



United States Department of Agriculture
Animal and Plant Health Inspection Service
Investigative and Enforcement Services

Reference Number: OR09021-AC
and OR10002-AC
Issuance Date: May 8, 2012
Version: Final

VIA: USPS Certified Mail
Shipping Event: 1st

May 8, 2012

Oregon Health and Sciences University
3181 S.W. Sam Jackson Park Rd.
Portland, OR 97239

Amy Wayson
General Counsel
3181 S.W. Sam Jackson Park Rd.
#L335
Portland, OR 97239

SETTLEMENT AGREEMENT

Dear Sir or Madam:

Why You Are Receiving This Letter

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What You Need To Do Immediately

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

- If you agree to waive your right to a hearing and pay the penalty, then do the following:
 - Pay the amount due, \$11,679, by **June 15, 2012**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **June 15, 2012**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **June 15, 2012**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.
- If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **June 15, 2012**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

If We Do Not Hear From You

If we do not receive a payment or hearing request from you by **June 15, 2012**, we will forward this matter to our Office of the General Counsel for litigation.

What To Do If You Need Help

If you have any questions concerning this letter, contact Tyrese Coleman at (301) 851-2758, or call our main office at (301) 851-2948.

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: April 3, 2009

9 C.F.R. § 3.80(a)(2)(iii) Primary Enclosures.

The research facility failed to construct and maintain enclosures so that they contain nonhuman primates securely and prevent accidental opening of the enclosure, including opening by the animal. A lab technician failed to lock the door of an outdoor enclosure, allowing nine macaques to escape.

Date of Violation: April 30, 2009

9 C.F.R. § 2.31(c)(7) IACUC.

The IACUC failed to review and approve proposed significant changes regarding the care and use of animals in ongoing activities. An employee administered two compounds that had not been approved by the IACUC to two macaques, resulting in



the death of the animals.

Date of Violation: June 4, 2009

9 C.F.R. § 2.32(a) Personnel Qualification.

The facility failed to ensure that all personnel involved in animal care, treatment, and use were qualified to perform their duties. A macaque died because personnel failed to properly sedate and monitor the animal.

Date of Violation: June 27, 2009

9 C.F.R. § 3.83 Watering.

The facility failed to provide water in sufficient quantity to every nonhuman primate. Three macaques became dehydrated when a drinking apparatus malfunctioned. One of the animals subsequently died, another was euthanized, and the third animal survived.