



November 18, 2021

Deborah Kearse
Director
Division of Program Integrity
National Institutes of Health
Office of Management Assessment

Re: DPI Case Number 2021-017

Via e-mail: deborah.kearse@nih.gov

Dear Ms. Kearse:

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 worldwide—to share disturbing new information regarding Division of Program Integrity case number 2021-017.

Based on the information presented below, PETA U.S. urges your office to investigate and, if noncompliance is corroborated, ensure that experimenters funded by the National Institutes of Health (NIH) adhere to federal mandates to reduce and/or replace the use of animals in experiments and to stop wasting public resources to support activities related to the acquisition, breeding, confinement, maintenance, repopulation of, and/or experimentation on animals deemed by experimenters to be extraneous, non-essential, or noncritical or described using similar terminology.

History of PETA's Complaint

On June 15, 2020, we submitted a detailed complaint to the U.S. Department of Health and Human Services (HHS) Office of Inspector General (OIG) regarding the troubling problem in which universities across the country were deeming many of their NIH-funded experiments—and the animals used in them—extraneous, non-essential, or non-critical or describing them using similar terminology in response to COVID-19,

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resulting in the massive euthanasia of such animals confined in laboratories and a waste of taxpayer funds.¹

On June 23, 2020, we were notified by HHS OIG Public Affairs that our complaint had been forwarded to the then-director of NIH's Office of Management Assessment (OMA), Michael D. Shannon,² to which we did not receive a reply. On February 17, 2021, we submitted a new complaint³ addressed to the acting OMA director, Meredith Stein, CPA, which was assigned case number 2021-017 by the NIH's Division of Program Integrity that same day.

New Information That Supplements Our Complaint

Experimenters affiliated with the NIH-funded institutions mentioned below have acknowledged mass euthanizing animals in response to the COVID-19 pandemic, similar to the numerous institutions that we had detailed in our original complaint. That these laboratories had animals deemed by experimenters to be unnecessary, non-essential, non-critical, extraneous, or similar in the first place should raise significant red flags. Given the scale of widespread euthanasia of such animals being experimented on as a result of COVID-19 and the large amount of NIH funding that these individual institutions receive in research grants, taxpayers should not have to foot the bill for such waste.

Carnegie Mellon University

During FY2020, Carnegie Mellon University (CMU) received \$52,363,703 in funding from NIH.⁴ Because of the COVID-19 pandemic, CMU temporarily paused research activities⁵ and experimenters there reportedly culled 600 mice.⁶

Cornell University

During FY 2020, Cornell University received \$92,868,490 in funding from NIH.⁷ In light of the COVID-19 pandemic, Provost Michael Kotlikoff and Vice President for Research and Innovation Emmanuel Giannelis wrote a letter directed to Cornell colleagues saying that the institution would limit laboratory experiments and reduce non-essential research activities by March 18. Their letter states, "Research that is essential for the understanding and reduction of

¹People for the Ethical Treatment of Animals. Request to HHS OIG regarding COVID-19 contingency plans at U.S. universities. June 15, 2020. Accessed November 16, 2021.

<https://www.peta.org/wp-content/uploads/2020/06/20-06-15-Request-to-HHS-OIG-regarding-COVID-19-contingency-plans-at-US-universities.pdf>

²HHS-OIG Public Affairs RE: RE: [For HHS OIG, from PETA] re request for investigation into apparent waste at NIH and failure to reduce/replace animal use. June 23, 2020. Accessed November 16, 2021.

https://www.peta.org/wp-content/uploads/2021/02/2020-06-23_For-HHS-OIG-from-PETA-re-request-for-investigation.pdf

³People for the Ethical Treatment of Animals. Letter to NIH OMA. February 17, 2021. Accessed November 16, 2021. https://www.peta.org/wp-content/uploads/2021/02/2021-02-17_Follow_up_letter_to_OMA_HHS.pdf

⁴NIH RePORTER. Carnegie Mellon University charts. Accessed November 16, 2021.

<https://reporter.nih.gov/search/5DMCBG5D3k6icJX85nzbvw/projects/charts>

⁵Carnegie Mellon University. Pandemic planning guide. November 1, 2021. Accessed November 16, 2021.

<https://www.cmu.edu/coronavirus/return/pandemic-planning-guide---updated-november-1-2021.pdf>

⁶Nowogrodzki A. Cull, release or bring them home: Coronavirus crisis forces hard decisions for labs with animals. *Nature*. 2020;580(7801):19. doi:10.1038/d41586-020-00964-y.

