



November 3, 2021

Jeannie Haddaway-Riccio
Secretary of Natural Resources
Maryland Department of Natural Resources

Via e-mail: jeannie.riccio@maryland.gov

Dear Secretary Haddaway-Riccio:

Thank you in advance for your time. I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally—in response to your letter to PETA U.S. dated May 5, 2021, regarding Johns Hopkins University (JHU) assistant professor Shreesh Mysore's failure to obtain a legally required Maryland Department of Natural Resources (MD DNR) "scientific collecting" state permit for his invasive brain experiments conducted on barn owls.

Based on Mysore's blatant permit violation and failure to possess barn owls, a protected species,¹ legally from 2015 to 2018 for use in his experiments that appear to have occurred during this same timeframe, it is not enough of a deterrent or penalty that the MD DNR has only "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."² We urge the MD DNR to levy all appropriate penalties against Mysore and JHU regarding this serious and repeat permit violation and to deny any future permits by them to possess barn owls for experimentation.

According to your letter to PETA, Mysore—with the support of JHU—conducted experiments on barn owls without the necessary permits from 2015 to 2018. As you may know, his experiments on barn owls have received more than \$1.9 million in taxpayer funding from the National Eye Institute (NEI grant number R01EY027718),³ which is part of the National Institutes of

¹Code of Maryland Regulations. Title 08 - DEPARTMENT OF NATURAL RESOURCES. Subtitle 03 - WILDLIFE. Chapter 08.03.09 - Wildlife Possession. 08.03.09.06 - Permit to Possess Protected Species of Wildlife Birds.

<https://regulations.justia.com/states/maryland/title-08/subtitle-03/chapter-08-03-09/08-03-09-06/>

²Haddaway-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>

³NIH RePORTER. Multisensory competition and spatial selection: Neural circuit and computational mechanisms.

https://reporter.nih.gov/search/C_w5wfPE0k2OPGM18dFRgw/projects

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Info@peta.org
PETA.org

Affiliates:

- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

Health (NIH). You'll be interested to learn that after we raised this issue regarding Mysore's failure to obtain required "scientific collecting" permits from the MD DNR with Michelle Bulls, the director of NIH's Office of Policy for Extramural Research Administration (OPERA), in a letter dated May 11, 2021,⁴ we received a reply dated September 29, 2021, from Patricia Brown, director of NIH's Office of Laboratory Animal Welfare (OLAW), stating, "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."⁵ PETA responded to Brown in a letter dated November 3, 2021,⁶ pointing out that her statement contradicts this statement that Paul Peditto, director of Wildlife and Heritage Service at the MD DNR, sent to Mysore in a letter dated March 4, 2021: "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."⁷

So, contrary to OLAW's assertion that Mysore did not receive a reminder from the MD DNR to renew his "scientific collecting" permit, the MD DNR confirms that it did send him a reminder for this permit renewal and that he did not respond to it—which appears to indicate negligence or willful disregard on Mysore's part in terms of complying with Maryland state law regarding this permit.

OLAW also appears to undermine the importance of proper acquisition of these permits by stating, "The [NIH] Grants Policy Statement indicates that it does not supersede applicable State or local laws or regulations that impose more stringent standards for the care and use of animals in research and the DNR permit does not impose any more stringent requirements on the protocol activities."⁸ It is unclear from this whether OLAW considers that to be somehow exculpatory when, instead, it only highlights JHU and Mysore's noncompliance with both state law and the NIH Grants Policy Statement (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. Furthermore, that is, of course, not the NIHGPS' only reference to compliance with state law. Section 2.3.6 of the NIHGPS reads, in part, "The applicant also is expected to be in compliance with applicable State and local laws and

⁴People for the Ethical Treatment of Animals. (May 11, 2021). Letter to OPERA. <https://www.peta.org/wp-content/uploads/2021/10/2021-05-11-Letter-to-OPERA-rerecoup-NIH-grant-1.pdf>

⁵Office of Policy for Extramural Research Administration and Office of Laboratory Animal Welfare. (September 29, 2021). Letter from OPERA/OLAW to PETA. <https://www.peta.org/wp-content/uploads/2021/10/Roe-PETA-JHU-Allegations-3272-2L.pdf>

⁶ People for the Ethical Treatment of Animals. (November 3, 2021). Response to OLAW. <https://www.peta.org/wp-content/uploads/2021/11/2021-11-03-Follow-up-correspondence-regarding-Shreesh-Mysore.pdf>

⁷Maryland Department of Natural Resources. (March 4, 2021). Letter to Mysore from the MD DNR. <https://www.peta.org/wp-content/uploads/2021/10/2021-05-12-MD-DNR-letter-to-Mysore.pdf>

⁸Office of Policy for Extramural Research and Office of Laboratory Animal Welfare. (September 29, 2021). Letter from OPERA/OLAW to PETA. <https://www.peta.org/wp-content/uploads/2021/10/Roe-PETA-JHU-Allegations-3272-2L.pdf>

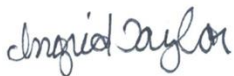
ordinances.” This requirement is so important that costs resulting from noncompliance with state law are unallowable under the NIHGPS.⁹

NIH is abdicating its duty to enforce its own policy statement with respect to Mysore’s failure to obtain an MD DNR “scientific collecting” permit for four years—even though he was seemingly conducting invasive and deadly experiments on barn owls during that timeframe—and wrongly placing the blame for this permitting lapse on the MD DNR. The onus should not be on a state agency like the 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 so.

Nevertheless, as a result of this abdication, it is incumbent on the MD DNR to levy all appropriate penalties against Mysore and JHU for this permit violation. Mysore used federal funds to conduct experiments on owls while in violation of Maryland state law. The permitting provisions for scientific collection are not optional—they are a basic legal prerequisite to keeping these owls, who would otherwise be protected under the law, confined for use in invasive brain experiments. Mysore’s failure to satisfy the requirements of Maryland’s wildlife regulations strongly counsels against allowing him and JHU to engage in the continued possession of barn owls and other protected birds.

You can contact me directly by e-mail at DrTaylor@peta.org. Thank you for your consideration of this important issue. We look forward to your response.

Sincerely,



Ingrid Taylor, D.V.M.
Research Associate
Laboratory Investigations Department

⁹U.S. Department of Health and Human Services, National Institutes of Health. NIH Grants Policy Statement. National Institutes of Health; April 2021. <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>