



December 15, 2021

Robert M. Gibbens, D.V.M.
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Via e-mail: Robert.M.Gibbens@usda.gov

Dear Dr. Gibbens:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and our more than 9 million members and supporters globally to request swift action from the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) against University of California at Davis (UC-Davis; USDA Certificate No. 93-R-0433) for its failure to meet the standard of care for animals held in its facilities.

According to records obtained by PETA through the Freedom of Information Act, UC-Davis reported 12 violations of federal animal welfare guidelines in its laboratories to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW) from February 2018 to July 2019. It appears to us that six of these reported incidents, listed below, also represent violations of the federal Animal Welfare Act (AWA) and the associated Animal Welfare Regulations (AWRs):

1. In a February 17, 2018, letter to OLAW, UC-Davis reported that the wrong rhesus macaque had been moved from the hospital to the outdoor enclosure, resulting in injuries from other animals that required veterinary treatment.
2. In an April 17, 2018, letter to OLAW, the university reported that a rabbit who was not properly restrained fell to the floor during a nail trim and suffered a broken femur, resulting in euthanasia. UC Davis failed to promptly report the incident to OLAW.
3. In an April 1, 2019, letter to OLAW, the university reported that seven infant rhesus macaques died from anaphylaxis and sepsis after being marked with dye designated for use in adults.
4. In an April 1, 2019, letter to OLAW, the university reported that a monkey was operated on despite having lost more than 15% of his/ her body weight. The monkey was euthanized.
5. In an April 1, 2019, letter to OLAW, the university reported that 54 of 64 Titi monkeys developed clinical signs—including dermatitis, lameness, and conjunctivitis—after being vaccinated with a canine

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6. distemper/measles vaccine. Some of the monkeys became significantly compromised and ultimately, three of the monkeys were euthanized.
7. In an February 3, 2020, letter to OLAW, the university reported that an infant rhesus macaque died after suffering from heat stress when the infant's finger became trapped in a perch bar.

We believe that the treatment of the monkeys and rabbit at UC-Davis described in the incidents detailed above is out of compliance with several veterinary-care and humane-handling standards of the AWRs.

I. Incident Involving the Rhesus Macaque Who Was Attacked After Improper Release

Section 3.81(a) of the AWRs states:

Environment enhancement to promote psychological well-being. The environmental enrichment plan must include specific provisions to address the social needs ... (3) Compatibility of nonhuman primates must be determined in accordance with generally accepted professional practices and actual observations, as directed by the attending veterinarian, to ensure that the nonhuman primates are in fact compatible.

And Section 2.38(f)(1) of the AWRs mandates:

Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

However, in failing to house a monkey with compatible animals, UC-Davis failed to ensure the health and safety of the animals as required by Section 3.81(a)(3) of the AWRs; and in failing to ensure that the correct macaque was being released into the outdoor enclosure, UC-Davis also failed to comply with Section 2.38(f)(1) of the AWRs.

II. Incident Involving the Death of a Rabbit Following Improper Handling

Section 2.38(f) of the AWRs mandates:

Miscellaneous. (1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

However, UC-Davis failed to appropriately and carefully handle a rabbit as required by Section 2.38(f)(1), resulting in severe trauma and the animal's death.

III. Death of Infant Rhesus Macaques Following Anaphylactic Responses to an Agent

Section 2.33(b) of the AWRs states:

Attending veterinarian and adequate veterinary care. Each research facility shall establish and maintain programs of adequate veterinary care that include: ... (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries ...; (3) Daily observation of all animals to assess their health and well-being; ... and (5) Adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.

However, UC-Davis' use of a topical agent that resulted in the painful and distressing deaths of seven infant rhesus macaques from anaphylactic responses suggests that UC-Davis failed to establish and maintain adequate veterinary care as required by Section 2.33(b). The incident also suggests that the university's Institutional Animal Care and Use Committee (IACUC) failed to adequately review the protocol that permitted the use of the agent on the infants.

IV. Surgery on Underweight Monkey that Resulted in Death of the Animal

Section 2.32(a) and (c)(ii) of the AWRs mandate:

Personnel qualifications. (a) It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal care technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties ... (c) Training and instruction of personnel must include: ... proper handling and care for various species of animals used by the facility.

Also, Section 2.31(c)(6) of the AWRs requires that:

[The Institutional Animal Care and Use Committee (IACUC) shall] review and approve, require modification in (to secure approval) or withhold approval of those components of proposed activities related to the care and use of animals.

However, in performing surgery on a macaque who was below the approved body weight, UC-Davis experimenters deviated from the IACUC-approved protocol in violation of Section 2.31(c)(6) of the AWRs and the university failed to ensure that personnel were adequately qualified to perform their duties as required by Section 2.32(a) of the AWRs.

V. Death of Titi Monkeys Following an Anaphylactic Response to an Agent Designated for Use in Rhesus Macaques

Section 2.33(b)(2) of the AWRs states:

Attending veterinarian and adequate veterinary care. Each research facility shall establish and maintain programs of adequate veterinary care that include: ... (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

However, UC-Davis' failure to give adequate consideration to whether titi monkeys would tolerate the vaccine for canine distemper/measles resulted in severe negative clinical responses for 54 titi monkeys in the university's colony and three deaths. Through its neglect, UC-Davis failed to prevent the lethal response as required by Section 2.33(b)(2).

VI. Incident Involving the Death of an Infant Rhesus Macaque Following Entrapment and Ensuing Heat Stress.

Section 3.75(c) of the AWRs states:

Housing facilities, general. (1) The surfaces of housing facilities – including perches ... must be constructed in a manner and made of materials that allow them to be readily ... removed or replaced when worn or soiled. Furniture-type fixtures or objects must be sturdily constructed and must be strong enough to provide for the safe activity and welfare of nonhuman primates; (2) All surfaces must be maintained on a regular basis.

However, in failing to replace the broken PVC perch and cover the exposed bracket hole, UC-Davis failed to implement safety measures in the construction of secure housing and removal and replacement of worn and damaged objects to prevent the lethal incident, as required by Section 3.75(c)(1).

According to UC-Davis' 2020 Annual Report, UC-Davis used 1,428 primates and 206 rabbits in experiments and held an additional 3,607 primates in their facilities that year. The institutions' failure to comply with minimal animal welfare standards—including in the realms of veterinary care and humane handling—must not continue. We ask that you bring the full scope of your authority to bear in addressing the alarming failures at these facilities.

Thank you for your attention to this urgent matter. If you have any questions, please contact me at 541-848-7465 or AndreaK@peta.org. Thank you for your time and consideration.

Sincerely,



Andréa Kuchy, Ph.D.
Research Associate
Laboratory Investigations