



August 30, 2021

Patricia A. Brown, V.M.D., M.S., D.A.C.L.A.M.
Director
Office of Laboratory Animal Welfare
National Institutes of Health

Via e-mail: brownp@od.nih.gov

Dear Dr. Brown:

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 request that the Office of Laboratory Animal Welfare (OLAW) withdraw its approval for the Public Health Service (PHS) Animal Welfare Assurance granted to the Cleveland Clinic (PHS Assurance D16-00026 [A3047-01]).

According to federal documents obtained by PETA through a Freedom of Information Act request, the Cleveland Clinic continues to demonstrate a profound disregard for the welfare of the animals held in its facilities, as we exposed last year with a six-month undercover investigation that documented pain, distress, and misery endured by the animals in the clinic's care. Last year, our concerns regarding systemic problems in the clinic's laboratories—including inadequate veterinary care and failure to euthanize animals humanely and in a timely manner—were dismissed. The records obtained by PETA clearly show that even as it was publicly denying the negligence and sloppiness of its staff members, it continued to ignore the *Guide for the Care and Use of Laboratory Animals* and privately admitted to multiple violations.

The incidents described below were reported to OLAW's Division of Compliance Oversight between October 2018 and March 2021. For most of them, the Cleveland Clinic didn't even bother to specify the number of animals affected:

1. The tails of an undetermined number of mice were clipped by a staff member who neglected to follow the approved protocol. [Case 2O]
2. An undetermined number of mice confined to three cages were left in an unauthorized laboratory and transported inappropriately, against required procedures. [Case 2P]
3. An undetermined number of mice confined to 19 cages were given an agent that wasn't included in the approved protocol. The animals were confined in an unauthorized laboratory and assigned to different protocols, "one of which was expired." Most of the cages were "heavily soiled," several were "overcrowded," and some "were placed in drawers or covered with cloth or paper barriers that precluded free air flow." [Case 2Q]

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4. An undetermined number of mice confined to two cages were left in an unauthorized area “outside of the animal facility” that wasn’t included in the approved protocol. [Case 2R]
5. Three mice who were confined to three different cages were left in an unauthorized area, and their cages were “soiled, low on food and water, and without appropriate cage identification.” [Case 2S]
6. An undetermined number of mice “were removed from the animal facility and appear to have been taken back to a laboratory where live animal work is not approved.” [Case 2T]
7. The tails of five adult mice were clipped by a staff member who neglected to follow the approved protocol. [Case 2V]
8. An undetermined number of mice were euthanized by using a secondary method that wasn’t included in the approved protocol. This serious deviation from the protocol occurred at a laboratory that had undergone “a corrective action plan that was designed to ensure that they would restrict their animal research activities to those that were approved by the [Institutional Animal Care and Use Committee].” [Case 2W]
9. A “large animal” of an undetermined species was subjected to a surgical procedure for which the surgeon didn’t wear clean scrubs and didn’t scrub their hands as required. [Case 2X]
10. An undetermined number of mice were subjected to an unapproved procedure in which their hair was removed with a depilatory before blood was drawn. [Case 2Y]
11. An undetermined number of mice were subjected to an unapproved procedure in which their hair was removed with a depilatory before images were taken. “While this procedure resulted in skin lesions on the animals,” staff members “did not report this to Veterinary Services and removed Veterinary Health Stickers once they were applied to the cage cards.” [Case 2Z]
12. An undetermined number of mice from “a variety” of colonies were scheduled to be euthanized after the laboratory to which they were assigned was closed following an investigation by the Department of Justice¹ and the Federal Bureau of Investigations. [Case 3A]
13. An undetermined number of mice who were confined to two cages were improperly euthanized when a staff member neglected to use a secondary method of euthanasia, in violation of the protocol. The same employee left an undetermined number of mice—who were confined to three cages—without food or water overnight. [Case 3B]
14. The tails of an undetermined number of mice were clipped by a staff member who neglected to follow the approved protocol. The animals were not given any anesthetic or analgesic drugs. [Case 3D]
15. Two mice were inoculated with bacteria, although the protocol that they were assigned to didn’t include this procedure. [Case 3E]
16. An undetermined number of mice were used by a staff member who wasn’t authorized to do so in the approved protocol. In a second incident, an undetermined number of mice

¹According to a Justice Department news release dated May 14, 2020, Qing Wang, the head of this laboratory, was “charged with false claims and wire fraud related to more than \$3.6 million in grant funding that Dr. Wang and his research group received from the National Institutes of Health (NIH).” See <https://www.justice.gov/opa/pr/former-cleveland-clinic-employee-and-chinese-thousand-talents-participant-arrested-wire-fraud>.

were given tumor cells, although the protocol that they were assigned to didn't include this procedure. [Case 3F]

Since fiscal year 2018, the Cleveland Clinic has received nearly \$397 million in public funding from the National Institutes of Health (NIH). OLAW's mandate includes monitoring the facilities that are privileged to receive federal grants for compliance with the PHS Policy on Humane Care and Use of Laboratory Animals "to ensure the humane care and use of animals, thereby contributing to the quality of PHS-supported activities." Violations at the Cleveland Clinic have resulted in acute suffering and death for animals and have squandered taxpayer dollars.

As you know, the NIH Grants Policy Statement (NIHGPS)—which outlines the rules governing activity in federally funded research projects—clearly specifies that the PHS Policy "requires that an approved Animal Welfare Assurance be on file with the Office of Laboratory Animal Welfare (OLAW) at the time of award for all recipient organizations receiving PHS support for research or related activities using live vertebrate animals." Conditions of maintaining this approval include compliance "with the regulations ... issued by the U.S. Department of Agriculture under the Animal Welfare Act ... and other Federal statutes and regulations relating to animals," and each institution is required "to maintain an animal care and use program based on the Guide for the Care and Use of Laboratory Animals."

The NIHGPS also states that "OLAW is responsible for requesting, negotiating, approving or disapproving, and, as necessary, restricting or withdrawing approval of Assurances." And Section IV.A of the PHS Policy gives NIH the discretion to "condition, restrict, or withdraw approval" for animal experimentation to take place at any facility receiving NIH funding.

While your office has conducted investigations into individual incidents at the Cleveland Clinic, we ask that you consider the clear pattern of chronic, egregious violations of federal animal welfare guidelines that has emerged. We urge you to protect animals, ensure proper stewardship of public funds, and cultivate public trust by withdrawing approval of the clinic's PHS Animal Welfare Assurance, as OLAW has the authority and obligation to do.

Thank you for your attention to this important matter. I'd be happy to answer any questions that you may have at MagnoliaM@peta.org.

Sincerely,



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