



November 3, 2021

Patricia Brown, VMD, MS, DACLAM
 Director
 Office of Laboratory Animal Welfare
 6700B Rockledge Dr., Ste. 2500, MSC 6910
 Bethesda, MD 20892-6910

Dear Dr. Brown:

I am writing in response to your letter to PETA dated September 29, 2021, in which you replied to PETA's May 11, 2021, letter to National Institutes of Health (NIH) Office of Policy for Extramural Research Administration (OPERA) director Michelle Bulls regarding Johns Hopkins University's (JHU) failure to obtain a required Maryland Department of Natural Resources (MD DNR) "Scientific Collecting" state permit for invasive brain experiments conducted on barn owls by JHU professor Shreesh Mysore. While we appreciate your response, statements in your letter are concerning, with respect to the robustness of OLAW's handling of this matter and of any future violations of state law by investigators and research facilities receiving NIH funding to experiment on animals.

As detailed in PETA's letter to Bulls, Mysore and JHU failed to obtain a required MD DNR "Scientific Collecting" annual permit for four years. Nevertheless, you concluded in your letter to PETA that, "JHU ensures that NIH funded investigators are compliant with the NIH Grants Policy Statement and the animal requirements." Exactly the opposite happened here. JHU *did not* ensure that an NIH-funded investigator was compliant with the NIH Grants Policy Statement (NIHGPS). If JHU had so ensured, this four-year lapse presumably would not have occurred. Likewise, contrary to your assertion in that same letter that "[p]olicies and procedures are in place to ensure that investigators working with free roaming or captive wildlife have the appropriate permits in place before conducting animal activities," that also did not happen here. While Mysore may have started his experiments with a MD DNR "Scientific Collecting" permit, he conducted experiments on barn owls for four years without one seemingly during this same timeframe.

It is unclear from the reference in your letter to PETA to the fact that the NIH Grants Policy Statement (NIHGPS) does not supersede more stringent state laws whether you consider that to be somehow exculpatory, when, instead, it only highlights JHU's noncompliance with both state law and the NIHGPS. The NIHGPS' assertion does not excuse anyone from following state and local law but rather emphasizes that NIH-funded investigators are *not* exempt, even when the law is more exacting. Further, that is, of course, not the NIHGPS' only reference to compliance with state law. At Section 2.3.6 of the NIHGPS, it reads,

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“The applicant also is expected to be in compliance with applicable State and local laws and ordinances.” This requirement is so important that costs resulting from noncompliance with state law are unallowable under the NIHGPS.

Further, in your letter to PETA regarding Mysore’s barn owl experiments, you stated, “No annual renewal reminders had been sent by DNR for this activity although reminders had been sent to another JHU investigator who had a wildlife permit.”¹ However, your statement contradicts the statement that Paul Peditto, director of Wildlife and Heritage Service at the MD DNR, sent to Mysore in a letter dated March 4, 2021, stating, “Your original permit expired on 12/31/2014. You did not respond to the request to renew so we presumed there was no longer a need for the continued use of the permit for the original research project.”² *So, contrary to OLAW’s assertion that Mysore did not receive a reminder from MD DNR to renew his “Scientific Collecting” permit, MD DNR confirms that they did send Mysore a reminder for this permit renewal but Mysore did not respond to the MD DNR’s request to renew it—which appears to indicate negligence or willful disregard on Mysore’s part for complying with Maryland state law regarding this permit.*

NIH is abdicating its duty to enforce its own NIHGPS with respect to Mysore’s failure to obtain a MD DNR “Scientific Collecting” permit for four years—despite his seemingly conducting invasive and deadly experiments on barn owls during that timeframe—and wrongly placing the blame of this permitting lapse on the MD DNR. Maryland Secretary of Natural Resources Jeannie Haddaway-Riccio stated the following in her letter to PETA dated May 5, 2021, concerning Mysore’s failure to obtain a MD DNR “Scientific Collecting” permit for four years, confirming that Mysore’s actions constitute “a violation” of state law:

Our department looked into the matter. As a result of our review, we found that Dr. Mysore’s original scientific collecting permit expired on December 31, 2014. A few years later, Dr. Mysore reapplied for a scientific collecting permit, which was awarded. Based on the concerns raised by PETA that Dr. Mysore conducted research without the scientific collecting permit during the time it had lapsed, we have advised Dr. Mysore in a letter dated March 4, 2021 that he will need to renew the permit annually and that operating under an inactive permit is a violation and subject to potential enforcement action and foreclosure of the research project.³

The onus is not on a state agency like MD DNR to ensure that federally funded experimenters, such as Mysore, at large and nationally known research facilities, such as JHU, comply with applicable state law. Mysore and JHU bear that obligation, and they failed for four years to do

¹ Office of Policy for Extramural Research/ Office of Laboratory Animal Welfare, (September 29, 2021). OPERA/OLAW Response to PETA. <https://www.peta.org/wp-content/uploads/2021/10/Roe-PETA-JHU-Allegations-3272-2L-1.pdf>

² Maryland Department of Natural Resources. (March 4, 2021). Letter to Mysore from MD DNR. <https://www.peta.org/wp-content/uploads/2021/10/2021-05-12-MD-DNR-letter-to-Mysore.pdf>

³ Haddaway-Riccio, Jeannie. (May 5, 2021). Letter to PETA Regarding Scientific Collecting Permits Held by Johns Hopkins University. <https://www.peta.org/wp-content/uploads/2021/09/2021-05-05-MD-DNR-response-Mysore-was-in-violation.pdf>

so. Should similar violations happen again with some other experimenter,⁴ OLAW must not blame *that* state or local agency either but instead hold accountable the experimenter and the institution who have the responsibility to comply with all applicable state, local and federal laws and policies, as the NIHGPS requires. Considering the amount of taxpayer dollars provided to research facilities to conduct invasive, even deadly, experimentation on animals—in Mysore’s case, more than \$1.9 million⁵—complying with permitting and other laws is literally the least they can do.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine V. Roe". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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cc: Michelle G. Bulls, Michelle.Bulls@nih.gov
Axel Wolff, wolffa@od.nih.gov

⁴ This scenario is not unlikely. For example, in just the past few years, Colorado State University professor Gregory Ebel was found by Colorado authorities to have trapped birds without a state permit, and Louisiana State University professor Christine Lattin apparently trapped birds in violation of a local ordinance.

⁵ NIH RePorter (n.d.). Multisensory competition and spatial selection: Neural circuit and computational mechanisms. https://reporter.nih.gov/search/C_w5wfPE0k2OPGM18dFRgw/projects