

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

February 17, 2021

Dianne E. Ray, C.P.A., M.P.A.  
Colorado Office of the State AuditorVia e-mail: [osa.ga@state.co.us](mailto:osa.ga@state.co.us)

Dear Auditor Ray:

Thank you in advance for your time. I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 6.5 million members and supporters worldwide to share new information we have obtained that is pertinent to your letter to us dated August 21, 2020, in which you indicated that you would consider incorporating into a future audit the information we described in our letter of August 20, 2020, in which we requested that your office audit the performance of the University of Colorado Boulder (CU Boulder) regarding the apparent waste of state resources allocated to animal research activities.

**Based on the new information presented below, we request, as part of any audit your office pursues into this matter, that you 1) seek reimbursement of any and all state funds used to acquire, breed, confine and/or maintain the animals used in experiments whom CU Boulder categorized as “unnecessary,” extraneous, noncritical, non-essential, ramped down, disposable, or nonpriority or described using similar terminology and—according to documents obtained by PETA through Freedom of Information Act (FOIA) requests—euthanized in response to COVID-19; and, 2) ensure that current state-funded research activities involving such animals are permanently terminated, that new state-funded research activities that include such animals are no longer approved, and that the breeding and acquisition of such animals for state-funded research activities are prohibited.**

### **Euthanizing “Unnecessary” Animals in CU Boulder Experiments Wastes Taxpayer Funds**

In FY 2020 CU Boulder received more than \$91 million<sup>1</sup> in state appropriations, part of which may have been used to support animal experimentation activities. According to new documents obtained by PETA through FOIA requests, animals assigned to the following protocols—which likely involve the use of Colorado state money, personnel, property, equipment, and space by CU-Boulder for such

<sup>1</sup>University of Colorado Boulder. (n.d.). *Revenue sources data*.  
<http://www.colorado.edu/bfp/budget/currfundsbudget/appropgfcvrehist.html>.

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activities—were killed in response to a March 16, 2020, directive issued by CU Boulder amid the COVID-19 pandemic in which the university urged staff to identify “unnecessary” animals for euthanasia:<sup>2</sup>

- The protocol titled, “Phenotyping Embryonic Lethal Knockout Mice with Neural Crest and Neural Defects,” is led at CU Boulder by Lee A. Niswander. On March 17, 2020, a representative from the “Niswander Lab” requested the euthanasia of transgenic mice “in room A2B44 on rack5 [*sic*].”<sup>3</sup>
- The protocol titled, “Mechanisms Regulating Muscle Stem Cell Homeostasis” and “Replicative Potential of Muscle Stem Cells,” is led by CU Boulder’s Bradley Olwin. On March 18, 2020, “based on the recommendations in the chancellors [*sic*] email regarding ongoing research,” a research assistant affiliated with the “Olwin Lab” requested the euthanasia of such “unnecessary” mice confined in 45 cages located “in rooms A2B32 and A2B34” and included photos of these animals marked for euthanasia, noting, “This represents the largest amount we can cull from our colonies without severely disrupting future research or catastrophic financial loss due to irreplaceable animals.”<sup>4</sup>
- The protocol titled, “Regulation of Cell Signaling by Transition Metal Dynamics,” is led by CU Boulder’s Amy E. Palmer. On March 18, 2020, a member of the “Palmer Lab” discussed the euthanasia of a mouse confined in the vivarium.<sup>5</sup>

Documents obtained by PETA show that animals assigned to other protocols also underwent euthanasia as a result of the COVID-19 response directive issued by CU Boulder to identify “unnecessary” animals for euthanasia:

- A March 17, 2020, email titled, “Some details about the colony maintenance,” involving Shiyong Zou ([shiyong.zou@colorado.edu](mailto:shiyong.zou@colorado.edu)), Amrita George ([amrita.george@colorado.edu](mailto:amrita.george@colorado.edu)) and Mark Opp ([mark.opp@colorado.edu](mailto:mark.opp@colorado.edu)), described the plan to euthanize “Hannah’s mice,” “ACP” mice and “ACPb” mice.<sup>6</sup>
- A March 29-31, 2020, and April 6, 2020, email thread titled, “Re: About frogs in the facility,” involving Bilge Birsoy ([bilge.birsoy@colorado.edu](mailto:bilge.birsoy@colorado.edu)), Toni T. Mufford ([toni.mufford@colorado.edu](mailto:toni.mufford@colorado.edu)), Joshua Figueroa

