

June 3, 2022

Michelle G. Bulls
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 National Institutes of Health
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Via e-mail: Michelle.Bulls@nih.gov

Dear Ms. Bulls:

Thank you in advance for your time. I'm writing on behalf of People for the Ethical Treatment of Animals U.S.—PETA entities have more than 9 million members and supporters globally—regarding a disturbing new violation of Maryland state law that involves Shreesh Mysore of Johns Hopkins University (JHU) and his National Institutes of Health (NIH)–funded experiment (project number R01EY027718) titled, “Multisensory Competition and Spatial Selection: Neural Circuit and Computational Mechanisms.”¹

Based on the information presented below, we urge your office to: 1) investigate this important matter, 2) cancel Mysore’s current NIH grant, 3) demand repayment of all taxpayer funds expended by Mysore while in violation of Maryland state law and/or the NIH Grants Policy Statement (NIHGPS), and 4) prohibit Mysore from receiving future funding from NIH for experiments on animals.

Mysore in Violation of State Law, Again

On April 1, 2022, we sent an e-mail to Paul Peditto, director of the Wildlife and Heritage Service at the Maryland Department of Natural Resources (MD DNR), requesting clarification regarding certain conditions pertaining to Mysore’s MD DNR “Scientific Collecting” permit, which allows him to keep owls for use in his NIH-funded experiments.² We pointed out to Peditto that the MD DNR permit issued to Mysore states, “At the end of the study, birds may be euthanized.”³ Furthermore, Mysore confirms his killing of the owls in his relevant NIH grant application, stating, “Animals will be euthanized with beuthanasia D

¹NIH RePORTER. Multisensory competition and spatial selection: Neural circuit and computational mechanisms. Accessed June 2, 2022.

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

²Swaminathan S. and Peditto P. For Director Peditto, from PETA — re scientific collecting permit. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2022/06/email-md-dnr-paul-peditto-peta.pdf>

³Maryland Department of Natural Resources. Scientific Collecting Permit. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2022/03/sco-mysore.pdf>

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(under 4% isoflurane), and perfused with saline followed by a fixative solution (paraformaldehyde) to recover brains for histology and tract tracing. Deaths will be documented in animal inventory records.”⁴ However, Maryland Code, Natural Resources § 10-909(e)(1) explicitly prohibits such killings of wildlife—which, per the statutory definition, includes the barn owls used by Mysore—by permittees, stating that “[t]he permit becomes void on proof that the permittee has ... [c]aptured or killed any wildlife.”⁵

Specifically, we asked Peditto if there are any exceptions to the statutory prohibition on the killing of wildlife covered by Mysore’s permit that would allow for such killings during his invasive and deadly brain tests on barn owls. Peditto replied to us via e-mail on May 11, 2022, stating that his office is “working with the permittee” regarding this issue we raised. In another email to PETA on May 24, 2022, Peditto clarified that “[t]he current permit does not allow the research project to kill birds in MD.”⁶

On May 31, 2022, we received public records confirming that MD DNR revoked Mysore’s permit—that agency stated that the permit was “inconsistent” with the state law’s prohibition on killing wildlife by permittees—and issued him a new permit that “disallows [Mysore’s] euthanizing the birds,” whom he uses in his NIH-funded experiments.^{7,8} **To be clear, this means that Mysore has been in violation of the Maryland state law prohibiting the killing of wildlife by MD DNR “Scientific Collecting” permittees for the entire duration of his aforementioned experiments on owls, and NIH has been funding this illegal activity with more than \$1.9 million taxpayer funds.**

To make matters worse, this isn’t the only violation of state law concerning Mysore’s owl experiments. As we mentioned in our letter to you dated May 11, 2021,⁹ MD DNR issued a separate warning letter to Mysore last year—in response to our prior complaint to the agency pointing out that Mysore had failed to obtain mandatory permits to legally possess barn owls from 2015 to 2018 for use in his experiments—in which the agency wrote to us that “[Mysore] 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.”¹⁰ On September 29, 2021, Dr. Patricia Brown,

⁴Mysore S. Research Project Grant. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2021/01/Mysore-grant-application.pdf>

⁵MD Nat Res Code § 10-909 (2015)

⁶Swaminathan S. and Peditto P.

