



March 30, 2022

Michael F. Chiang, M.D.
Director
National Eye Institute
National Institutes of Health

Via e-mail: michael.chiang@nih.gov

Dear Dr. Chiang:

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 around the world.

Based on the new information presented below, we urge the National Eye Institute (NEI) to do the following:

1. Cancel the taxpayer funding granted to experimenter Harvey Swadlow of the University of Connecticut (UConn) for any and all renewals of his NEI-funded protocol, “Thalamortical Processing of Visual Information During Alert and Non-Alert Brain States” (NIH project numbers 1R01EY028905-01, 5R01EY028905-02, 5R01EY028905-03, and 5R01EY028905-04).
2. Insist that Swadlow reimburse the taxpayer funds used to acquire, breed, confine, and maintain the animals used in this experiment whom he or UConn categorized as unnecessary, extraneous, noncritical, nonessential, disposable, or nonpriority or described using similar terminology and—according to documents obtained by PETA through public records requests—euthanized in response to the COVID-19 pandemic.

Euthanizing Animals Deemed Extraneous to NEI-Funded Experiments Wastes Taxpayer Funds

Swadlow's project, which received \$1,195,425 from FY2018 to FY2021.¹ Per its COVID-19 guidance, UConn notified its staff that “[I]abs and research programs should continue to have and refine plans to immediately halt or ramp down research activities, if required.”² A “Research Shut Down Notice” issued on March 23, 2020, directed research staff to “immediately reduce animal numbers and number of

¹NIH. RePORTER. Thalamortical processing of visual information during alert and non-alert brain states. <https://reporter.nih.gov/search/Fwk69-p90k-benm3o0z4QA/projects>

²UConn. COVID-19 Guidance for the UConn Research Community. Accessed March 10, 2022. <https://ovpr.uconn.edu/covid-19-guidance-for-the-uconn-research-community-2-2/>

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington
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

Entities:

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

cages.”³ In addition, the “COVID-19 Research Ramp Down” letter issued by the Office of the Vice President for Research at UConn notified its staff that “[r]esearchers will begin immediately to ramp down research activities, including laboratory, animal, and non-therapeutic human subjects research.”⁴ As a result, as verified in correspondence with UConn staff,⁵ rabbits assigned to Swadlow’s protocol were euthanized in March 2020.⁶

The fact that the NEI-funded laboratory led by Swadlow had any animals who could be deemed extraneous or described using similar terminology in the first place should raise significant red flags, especially since his experiments are funded by taxpayers, who should not have to foot the bill for such waste.

Swadlow’s NEI-Funded Protocol Failed to Reduce and Replace Animal Use

The presence of any animals deemed nonessential or extraneous in NEI-funded experiments led by Swadlow flies in the face of existing regulations designed to minimize the use of animals in experiments.

NIH-supported language requiring the minimization of the experimental use of animals 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:

- 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 ... (1) assurances satisfactory to the Director of NIH that ... (B) 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*].⁷
- 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*” [*emphasis added*].⁸
- 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*

³UConn. Research Shut Down Notice. March 22, 2020. Accessed March 10, 2022. [Research Shut Down Notice March 23, 2020 | Office of the Vice President for Research \(uconn.edu\)](#)

⁴UConn. COVID-19 Research Ramp Down. March 17, 2020. Accessed March 10, 2022. <https://ovpr.uhc.edu/2020/03/17/covid-19-research-ramp-down/>

⁵University of Connecticut. Public Records Request. Accessed March 10, 2022. <https://www.peta.org/wp-content/uploads/2022/02/confirmation-from-UConn.pdf>

⁶UConn Animal Services. Individual Animal Health Record. (2020). https://www.peta.org/wp-content/uploads/2022/02/FOIA-20-264_Redacted.pdf

⁷Health Research Extension Act of 1985, Publ. L. No. 99-158. (1985). <https://olaw.nih.gov/policies-laws/hrea-1985.htm>

⁸NIH Revitalization Act of 1993, Publ. L. No. 103-43. (1993). <https://grants.nih.gov/grants/olaw/pl103-43.pdf>

systems, computer simulations, and/or mathematical models) to reduce or replace the use of animals” [emphasis added].⁹

- 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].¹⁰

When an NEI-funded experimenter such as Swadlow buys, breeds, traps, and/or uses animals who at any time—not just during the COVID-19 pandemic—can be deemed extraneous or described using similar terminology, he squanders limited research funds, much of which come from taxpayers, and flouts the foundational “3Rs” principle of reducing, replacing, and refining the use of animals in experimentation that is enshrined in government regulations and policies.

