

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

August 10, 2023

Brent C. Morse, D.V.M.
Director
Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health

Via e-mail: MorseB@mail.nih.gov

Dear Dr. Morse:

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 request that your office investigate possible noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy) and the *Guide for the Care and Use of Laboratory Animals* (the *Guide*) related to the treatment of animals at Emory University and its associated primate center (Animal Welfare Assurance ID D16-00113).

According to a February 14, 2023, U.S. Department of Agriculture (USDA) inspection report for Emory's primate center, 11 weeks passed (December 1, 2022, to February 16, 2023) between enclosure sanitizations in the M1A indoor housing area. Federal Animal Welfare Regulations (AWR) stipulate a two-week sanitization requirement for indoor housing in order to "prevent an excessive accumulation of dirt, debris, waste, food waste, excreta, or disease hazard" §3.84(b)(2). However, Emory's Institutional Animal Care and Use Committee (IACUC) approved an exception to this requirement—allowing employees to skip cage sanitization for up to 12 weeks. The inspection report notes that the IACUC may only approve exceptions to the animal welfare standards when such exceptions are "specified and justified" for scientific purposes in a proposal for an experiment. The report further notes that the primates in the indoor housing area weren't being used for an experiment that required an extension of more than two weeks between sanitizations.

The inspection report also documents that on January 19, 2023, a two-year-old rhesus macaque was found dead in an outdoor enclosure after her head became caught in a gap at the base of a wall dividing two enclosures. The gap, caused by weather erosion, was between one of the concrete footings and an adjoining metal base plate. The inspection report notes that the enclosure was not maintained in an adequate state of repair that would be appropriate for a young primate.

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Additionally, the inspection report details multiple areas of excessive rust on outdoor chimpanzee enclosures. The rust was so extensive that it affected the structural integrity of the bars of the enclosure, and the ends of some bars were even crumbling away. The inspection report notes that in addition to creating structural integrity issues, excessive rust can prevent proper cleaning and sanitization and cause injury to animals when jagged metal is present.

The issues raised in the USDA's inspection report for Emory's primate center—failure of the IACUC to approve only sanitization exceptions that are specified and justified in an experimental proposal and for scientific purposes, and a subsequent failure to sanitize housing facilities appropriately; failure to keep housing facilities in good repair and protect animals from injury; and failure to keep housing facilities free of excessive rust that prevents required cleaning and sanitization, affects structural integrity, and creates jagged metal surfaces that could injure animals—also indicate noncompliance with PHS Policy and the *Guide*.

1. Failure of the IACUC to approve only sanitization exceptions that are specified and justified in an experimental proposal and for scientific purposes, and a subsequent failure to sanitize housing facilities appropriately

The *Guide* instructs that an institution's animal care and use program must include adequate staffing and appropriate practices "to achieve the humane care and use of animals in the laboratory and throughout the institution" (p. 6). It also provides that the "IACUC ... is responsible for assessment and oversight of the institution's Program components and facilities. It should have sufficient authority and resources (e.g., staff, training, computers, and related equipment) to fulfill this responsibility" (pp. 14–15). However, Emory's IACUC approved the sanitization exception that violated the AWR because of a lack of sufficient resources, i.e., enough staff to sanitize enclosures every two weeks to fulfill its responsibility to keep the institution's facilities compliant with the AWR.

Furthermore, the IACUC's approval of the sanitization exception led the institution to take advantage of it by waiting 11 weeks between sanitizations of an indoor housing area. Eleven weeks is a significant deviation from the instructions in the *Guide*, which states that, "[i]n general, enclosures should be sanitized at least once every 2 weeks" (p. 70). The *Guide* also explains that "[s]anitation—the maintenance of environmental conditions conducive to health and well-being—involves bedding change (as appropriate), cleaning, and disinfection. ... The goal of any sanitation program is to maintain sufficiently clean and dry bedding, adequate air quality, and clean cage surfaces and accessories" (p. 69).

While the *Guide* explains that some enclosures may need more or less frequent cleaning and disinfection depending on factors including the size of an enclosure, the number of animals in an enclosure, and the behavior and ages of the animals, the *Guide* doesn't suggest that 11 or 12 weeks—nine and 10 weeks longer than the recommended two weeks—would meet the goals of a sanitation program. That's nine and 10 more weeks in which microorganisms will grow and spread, creating a threat to health and well-being. Moreover, inadequate staffing at Emory could easily contribute to other husbandry deficits, such as insufficient daily health checks and inadequate provision of food and water, in further noncompliance with PHS Policy and the *Guide*.

2. Failure to keep housing facilities in good repair and protect the animals from injury

The *Guide* outlines the following:

The primary enclosure should provide a secure environment that does not permit animal escape and should be made of durable, nontoxic materials that resist corrosion, withstand the rigors of cleaning and regular handling, and are not detrimental to the health and research use of the animals. The enclosure should be designed and manufactured to prevent accidental entrapment of animals or their appendages. ... It should have smooth, impervious surfaces with minimal ledges, angles, corners, and overlapping surfaces so that accumulation of dirt, debris, and moisture is minimized and cleaning and disinfecting are not impaired. All enclosures should be kept in good repair to prevent escape of or injury to the animals, promote physical comfort, and facilitate sanitation and servicing (p. 51).

Surely, this guidance includes that an outdoor enclosure should be designed and manufactured to reduce weather erosion and to be repaired when weather erosion occurs. Yet at Emory's primate center, a gap was caused by weather erosion and ignored for so long that it grew large enough for a rhesus macaque to get her head caught in it, resulting in the monkey's death. The enclosure was not in good repair and contributed to both the injury and death of the animal.

3. Failure to keep housing facilities free of excessive rust that prevents required cleaning and sanitization, affects structural integrity, and creates jagged metal surfaces that could injure animals

The *Guide* not only provides that the "primary enclosure ... should be made of durable, nontoxic materials that resist corrosion [which includes rust]" but also asserts that "[r]usting or oxidized equipment, which threatens the health or safety of animals, needs to be repaired or replaced" (p. 51). The outdoor chimpanzee housing at Emory's primate center developed rust that became excessive because the institution didn't repair or replace the bars when it started to develop.

Additionally, the *Guide* states that the enclosure "should be free of sharp edges or projections that could cause injury to the animals or personnel" (p. 51). The edges of bars that were crumbling from rust had rough surfaces that could cause injury.

In conclusion, we urge you to investigate the concerns summarized in this letter and to take swift and decisive action against Emory University and its primate center. Thank you for your time and consideration.

Sincerely,



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