⁷Peditto P. Mysore Permit. Maryland Department of Natural Resources. May 12, 2022. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2022/06/Mysore-Permit.pdf>

⁸Larney T. Permit Revocation. Maryland Department of Natural Resources. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2022/05/State-of-Maryland-Mail-Permit-Revocation.pdf>

⁹Gala S. Letter to Michelle Bulls. People for the Ethical Treatment of Animals. May 11, 2021. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2021/10/2021-05-11-Letter-to-OPERA-rerecoup-NIH-grant-1.pdf>

¹⁰Haddaway-Riccio J. Letter to PETA regarding scientific collecting permits held by Johns Hopkins University. Maryland Department of Natural Resources. May 5, 2021. Accessed on June 2, 2022. <https://www.peta.org/wp-content/uploads/2021/09/2021-05-05-MD-DNR-response-Mysore-was-in-violation.pdf>

director of the NIH Office of Laboratory Animal Welfare (OLAW), replied¹¹ to our aforementioned May 11, 2021, letter to you, and we responded to Dr. Brown on November 3, 2021,¹² with our serious concerns regarding the robustness of OLAW's handling of this matter and of any future violations of state law by investigators and research facilities receiving NIH funding to experiment on animals.

NIH Failed to Ensure Accountability by Mysore and/or JHU

As detailed in our letter to Dr. Brown on November 3, 2021, the NIH Office of Policy for Extramural Research Administration (OPERA) and OLAW clearly abdicated their duty to sanction Mysore for violating Maryland state law—with respect to his failure to obtain mandatory MD DNR permits from 2015 to 2018, despite seeming to conduct invasive and deadly experiments on barn owls during that period. Rather, in Dr. Brown's September 29, 2021, reply to us, NIH chose instead to apparently undermine the importance of state laws that are in place to afford basic protections to these animals and also wrongly place the blame of Mysore's noncompliance on MD DNR for allegedly not reminding Mysore to seek a permit renewal.¹³ However, contrary to Dr. Brown's assertion, MD DNR stated that it *did* send Mysore a permit renewal reminder, which he ignored or didn't pursue.¹⁴ The new revelation that Mysore has been in violation of the Maryland state law prohibiting the killing of wildlife by MD DNR "Scientific Collecting" permittees for the entire duration of his aforementioned experiments on owls further compounds the urgent need for NIH to sanction Mysore accordingly.

Furthermore, it bears repeating that Section 2.3.6 of the NIHGPS states, "The applicant also is expected to be in compliance with applicable State and local laws and ordinances."¹⁵ This requirement is so important that costs resulting from noncompliance with state law are unallowable under the NIHGPS. **NIH must act to enforce the NIHGPS and recoup all taxpayer money spent on Mysore's illegal activities with respect to his NIH-funded experiments on owls that have repeatedly violated Maryland state law.**

The permitting provisions for scientific collection are not optional—in this case, they are a basic legal prerequisite to keeping these owls, who would otherwise be protected under

¹¹Brown P. Letter from OPERA/OLAW to PETA. Office of Policy for Extramural Research and Office of Laboratory Animal Welfare. September 29, 2021. Accessed June 2, 2022. <https://www.peta.org/wp-content/uploads/2021/10/Roe-PETA-JHU-Allegations-3272-2L.pdf> (Page 1: "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.")

¹²Roe K. Letter to Patricia Brown. People for the Ethical Treatment of Animals. November 3, 2021. Accessed June 2, 2022. https://www.peta.org/wp-content/uploads/2021/11/2021-11-03_Follow-up-correspondence-regarding-Shreesh-Mysore-002.pdf

¹³Brown P.

¹⁴Peditto P. Letter to Mysore from the MD DNR. Maryland Department of Natural Resources. Accessed June 2, 2022. March 4, 2021. <https://www.peta.org/wp-content/uploads/2021/10/2021-05-12-MD-DNR-letter-to-Mysore.pdf> ("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.")

¹⁵National Institutes of Health. NIH Grants Policy Statement. Accessed June 2, 2022. https://grants.nih.gov/grants/policy/nihgps/html5/section_2/2.3.6_legal_implications_of_applications.htm

the law, confined for use in invasive brain experiments at JHU. **Mysore's repeated failure to satisfy the requirements of Maryland's wildlife regulations strongly counsels against allowing him to use NIH taxpayer dollars to continue experiments on barn owls and other protected animals.**

Thank you for your consideration of this important issue. We look forward to hearing from you by June 17, 2022.

Sincerely yours,



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