<https://www.nature.com/articles/d41586-020-00964-y>

⁷NIH RePORTER. Cornell University charts. Accessed November 16, 2021.

<https://reporter.nih.gov/search/-SNajJtSN0uB5SCpA6QCzg/projects/charts>

COVID-19 risk should continue” and “Beyond this, we ask that only those research activities that are absolutely necessary to retain critical research assets for long-term progress are conducted on campus.”⁸ Per this directive, “about 10% of the university’s rodent population was euthanized, which will slow current studies and delay future ones,” as stated by Cornell spokesperson Melissa Osgood.⁹

Duke University

During FY2020, Duke University received \$612,549,441 in funding from NIH.¹⁰ Duke experimenter Özgün Erdogan discussed the university’s minimizing of animal care time and her next experiment’s being aborted in response to the COVID-19 pandemic, noting that as a result, she euthanized genetically modified rodents bred for a study, “killing about 168 mice in one day.”¹¹

Harvard University

During FY2020, Harvard University received \$88,586,455 in funding from NIH.¹² As a result of the COVID-19 pandemic, Harvard’s research operations slowed down, as mentioned in a letter sent to the community from the office of the provost.¹³ Subsequently, it appears that experimenters had to “kill half of their research mice.”¹⁴ Furthermore, in 2020, Harvard experimenter Hopi Hoekstra reportedly “euthanized nearly half of her lab’s approximately 1000 mice” in response to the pandemic.¹⁵

Massachusetts General Hospital

Massachusetts General Hospital (MGH) is the leading independent hospital that receives NIH funding.¹⁶ In FY2020, it received \$557,918,698 from NIH.¹⁷ During the 8th Annual 3Rs

⁸Office of the Provost. COVID-19 update: Conduct of research. Cornell University. March 15, 2020. Accessed November 16, 2021.

https://www.peta.org/wp-content/uploads/2021/11/COVID-19-Update_Cornell.pdf

⁹Cima G. Research delayed, rodent populations reduced during pandemic. American Veterinary Medical Association. Updated May 1, 2020. Accessed November 16, 2021.

<https://www.avma.org/javma-news/2020-05-15/research-delayed-rodent-populations-reduced-during-pandemic>

¹⁰NIH RePORTER. Duke University charts. Accessed November 16, 2021.

https://reporter.nih.gov/search/PEVM_s168U-bCRmogvKkkQ/projects/charts

¹¹Parry M. Colleges euthanized lab animals to protect employees from Covid-19. Now they face an onslaught of criticism. *The Chronicle of Higher Education*. April 10, 2020. Accessed November 16, 2021.

https://www.chronicle.com/article/colleges-euthanized-lab-animals-to-protect-employees-from-covid-19-now-they-face-an-onslaught-of-criticism/?cid2=gen_login_refresh&cid=gen_sign_in&cid2=gen_login_refresh

¹²NIH RePORTER. Harvard University charts. Accessed November 16, 2021.

https://reporter.nih.gov/search/3qwB1kLpmkqS9on3ILp_jw/projects/charts

¹³Garber AM. Steps toward reopening research facilities. May 4, 2020. Accessed November 16, 2021.

<https://www.harvard.edu/coronavirus/steps-toward-reopening-research-facilities/>

¹⁴Nowogrodzki A. Cull, release or bring them home: Coronavirus crisis forces hard decisions for labs with animals. *Nature*. 2020;580(7801):19. doi:10.1038/d41586-020-00964-y.

<https://www.nature.com/articles/d41586-020-00964-y>

¹⁵Grimm D. ‘It’s heartbreaking.’ Labs are euthanizing thousands of mice in response to coronavirus pandemic. *Science*. March 23, 2020. Accessed November 16, 2021.

<https://www.sciencemag.org/news/2020/03/it-s-heartbreaking-labs-are-euthanizing-thousands-mice-response-coronavirus-pandemic>.

¹⁶Massachusetts General Hospital Research Institute. Research institute by the numbers. Accessed November 16, 2021. <https://www.massgeneral.org/research/about/research-institute-by-the-numbers>

¹⁷NIH RePORTER. Massachusetts General Hospital charts. Accessed November 16, 2021.

