



December 4, 2023

Roxanne Mullaney, D.V.M.
Deputy Administrator
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

Via e-mail: Roxanne.C.Mullaney@usda.gov

Dear Dr. Mullaney:

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 the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) investigate an incident at the University of Massachusetts—Amherst (UMass; USDA Certificate No. 14-R-0036) in which a marmoset escaped from a cage and another marmoset sustained an injury in the laboratory of Agnès Lacreuse.

PETA obtained records (attached) from the Office of Laboratory Animal Welfare (OLAW) documenting that on May 13, one marmoset escaped from a cage and another one was injured. On that day, an animal care technician looked through the window on the door into the room with cages holding marmosets and saw that one marmoset wasn't in a cage. After an undisclosed amount of time and by means of an unknown method, the marmoset was returned to a cage and all the marmosets in the room were examined. One of them had scratches. After this incident, staff determined that the spring latch on the cage door from which the marmoset had escaped wasn't working correctly.

APHIS hasn't posted an inspection report showing a violation of the federal Animal Welfare Act (AWA) for this incident, so we request that you investigate and cite UMass for it. The AWA requires that animals be handled as "carefully as possible in a manner that does not cause ... behavioral stress, physical harm, or unnecessary discomfort." 9 CFR 2.38(f)(1). Placing a marmoset in a cage that didn't latch properly, thus allowing the animal to get out of the cage and another marmoset to be injured, does not constitute careful handling and led to behavioral stress, physical harm, and unnecessary discomfort.

Additionally, the AWA requires "the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties." 9 CFR 2.32(a). The placement of a marmoset in a cage with a latch that wasn't working correctly indicates that UMass hasn't ensured that all personnel involved in animal care are qualified to perform their duties.

As you know, UMass has a history of inattentive handling of marmosets that has resulted in animals escaping from cages and sustaining injuries. According to information that UMass provided to OLAW, a marmoset escaped when students

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
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Entities:

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

were attempting to transfer the animal marmoset between a transport box and a home cage on October 5, 2018. The animal slipped out through a gap between the transport box and the home cage, and the animal then engaged in aggressive behavior with another marmoset who was recovering from surgery. Both of them sustained injuries. Previously, in April 2017, a marmoset escaped from an acclimation device, according to a USDA inspection report dated June 26, 2017. As laboratory personnel captured the marmoset, the animal's tail was injured. Additionally, on March 20 of the same year, the "Daily Event Record" for marmosets identified Padme and Anakin as cagemates and noted the following: "P [Padme] got into a fight (through cage bars) w/ Han, who got loose in the room upon escape from transfer box. P has multiple small punctures and lacerations on each hand." Four days later, Padme was "still careful of left hand but able to grip well."

The AWA requires mere minimum standards of care and treatment for animals in research facilities, but UMass has repeatedly demonstrated that it cannot even meet those for the marmosets in its care. We urge you to investigate this most recent incident of a marmoset escape and injury at UMass and to take swift and decisive action that includes citations and fines.

Thank you for your consideration of this important matter. You can contact me at AmandaSc@peta.org.

Sincerely,



Amanda Schemkes, J.D., M.S.
Laboratory Oversight Specialist
Laboratory Investigations Department
PETA

cc: Animal Care Complaints, Animal and Plant Health Inspection Service, U.S. Department of Agriculture (AC.Complaints@usda.gov)
Kevin Shea, Administrator, APHIS (kevin.a.shea@usda.gov)



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare
Rockledge Drive, Suite 2500
Bethesda, Maryland 20892-6910
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare
6700B Rockledge Dr., Suite 2500
Bethesda, Maryland 20817
Telephone: (301) 496-7163
Facsimile: (301) 402-7065

August 2, 2023

Re: Animal Welfare Assurance
A3551-01 [OLAW Case 1L]

Michael F. Malone, Ph.D.
Vice Chancellor for Research and Engagement
University of Massachusetts-Amherst
(b) (4) Whitmore Admin. Building
181 Presidents Drive
Amherst, MA 01003

Dear Dr. Malone,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your July 6, 2023 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the University of Massachusetts Amherst following up on an initial May 19th and June 8th notifications by voicemail.

According to the information provided, this office understands that the University of Massachusetts Amherst Animal Care and Use Committee (ACUC) determined that instances of noncompliance occurred with respect to conditions that jeopardized the health/well-being of animals resulting in harm to animals. The final report states on May 13, 2023, an animal care technician observed the animals (*Callithrix jacchus*) through the door window prior to entering and noted one animal was not in its cage. It is stated the animal was examined and returned to its cage with no injuries observed. Additionally, the other animals in the room were examined and one animal was identified with minor scratches.

