



June 29, 2023

Robert M. Gibbens, D.V.M.
 Director, Animal Welfare Operations
 Animal Care
 Animal and Plant Health Inspection Service
 U.S. Department of Agriculture

Via e-mail: Robert.M.Gibbens@usda.gov; ac.complaints@usda.gov

Dear Dr. Gibbens:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally—to respectfully request swift action from the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) against Wake Forest University (WFU; USDA Certificate No. 55-R-0001) for its failure to meet the standard of care for animals held in its facilities.

According to federal records obtained by PETA through Freedom of Information Act requests, WFU reported multiple violations of federal animal welfare guidelines to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW). It appears to us that several of these reported incidents, listed below, also represent violations of the federal Animal Welfare Act (AWA) and the Animal Welfare Regulations (AWRs).

1. In a February 18, 2022, letter to OLAW, WFU reported that an experimenter subjected rhesus macaques to a "hypercapnia challenge procedure" without the approval of the animal experimentation oversight body. Hypercapnia challenge involves inhalation of carbon dioxide that can cause symptoms such as tiredness, headaches and shortness of breath, and could lead to neurological symptoms like confusion.
2. In an October 5, 2022, letter to OLAW, WFU reported that a rhesus macaque who was subjected to the surgical implantation of a device received a lower dose of analgesic following the surgery than was approved in the protocol.

We believe the treatment of nonhuman primates at WFU, as indicated in the incidents described above, fails to comply with several AWRs.

I. Failure to secure approval from the Institutional Animal Care and Use Committee (IACUC) before subjecting animals to experimental procedures

Section 2.31(c)(6) of the AWRs states:

With respect to activities involving animals, the IACUC, as an agent of the research facility, shall ... (6) Review and approve, require modifications in (to secure approval), or withhold approval of those components of proposed

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.)

activities related to the care and use of animals, as specified in paragraph (d) of this section.

The failure of experimenters to secure approval from the IACUC before subjecting rhesus macaques to harmful procedures—as described in Incident #1—constitutes a violation of Section 2.31(c)(6) of the AWRs.

II. Failure to adhere to protocol approved by the IACUC

Section 2.31(c)(7) of the AWRs states:

With respect to activities involving animals, the IACUC, as an agent of the research facility, shall ... (7) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities.

The failure of laboratory personnel to provide a rhesus macaque post-operative pain relief in the manner specified in the IACUC-approved protocol constitutes a violation of Section 2.31(c)(7) of the AWRs.

As your agency is aware, WFU has a long history of AWA violations. In 2021, USDA inspectors documented that a rhesus macaque was being restrained for 90 minutes in a chair that was too large for her, forcing the monkey to dangle by her neck and underarms. That same year, inspectors found that an untrained experimenter had carved into cats' skulls and implanted hardware into their brains without cleaning the implants as required. There were multiple instances in which cats used in these experimental surgeries did not receive adequate pain medication. Inspectors also documented that cats did not recover from the surgery as anticipated—but this was not communicated to the attending veterinarian. Later in the day, the veterinary team determined that the cats were “painful, hypothermic, hyperthermic, in shock, and/or in distress.” A laboratory worker failed to handle a rabbit carefully, and the animal died of asphyxiation. After two incompatible monkeys were thoughtlessly caged together, the stressed animals fought so viciously that both required surgery and multiple weeks of veterinary care. After the doors between two outdoor enclosures were left open, a monkey moved into a different pen and was injured by other monkeys, requiring surgery. Ten sheep were left outside without shade on a humid, 95-degree day. A monkey was recorded as being hypothermic throughout a four-hour anesthesia and vomited during recovery. However, his condition wasn't reported to the veterinary staff, and the next morning, he was found unresponsive in his cage and was subsequently euthanized.

WFU's failure to comply with federal animal welfare guidelines has also impacted animals excluded from the Animal Welfare Act. While these incidents do not fall under the USDA's purview, they offer further evidence of a culture of noncompliance in the school's laboratories. The case reports document cavalier handling of animals, neglect, and a persistent pattern of experimenters deviating from the prescribed methods outlined in IACUC-approved protocols:

- Twelve mice died after being given an experimental compound that included a chemical solvent—dimethyl sulfoxide (DMSO)—which was not described in the approved protocol.
- Six mice were administered a high dose of a bacterial toxin, but were not euthanized at the time described in the protocol; they were found dead the next day.

- A laboratory member was observed killing a mouse by breaking the animal's neck without anesthesia, in breach of the approved protocol.
- Thirty-eight mice were subjected to painful retro-orbital blood draws from a vein behind their eyes, although this method of blood collection was not approved on the IACUC protocol.
- Ten mice were subjected to experimental surgery, but were given a post-operative analgesic that was not in the approved protocol and in a dosage that was not adequate. The mice were observed to be hunched, lethargic, and dehydrated—and six of the suffering animals died.
- Six mice starved to death after workers failed to feed them over a weekend.
- An experimenter picked up a rat by the tail to administer an injection—but in doing this, the upper layer of skin and tissue on the rat's tail were sheared away from the body, exposing the bone and tissue underneath.

This disregard for minimum animal welfare standards cannot continue and we ask that you bring the full scope of your authority to bear in addressing the catastrophic failures in WFU's laboratories.

Thank you for your attention to this urgent matter. If you have any questions, please contact me at (757) 803-6447 or AlkaC@peta.org. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Alka Chandna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alka Chandna, Ph.D.
Vice President
Laboratory Investigations Cases