Symposium, “Pandemic-Driven Advances,” sponsored by Johns Hopkins University and NIH, Donna Matthews Jarrell, D.V.M., the director of the Center for Comparative Medicine at MGH, reported on the reduction of animal populations in response to the COVID-19 pandemic, noting that the Massachusetts General Brigham clinical site had reduced its animal populations by over 50%, while the preclinical site had a reduction of nearly 20%.¹⁸

Oregon Health & Science University

In FY2020, Oregon Health & Science University (OHSU) received \$304,670,088 in funding from NIH,¹⁹ part of which may have been used to support animal experimentation activities that were affected by COVID-19. As a result of laboratory shutdowns during the pandemic, an OHSU graduate student reported “euthanizing mice by the masses in the university basement.”²⁰

Rutgers University

According to a recent investigation into Rutgers University’s spending during the pandemic, *The Daily Targum* reported that nearly 23,000 mice—who were designated to be experimented on—had been euthanized in early 2020 by the staff of Rutgers Biomedical and Health Sciences in response to the pandemic-related shutdown. The article highlights the blatant lack of transparency at the university, stating, “Rutgers Office of Research denied that any [animals] had been euthanized or that the pandemic affected their ability to provide a high standard of animal care and welfare.”²¹ Furthermore, a report published by *The Daily Targum* in September revealed that Rutgers had received nearly \$365 million in federal and state grants, which includes nearly \$80 million from the state of New Jersey.²²

University of California–Los Angeles

In FY2020, the University of California–Los Angeles (UCLA) reportedly received \$673,201,228 from NIH.²³ An article published in the *Daily Bruin*’s *PRIME* magazine reveals that while UCLA did not require animals to be euthanized during the pandemic, “some researchers chose to cull

<https://reporter.nih.gov/search/wbntAQeA6k-Wr86uS8-sQ/projects/charts>

¹⁸Massachusetts General Hospital Research Institute. Pandemic emergency response. <https://www.peta.org/wp-content/uploads/2021/06/image002.png>

¹⁹NIH RePORT. NIH rewards by location & organization: Oregon Health & Science University. Accessed November 16, 2021.

<https://report.nih.gov/award/index.cfm?ot=&fy=2020&state=&ic=&fm=&orgid=6297007&distr=&rfa=&om=n&pid=&view=state>

²⁰Chen J. Covid-19 has shuttered scientific labs. It could put a generation of researchers at risk. *STAT*. May 4, 2020. Accessed November 16, 2021. <https://www.statnews.com/2020/05/04/coronavirus-lab-shutdowns-impact-on-scientists-research-delays/>

²¹McGay M, Slusser H. Thousands of mice were euthanized at Rutgers during last year’s campus shutdown. *The Daily Targum*. November 8, 2021. Accessed November 16, 2021. <https://dailytargum.com/article/2021/11/special-report-thousands-of-mice-were-euthanized-at-rutgers-during-last>

²²Tai C, McGay M, Slusser H. Special report: Rutgers yet to spend most of \$365 million in pandemic aid. *The Daily Targum*. September 19, 2021. Accessed November 16, 2021. <https://dailytargum.com/article/2021/09/special-report-rutgers-yet-to-spend-most-of-usd365-million-in-pandemic-aid>

²³NIH RePORT. NIH awards by location & organization: University of California–Los Angeles. Accessed November 16, 2021.

<https://report.nih.gov/award/index.cfm?ot=&fy=2020&state=&ic=&fm=&orgid=577505&distr=&rfa=&om=n&pid=&view=state>

their laboratory animals anyway because their research was postponed,” as stated by Lindsay Lueptow, supervisor of UCLA’s Behavioral Testing Core.²⁴

University of Chicago

During FY2020, the University of Chicago (UC) received \$313,088,632 in funding from NIH.²⁵ “Guidance for Research Continuity Planning” issued by the provost to assist university research staff during COVID-19 operations states the need for “significantly ramping down on-campus research activities.”²⁶ Paralleling this guidance, a 2020 study called “The Impact of COVID-19 on the State of Clinical and Laboratory Research Globally in Transplantation in May 2020,” coauthored by UC’s Anita S. Chong, states, “We reduced our mouse colony by about 30%, keeping breeding cages and long-term posttransplant and control mice.”²⁷

University of Pennsylvania

During FY2020, the University of Pennsylvania (UPenn) received \$597,826,263 in funding from NIH.²⁸ Experimenter Sunny Shin at the UPenn Perelman School of Medicine discussed having to euthanize “more than three-quarters of their research animals—as quickly as possible,” in response to the COVID-19 pandemic, noting, “We have a manuscript out for review, and I just submitted my [NIH] grant renewal.”²⁹ This mass culling of animals corresponds with the UPenn announcement asking faculty to limit research in response to COVID-19.³⁰

Apparent Failure of NIH-Funded Protocols to Reduce and Replace Animal Use

The presence of unnecessary, non-essential, noncritical, or extraneous animals in these institutions’ laboratories flies in the face of existing regulations to minimize animal use in experiments.

