerns are widespread at JAX, undermining any efforts taken by JAX to give the appearance of soliciting such reports.

We urge you to investigate the concerns summarized in this letter and, if the claims are substantiated, to take swift and decisive action against JAX.

If you have any questions, please contact me at 757-375-0661 or DrTaylor@peta.org. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ingrid Taylor".

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Cc: Dr. Kathryn Bayne, Executive Director, AAALAC International