As taxpayer funds were used to acquire, breed, confine, and/or maintain these animals who were deemed extraneous (or described using similar terminology) and then so readily euthanized and disposed of in response to the COVID-19 pandemic, UConn should reimburse the NEI for this fiscal waste.

Furthermore, the Congressional Research Service found that during the COVID-19 pandemic, “Suspending 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.”¹¹ Taxpayers and NEI should not be responsible for the additional costs associated with “reestablishing laboratory animal populations,” since universities deemed many of them 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.

Swadlow Isn’t Alone in Euthanizing Animals Deemed Extraneous, Wasting Tax Money

On June 15, 2020, we sent a detailed letter to the U.S. Department of Health and Human Services Office of Inspector General (HHS-OIG) urging Principal Deputy Inspector General Christi Grimm to investigate, assess, and take corrective action regarding the apparent egregious waste of NIH research grants—worth up to billions of taxpayer dollars each year—and the apparent failure of NIH-funded protocols to reduce and replace animal use in experiments as required by federal provisions.¹² Specifically, our

⁹National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. (2011). Guide for the care and use of laboratory animals. <https://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>

¹⁰National Research Council Committee for the Update of the Guide for the Care and Use of Laboratory Animals. (2011). Appendix B: U.S. government principles for the utilization and care of vertebrate animals used in testing, research, and training. <https://www.ncbi.nlm.nih.gov/books/NBK54048/>

¹¹Congressional Research Service. Effects of COVID-19 on the federal research and development enterprise. April 10, 2020. <https://crsreports.congress.gov/product/pdf/R/R46309>

¹²People for the Ethical Treatment of Animals. Request to the U.S. Department of Health and Human Services Regarding the COVID-19 Contingency Plans at U.S. Universities. June 15, 2020. Accessed March

complaint pointed out that during the COVID-19 pandemic, universities across the country have urged or allowed their experimenters to suspend or end NIH-funded animal research activities where the experiments—or the animals used in them—have been categorized as extraneous or described using similar terminology, resulting in mass euthanasia of animals and the waste of taxpayer funds from NIH grants nationwide.

On June 23, 2020, we were notified by the HHS OIG Public Affairs that our complaint was forwarded to the then-director of NIH's Office of Management Assessment (OMA), Michael D. Shannon.¹³ On February 17, 2021, we sent a follow-up complaint—containing more disturbing evidence of mass animal euthanasia in NIH-funded experiments in response to the COVID-19 pandemic—to then-Director of OMA Meredith Stein,¹⁴ which the NIH Division of Program Integrity (DPI) subsequently assigned case number 2021-017.¹⁵ We then acquired additional evidence of animal euthanasia in NIH-funded experiments, which we addressed in a letter dated November 18, 2021, to supplement the aforementioned DPI case.¹⁶

Request for Research Accountability and Modernization

We urge you to cancel the funding granted to Swadlow's NIH project numbers 1R01EY028905-01, 5R01EY028905-02, 5R01EY028905-03, and 5R01EY028905-04 and to seek reimbursement from him for any and all taxpayer funds wasted to acquire, breed, confine, and/or maintain the animals whom he and/or UConn deemed extraneous (or described using similar terminology) and then euthanized. Moreover, we encourage NEI to instead redirect the funds it initially granted to Swadlow toward human-relevant, non-animal research methods as described in PETA's Research Modernization Deal.¹⁷

You can contact me at ShriyaS@peta.org. We look forward to your reply regarding this important matter. Thank you.

Sincerely yours,



10, 2022. <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>

¹³HHS-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 March 10, 2022. https://www.peta.org/wp-content/uploads/2021/02/2020-06-23_For-HHS-OIG-from-PETA-re-request-for-investigation.pdf

¹⁴People for the Ethical Treatment of Animals. Follow-Up Letter to the OMA. February 17, 2021. Accessed March 10, 2022. https://www.peta.org/wp-content/uploads/2021/02/2021-02-17_Follow_up_letter_to_OMA_HHS.pdf

¹⁵National Institutes of Health. DPI case #2021-017 Acknowledgment Letter. Accessed March 10, 2022. <https://www.peta.org/wp-content/uploads/2022/02/nih-dpi-case-number-assignment.pdf>

¹⁶People for the Ethical Treatment of Animals. Complaint Update. November 18, 2021. Accessed March 10, 2022. https://www.peta.org/wp-content/uploads/2022/02/2021-11-18_Complaint-update_NIH-OMA_DPI.pdf

¹⁷People for the Ethical Treatment of Animals. (2021). The Research Modernization Deal 2021. <https://www.peta.org/wp-content/uploads/2020/12/PETA-2021-Research-Modernization-Deal.pdf>

Shriya Swaminathan
Research Associate
International Laboratory Methods
Laboratory Investigations Department