NIH-supported language to minimize animal use in experiments 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:

²⁴Sial A. The ethics of animal experimentation at UCLA. *PRIME* from the *Daily Bruin*. August 30, 2021. Accessed November 16, 2021. <https://prime.dailybruin.com/animalresearch>

²⁵NIH RePORTER. University of Chicago charts. Accessed November 16, 2021.

<https://reporter.nih.gov/search/RTH7X0eioUuf1vwdFPphIQ/projects/charts>

²⁶Office of the Provost. Research continuity planning for COVID-19. University of Chicago. Accessed November 16, 2021. <https://researchcontinuity.uchicago.edu/>

²⁷Bromberg J, Baan C, Chapman J, et al. The impact of COVID-19 on the state of clinical and laboratory research globally in transplantation in May 2020. *Transplantation*. 2020;104(11):2252-2257.

doi:10.1097/TP.0000000000003362. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7363380/>

²⁸NIH RePORTER. University of Pennsylvania charts. Accessed November 16, 2021.

<https://reporter.nih.gov/search/zNdSncMdZUyZZChf9I2pog/projects/charts>

²⁹Grimm D. ‘It’s heartbreaking.’ Labs are euthanizing thousands of mice in response to coronavirus pandemic. *Science*. March 23, 2020. Accessed November 16, 2021.

<https://www.sciencemag.org/news/2020/03/it-s-heartbreaking-labs-are-euthanizing-thousands-mice-response-coronavirus-pandemic>.

³⁰Brockmeier EK. On-campus research to be limited due to COVID-19. *Penn Today*. March 16, 2020. Accessed November 16, 2021.

<https://penntoday.upenn.edu/news/campus-research-be-limited-due-covid-19>

- 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 ... assurances satisfactory to the Director of NIH that ... 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*].³¹
- The NIH 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*].³²
- 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*].³³
- 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*].³⁴

When these institutions’ experimenters buy, breed, trap, and/or use animals who at any time—not just during the COVID-19 pandemic—can be deemed unnecessary, non-essential, noncritical, or 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.

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 conducted by these institutions’ 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, these institutions should reimburse the funding agencies for this fiscal waste instead of seeking compensations for losses incurred.

³¹Office of Laboratory Animal Welfare. National Institutes of Health. Health Research Extension Act of 1985, Publ. L. No. 99-158. Accessed November 16, 2021. <https://olaw.nih.gov/policies-laws/hrea-1985.htm>

³²National Institutes of Health. NIH Revitalization Act of 1993, Publ. L. No. 103-43. Accessed November 16, 2021. <https://grants.nih.gov/grants/olaw/pl103-43.pdf>

³³The National Academies Press. National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. *Guide for the Care and Use of Laboratory Animals*. 2011. Accessed November 16, 2021. <https://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>

³⁴National Institutes of Health. National Center for Biotechnology Information. National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. Appendix B: U.S. government principles for the utilization and care of vertebrate animals used in testing, research, and training. Accessed November 16, 2021. <https://www.ncbi.nlm.nih.gov/books/NBK54048/>

Furthermore, the Congressional Research Service 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.”³⁵ Taxpayers should not be responsible for the additional costs associated with “reestablishing laboratory animal populations” since these institutions 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.

Based on this new supplementary information, we urge your office to investigate and follow up on our full request detailed in our HHS OIG complaint dated June 15, 2020, and our subsequent NIH OMA complaint dated February 17, 2021—and, if noncompliance is corroborated, ensure that the experimenters adhere to federal mandates to reduce and/or replace the use of animals in experiments. Since—as we described above—experimenters deemed animals extraneous, non-essential, or noncritical or described them using similar terminology and subsequently killed them, there is no reason to continue wasting public resources to support activities related to the acquisition, breeding, confinement, maintenance, repopulation of, and/or experimentation on animals in laboratories.

You can contact me at ShalinG@peta.org. 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

³⁵Congressional Research Service. Effects of COVID-19 on the federal research and development enterprise. April 10, 2020. Accessed November 16, 2021. <https://crsreports.congress.gov/product/pdf/R/R46309>