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<sup>2</sup>University of Colorado–Boulder. (n.d.). *Research & Innovation Office COVID-19 resources*. [https://www.colorado.edu/researchinnovation/research-innovation-office-covid-19-resources#vivarium\\_considerations-2651](https://www.colorado.edu/researchinnovation/research-innovation-office-covid-19-resources#vivarium_considerations-2651)

<sup>3</sup>Brown, H. (2020, March 17). *Re: OAR guidance following suspension of research activities*. [https://www.peta.org/wp-content/uploads/2021/01/2020-03-17\\_RE-OAR-guidance-following-suspension-of-research-activities.pdf](https://www.peta.org/wp-content/uploads/2021/01/2020-03-17_RE-OAR-guidance-following-suspension-of-research-activities.pdf)

<sup>4</sup>Dalla Betta, N. C. (2020, March 18). *Re: [OAR Announcement] OAR guidance following suspension of research activities*. [https://www.peta.org/wp-content/uploads/2021/01/2020-03-18\\_RE-OAR-guidance-following-suspension-of-research-activities.pdf](https://www.peta.org/wp-content/uploads/2021/01/2020-03-18_RE-OAR-guidance-following-suspension-of-research-activities.pdf)

<sup>5</sup>Janiszewski, L. (2020, March 18). *Fwd Single mouse*. [https://www.peta.org/wp-content/uploads/2021/01/2020-03-18\\_Fwd-Single-mouse.pdf](https://www.peta.org/wp-content/uploads/2021/01/2020-03-18_Fwd-Single-mouse.pdf)

<sup>6</sup>Zou, S. (2020, March 17). *Some details about the colony maintenance*. [https://www.peta.org/wp-content/uploads/2021/01/2020-03-17\\_Some-details-about-the-colony-maintenance.pdf](https://www.peta.org/wp-content/uploads/2021/01/2020-03-17_Some-details-about-the-colony-maintenance.pdf)

([joshua.figueroahernandez@colorado.edu](mailto:joshua.figueroahernandez@colorado.edu)), Sara Hashway ([sara.hashway@colorado.edu](mailto:sara.hashway@colorado.edu)), Barbara J. Pfister, ([barbara.pfister@colorado.edu](mailto:barbara.pfister@colorado.edu)), Cayla Jo Paulson ([cayla.paulson@colorado.edu](mailto:cayla.paulson@colorado.edu)), and Micah A. Stoltz ([micah.stoltz@colorado.edu](mailto:micah.stoltz@colorado.edu)), stated that “the xenopus lab has euthanized all of their frogs.”<sup>7</sup>

The fact that laboratories led by CU Boulder’s employees had “unnecessary” animals in the first place should raise significant red flags, especially since their experiments are funded by taxpayers who should not have to foot the bill for such waste.

### **CU Boulder Protocols Failed to Reduce and Replace Animal Use**

As we noted in our letter to you dated August 20, 2020, the existence of “unnecessary,” non-essential, noncritical, or extraneous animals in CU Boulder laboratories flies in the face of existing regulations designed to minimize the use of animals in experiments.

Government policy language requiring the minimization of the experimental use of animals is present in the Health Research Extension Act of 1985, the National Institutes of Health Revitalization Act of 1993, the eighth edition of the *Guide for the Care and Use of Laboratory Animals*, and the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training:

- The Health Research Extension Act of 1985 states, “The Director of NIH shall require each applicant for a grant, contract, or cooperative agreement involving research on animals ... to include in its application or contract proposal ... (1) assurances satisfactory to the Director of NIH that- ... (B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the ... use of *research or testing methods that limit the use of animals* or limit animal distress [*emphasis added*].”<sup>8</sup>
- The National Institutes of Health Revitalization Act of 1993 states, “The Director of NIH ... shall prepare a plan ... for the National Institutes of Health to conduct or support research into ... *methods of such research and experimentation that reduce the number of animals used in such research* [*emphasis added*].”<sup>9</sup>
- The eighth edition of the *Guide for the Care and Use of Laboratory Animals* states, “The *Guide* ... endorses the following principles: *consideration of*