Per the report, it was determined the spring latch on the cage was not functioning properly. In response to the incident, the following corrective actions were implemented:

- The animal with the scratches received topical treatment.
- The animal and cage mate were placed in a temporary cage.
- The cage latch was fixed by adding a new spring and a longer latch; additionally, a second latch was added.
- All cages with spring latches have had springs replaced with new springs and second latches have been added.

It is noted that this research is supported by PHS funding. Based on its assessment of this explanation, OLAW understands that the University of Massachusetts Amherst has implemented appropriate measures to correct and prevent recurrences of these problems and is now compliant with provisions of the PHS Policy.

We appreciate being informed of these matters and find no cause for further action by this Office.

Page 2 – Dr. Malone
August 2, 2023
OLAW Case A3551-1L

Sincerely,

Jacquelyn T.

Tubbs -S

Jacquelyn Tubbs, DVM, DACLAM

Senior Animal Welfare Program Specialist

Division of Compliance Oversight

Office of Laboratory Animal Welfare

Digitally signed by Jacquelyn T.
Tubbs -S
Date: 2023.08.02 15:05:35
-04'00'

cc: IACUC Contact

Andrew Jones, DVM, Acting Director of Animal Welfare Operations

University of
Massachusetts
Amherst

A3551-1L

Research & Engagement
IACUC Office

July 6, 2023

Dr. Axel Wolff, D.V.M.
Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
Rockledge 1, Suite 360, MSC 7982
6705 Rockledge Drive
Bethesda, MD 20892-7982
Phone: 301-594-2061
FAX: 301-402-2803
E-mail: olawdco@mail.nih.gov

Re: PHS Assurance # D16-00337 (A3551-01)

Dear Dr. Wolff,

In accordance with PHS policy, I am providing you with this **Final Report** of an event that occurred on May 13, 2023. This event was reported to Dr. Tubbs over the phone by Alison Miller on June 23, 2023, after initial notification voicemails to OLAW on May 19th and June 8th, 2023.

This matter pertains to research funded by NIH 5 R01 CA246929 and covered by IACUC-approved protocol #3761 at the University of Massachusetts Amherst. The protocol maintains a colony of *Callithrix jacchus* to study cognition.

On Saturday, May 13th the animal care technician viewed the animals in the room through the door window prior to entering and noted one animal out of its cage. The animal was examined and returned to its cage with no injuries. Other animals in the room were examined; one had minor scratches.

Upon further examination of the cage, it was determined that the spring on the latch was not working properly.

The corrective measures taken are as follows:

- The animal with the scratches received topical treatment.
- The animal and cage mate were placed in a temporary cage.
- The cage latch was fixed by adding a new spring and a longer latch; additionally, a second latch was added.
- As a safeguard, all cages with spring latches have had springs replaced with new springs and second latches have been added.

Please contact us at vcre@umass.edu or via telephone at (b) (6) if there are questions. We look forward to your response.

Sincerely,

(b) (6)

Michael F. Malone
Vice Chancellor for Research & Engagement
Institutional Official

cc: Jesse Mager, IACUC Chair;

(b) (6)

(b) (6) Todd S Horowitz, Program Director,

National Cancer Institute (via email to todd.horowitz@nih.gov)

McCoy, Devora (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Thursday, July 13, 2023 8:47 AM
To: Vice Chancellor for Research and Engagement
Cc: OLAW Division of Compliance Oversight (NIH/OD)
Subject: RE: PHS Assurance # D16-00337 (A3551-01)

Good morning Mike,

Thank you for sending us this final report for case A3551-1L and we will send an official response soon.

Best,
Devora

Devora McCoy, BS, MBA ([pronunciation](#))
Program Analyst
Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health

Phone: 301-435-2390
Email: devora.mccoy@nih.gov

From: Vice Chancellor for Research and Engagement <vcre@umass.edu>
Sent: Wednesday, July 12, 2023 11:57 AM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Cc: Jesse Mager <jmager@vasci.umass.edu>; (b) (6)
(b) (6) Horowitz, Todd (NIH/NCI) [E] <todd.horowitz@nih.gov>
Subject: [EXTERNAL] PHS Assurance # D16-00337 (A3551-01)

Dear Dr. Wolff,

In accordance with PHS policy, I provide you a **Final** report of an incident that occurred on May 13, 2023.

Regards,
Mike

Michael F. Malone
Vice Chancellor for Research and Engagement
Professor of Chemical Engineering
University of Massachusetts Amherst

(b) (6)