



November 18, 2021

David J. Kaschak
New Jersey State Auditor

Via e-mail: dkaschak@njleg.org

Dear Mr. Kaschak:

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, and PETA U.S. is the largest animal rights organization in the world.

Based on troubling new information described below regarding Rutgers University's apparent fiscal waste of New Jersey taxpayer money in crude animal experimentation—according to a November 8 article published in *The Daily Targum*—we respectfully urge your office to audit the university. Specifically, we ask that you pursue the following:

1. Seek reimbursement of any and all state funds used to acquire, breed, confine, maintain, repopulate and/or experiment on the animals used in laboratories whom Rutgers categorized as unnecessary, extraneous, noncritical, non-essential, ramped down, disposable, or nonpriority and/or described using similar terminology and euthanized in response to COVID-19.
2. Ensure that current state-funded research activities involving such animals are permanently terminated, that new state-funded research activities that include such animals are not approved, and that the breeding and acquisition of such animals for state-funded research activities are prohibited.

Euthanizing Animals Deemed Extraneous in Rutgers Labs Wastes Tax Funds

In FY2021, Rutgers received nearly \$437 million in direct state operating aid,¹ part of which may have been used to support animal experimentation activities. In response to a whistleblower's complaint to PETA reporting that Rutgers' suspension of "non-critical" research activities as a result of COVID-19 involved the destruction of animals confined to or used in the school's laboratories, last year, PETA urged Rutgers to be transparent on this

¹Rutgers University. Revised University Budget for 2020-2021. October 8, 2020. Accessed Nov 2021. <https://finance.rutgers.edu/news/revised-university-budget-2020-2021>

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issue and end such animal use in experiments that are self-described as not critical to the university's research mission.²

Confirming the whistleblower allegations, *The Daily Targum* recently published a special investigation into Rutgers' spending during the pandemic, finding that nearly 23,000 mice who were designated to be experimented on were euthanized in early 2020 by the staff of Rutgers Biomedical and Health Sciences in response to the pandemic-related shutdown. The article also 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," when in fact, the exact opposite had occurred: Owing to a reported estimated loss of \$1.15 million incurred as a result of this mass euthanasia, university spokesperson Dory Devlin admitted that Rutgers would be receiving that same amount in compensation from the state of New Jersey, which the reporter noted was "compensation for the lost research animals."³ Furthermore, in September, *The Daily Targum* revealed that Rutgers had received nearly \$365 million in federal and state grants, which includes nearly \$80 million from New Jersey.⁴

The fact that laboratories at Rutgers had nearly 23,000 animals it deemed unnecessary, extraneous, noncritical, non-essential, or similar in the first place should raise significant red flags, especially since their experiments are funded and/or supported by taxpayers, who should not have to foot the bill for such wasteful experiments nor for repopulating these animals who were so wastefully disposed of earlier.

Rutgers' Protocols Failed to Reduce and Replace Animal Use

The presence of unnecessary, non-essential, noncritical, or extraneous animals in Rutgers' laboratories flies in the face of existing regulations designed to minimize the use of animals in experiments.

Government policy language requiring the minimization of the experimental use of animals is present in the Health Research Extension Act of 1985, the National Institutes of Health 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 ... assurances satisfactory to the Director of NIH that ... scientists, animal technicians, and other

²People for the Ethical Treatment of Animals. PETA Letter to Rutgers University. June 5, 2021. Accessed November 16, 2021. https://www.peta.org/wp-content/uploads/2020/06/20-06-05_COVID-19_Urgent_Request_to_Rutgers_University.pdf

³McGay 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>

⁴Tai 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>

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”⁵ [emphasis added].

- 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*”⁶ [emphasis added].
- 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*”⁷ [emphasis added].
- 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*”⁸ [emphasis added].

When Rutgers’ 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, some of which are likely provided by New Jersey 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 Rutgers’ employees. Also, since state taxpayer funds were likely 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, Rutgers should reimburse the state of New Jersey for this fiscal waste.

Furthermore, as 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

⁵Office 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>

⁶National 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>

⁷The 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>

⁸National 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. 2011. Accessed November 16, 2021. <https://www.ncbi.nlm.nih.gov/books/NBK54048/>

staff time and supplies to ... reestablish laboratory animal populations.”⁹⁹ New Jersey taxpayers should not be responsible for any of the additional costs associated with “reestablishing laboratory animal populations,” since Rutgers 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

This information seems to corroborate the apparent waste of state funds by Rutgers on activities supporting experiments—and/or on the animals used in them—that the school deemed unnecessary, extraneous, noncritical, non-essential, ramped down, disposable, or nonpriority or described using similar terminology and euthanized in response to COVID-19. Such seeming waste of precious resources by Rutgers does a disservice to the research enterprise, New Jersey taxpayers, and the nearly 23,000 animals killed.

We urge you to audit Rutgers’ actions in this matter and, if you corroborate the issues we have raised, hold the university accountable by requiring it to reimburse the state of New Jersey for apparent fiscal waste of state taxpayer funds with respect to the university’s animal experiments, also ensuring that current state-funded research activities involving such animals are permanently terminated, that new state-funded research activities that include such animals are not approved, and that the breeding and acquisition of such animals for state-funded research activities are prohibited.

You can contact me directly by e-mail at ShalinG@peta.org. I 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

⁹⁹Congressional 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>