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<sup>7</sup>Birsoy, B. (2020, March 29). *Re: About frogs in the facility*. [https://www.peta.org/wp-content/uploads/2021/01/2020-03-29\\_RE-About-frogs-in-the-facility.pdf](https://www.peta.org/wp-content/uploads/2021/01/2020-03-29_RE-About-frogs-in-the-facility.pdf)

<sup>8</sup>Health Research Extension Act of 1985, Publ. L. No. 99-158. (1985). <https://olaw.nih.gov/policies-laws/hrea-1985.htm>

<sup>9</sup>NIH Revitalization Act of 1993, Publ. L. No. 103-43. (1993). <https://grants.nih.gov/grants/olaw/pl103-43.pdf>

- alternatives (in vitro systems, computer simulations, and/or mathematical models) to reduce or replace the use of animals [emphasis added].”<sup>10</sup>*
- The U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training (1985) states, “The animals selected for a procedure should be of an appropriate species and quality and *the minimum number required to obtain valid results [emphasis added].”<sup>11</sup>*

**When CU Boulder experimenters buy, breed, trap, and/or use animals who at any time—not just during the COVID-19 pandemic—can be deemed to be “unnecessary,” non-essential, noncritical, extraneous or described using similar terminology, they are squandering limited research funds, some of which is likely provided by Colorado taxpayers, and flouting the bedrock “3Rs” principle of reducing, replacing, and refining the use of animals in experimentation that is enshrined in government regulations and policies.**

Under this standard, the number of “unnecessary,” non-essential, noncritical, or extraneous animals used in the aforementioned experiments should have been zero from the start since they weren’t relevant to the protocols led by CU Boulder’s employees. Also, because state taxpayer funds were likely used to acquire, breed, confine, and/or maintain these “unnecessary,” non-essential, noncritical, or extraneous animals who were then so easily euthanized and disposed of in response to COVID-19, CU Boulder should reimburse the state of Colorado for this fiscal waste.

Furthermore, as the Congressional Research Service (CRS) has found that during the COVID-19 pandemic, “[s]uspending research may result in additional costs for activities such as animal care,” and “[r]estarting research, when conditions permit, may also incur costs for staff time and supplies to . . . reestablish laboratory animal populations.”<sup>12</sup> Colorado taxpayers should not be responsible for any of the additional costs associated with “reestablishing laboratory animal populations” since CU Boulder deemed many of them “unnecessary,” non-essential, noncritical, or extraneous to the experiments and because repopulating animals in laboratories at taxpayers’ expense would appear to violate the aforementioned federal regulations and policies that mandate minimizing the use of animals in experiments.

### **Request for Research Accountability**

This information seems to corroborate the apparent waste of state funds by CU Boulder on activities supporting experiments—and/or on the animals used in them—that the school deemed “unnecessary,” extraneous, noncritical, non-essential, ramped down,

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<sup>10</sup>National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. (2011). *Guide for the care and use of laboratory animals*. <https://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>

<sup>11</sup>National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. (2011). *Appendix B: U.S. government principles for the utilization and care of vertebrate animals used in testing, research, and training*. <https://www.ncbi.nlm.nih.gov/books/NBK54048/>

<sup>12</sup>Congressional Research Service. (2020, April 10). *Effects of COVID-19 on the federal research and development enterprise*. <https://crsreports.congress.gov/product/pdf/R/R46309>

disposable, or nonpriority or described using similar terminology and euthanized in response to COVID-19. Such seeming waste of precious resources by CU Boulder does a disservice to the research enterprise, Colorado taxpayers, and the animals who paid for this with their lives. We urge you to audit CU Boulder's actions in this matter and, if you corroborate the issues we have raised, hold the university accountable by requiring it to reimburse Colorado for apparent fiscal waste of state taxpayer funds with respect to the university's animal experiments, and also ensuring that current state-funded research activities involving such animals are permanently terminated, that new state-funded research activities that include such animals are no longer approved, and that the breeding and acquisition of such animals for state-funded research activities are prohibited.

We will share with your office any new, relevant information we receive on this regard. If you have any questions, please contact me at [ShalinG@peta.org](mailto:ShalinG@peta.org) or at 757-962-8325. We look forward to your reply regarding this important matter. Thank you.

Sincerely yours,

A handwritten signature in black ink that reads "Shalin G. Gala". The signature is written in a cursive style with a large, looping initial "S".

Shalin G. Gala  
Vice President, International Laboratory Methods  
Laboratory Investigations Department