



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

February 17, 2021

Philip P. DiStefano, Ph.D.
Office of the Chancellor
University of Colorado Boulder

Via e-mail: chancellor@colorado.edu

Dear Chancellor DiStefano:

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. **Based on the information presented below, we urge the University of Colorado Boulder (CU Boulder) to reimburse any and all federal and 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, nonpriority and/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.**

Euthanizing "Unnecessary" Animals in CU Boulder Experiments Wastes Taxpayer Funds

According to documents obtained by PETA through FOIA requests, animals assigned to the following protocols 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:¹

- "Phenotyping Embryonic Lethal Knockout Mice with Neural Crest and Neural Defects," led at CU Boulder by Lee A. Niswander, received \$641,755² in FY2018 from the National Institute of Child Health & Human Development (NICHD). On March 17, 2020, a representative from the "Niswander Lab" requested the euthanasia of transgenic mice "in room A2B44 on rack5 [*sic*]."³
- "Mechanisms Regulating Muscle Stem Cell Homeostasis" and "Replicative Potential of Muscle Stem Cells," led by CU Boulder's

¹University 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

²NIH. (n.d.). *Phenotyping embryonic lethal knockout mice with neural crest and neural defects*. Project number: 5R01HD081562-05. Research Portfolio Online Reporting Tools (RePORT): Project Information.

https://projectreporter.nih.gov/project_info_details.cfm?aid=9522839&icde=51842897

³Brown, 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

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Bradley Olwin, received \$674,218^{4,5} in FY2020 from the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS). 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.”⁶

- “Regulation of Cell Signaling by Transition Metal Dynamics,” led by CU Boulder’s Amy E. Palmer, received \$770,000⁷ in FY2018 from the National Institute of General Medical Studies (NIGMS), the National Center for Complementary & Integrative Health (NCCIH), and the Office of the NIH Director (OD). On March 18, 2020, a member of the “Palmer Lab” discussed the euthanasia of a mouse confined in the vivarium.⁸

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), Amrita George (amrita.george@colorado.edu) and Mark Opp (mark.opp@colorado.edu), described the plan to euthanize “Hannah’s mice,” “ACP” mice and “ACPB” mice.⁹
- 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), Toni T. Mufford (toni.mufford@colorado.edu), Joshua Figueroa (joshua.figueroahernandez@colorado.edu), Sara Hashway (sara.hashway@colorado.edu), Barbara J. Pfister, (barbara.pfister@colorado.edu), Cayla Jo Paulson (cayla.paulson@colorado.edu), and Micah A. Stoltz (micah.stoltz@colorado.edu), stated that “the xenopus lab has euthanized all of their frogs.”¹⁰

⁴NIH. (n.d.). *Mechanisms regulating muscle stem cell homeostasis*. Project number: 5R01AR049446-15. Research Portfolio Online Reporting Tools (RePORT): Project Information. Amount awarded: \$335,418.

https://projectreporter.nih.gov/project_info_details.cfm?aid=9966715&icde=52050302

⁵NIH. (n.d.). *Replicative potential of muscle stem cells*. Project number: 5R01AR070360-04. Research Portfolio Online Reporting Tools (RePORT): Project Information. Amount awarded: \$338,800.

https://projectreporter.nih.gov/project_info_details.cfm?aid=9984871&icde=52050302

⁶Dalla 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

⁷NIH. (n.d.). *Regulation of cell signaling by transition metal dynamics*. Project number: 5DP1GM114863-05. Research Portfolio Online Reporting Tools (RePORT): Project Information. https://projectreporter.nih.gov/project_info_details.cfm?aid=9533658&icde=51828567

⁸Janiszewski, L. (2020, March 18). *Fwd Single mouse*. https://www.peta.org/wp-content/uploads/2021/01/2020-03-18_Fwd-Single-mouse.pdf

⁹Zou, 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

¹⁰Birsoy, 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

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 Apparently Failed of to Reduce and Replace Animal Use

The presence 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.

NIH-supported language requiring the minimization of the experimental use of animals is present in the Health Research Extension Act of 1985, the NIH 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*].”¹¹
- 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*].”¹²
- The eighth edition of the Guide for the Care and Use of Laboratory Animals states, “The *Guide* ... endorses the following principles: *consideration of alternatives (in vitro systems, computer simulations, and/or mathematical models) to reduce or replace the use of animals* [*emphasis added*].”¹³
- 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*].”¹⁴

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 squander limited research funds, much of which are provided by taxpayers, and flout the bedrock “3Rs” principle of reducing, replacing, and refining the use of animals in experimentation that is enshrined in government regulations and policies.

¹¹Health Research Extension Act of 1985, Publ. L. No. 99-158. (1985). <https://olaw.nih.gov/policies-laws/hrea-1985.htm>

¹²NIH Revitalization Act of 1993, Publ. L. No. 103-43. (1993). <https://grants.nih.gov/grants/olaw/pl103-43.pdf>

¹³National 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>

¹⁴National 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/>

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 taxpayer funds were 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 funding agencies for this fiscal waste.

Furthermore, 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.”¹⁵ Taxpayers should not be responsible for the additional costs associated with “reestablishing laboratory animal populations” since CU Boulder deemed many of them to be “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 and Modernization

We urge you to withdraw the referenced funds allocated to support these CU Boulder laboratories and reimburse the state and federal agencies with any and all funds used to acquire, breed, confine and/or maintain the animals who experimenters deemed “unnecessary,” non-essential, noncritical, extraneous or described using similar terminology and then euthanized in March and April, 2020, in response to the university’s COVID-19 response directive. Moreover, instead of supporting wasteful experiments on animals that do not advance human health, we encourage CU Boulder to shift its efforts to projects focused on human-relevant, non-animal research methods, as described in PETA’s Research Modernization Deal.¹⁶

You can contact me at ShalinG@peta.org or at 757-962-8325. We look forward to your reply regarding this important matter. Thank you.

Sincerely yours,



Shalin G. Gala
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¹⁵Congressional Research Service. (2020, April 10). *Effects of COVID-19 on the federal research and development enterprise*. <https://crsreports.congress.gov/product/pdf/R/R46309>

¹⁶People for the Ethical Treatment of Animals. (2021). *The Research Modernization Deal 2021*. <https://www.peta.org/wp-content/uploads/2020/12/PETA-2021-Research-Modernization-Deal.pdf>