



February 27, 2024

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 (Emory; Animal Welfare Assurance ID D16-00113).

A January 23, 2024, U.S. Department of Agriculture (USDA) inspection report for Emory details four separate issues that also indicate noncompliance with PHS Policy and the Guide. These issues include the following:

1. Failure to consider alternatives for painful/distressful procedures

According to the inspection report, principal investigators (PIs) didn't conduct a literature search for consideration of alternatives that addressed all the painful/distressful procedures in the studies: a craniotomy, a durotomy, an intracranial surgery, the surgical insertion of probes, a retro-orbital intravenous injection. For the Institutional Animal Care and Use Committee (IACUC) to approve the proposed procedures, the PIs should have provided the IACUC a “written narrative description of the methods and sources used to determine that alternatives were not available” and the IACUC should have determined that the PIs had considered alternatives.

The Guide states that “the animal use protocol is a detailed description of the proposed use of laboratory animals,” and the topics that should be considered in the preparation of the protocol by the researcher and its review by the IACUC include the “availability or appropriateness of the use of less invasive procedures, other species, isolated organ preparation, cell or tissue culture, or computer simulation” (p.25). The Guide further provides,

Certain animal use protocols include procedures or approaches that require special consideration during the IACUC review process due to their potential for unrelieved pain or distress or other animal welfare concerns. The topics

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below are some of the most common requiring special IACUC consideration. For these and other areas the IACUC is obliged to weigh the objectives of the study against potential animal welfare concerns. By considering opportunities for refinement, the use of appropriate nonanimal alternatives, and the use of fewer animals, both the institution and the principal investigator (PI) can begin to address their shared obligations for humane animal care and use (p.27).

The Emory PIs and IACUC failed in their shared obligations for humane animal care and use. The PIs should have conducted a search for alternatives that included all of the painful/distressful procedures, and the IACUC should have given special consideration to the procedures during its review, flagged the inadequate search for alternatives, and not approved the procedures.

2. Failure to report an Animal Welfare Act (AWA) exemption

According to the inspection report, guinea pigs were housed at temperatures of 5°C and 10°C for seven days, which is an exemption to the AWA that was not included in the annual report submitted to USDA Animal Care.

The USDA usually receives an institution's annual report from its Institutional Official (IO) as someone "who is authorized to sign and conduct business on behalf of the facility,"¹ and the Guide states that the IO "bears ultimate responsibility" for an institution's animal care and use program and that the program's needs "should be clearly and regularly communicated to the IO" by the attending veterinarian, IACUC, and others (p.13).

Therefore, Emory's IO failed in the ultimate responsibility to report the AWA exception, and communication between the IO and IACUC failed.

3. Failure to provide sufficient training for the humane care of animals

According to the inspection report, on May 25, 2023, a gerbil jumped out of his enclosure when the lid was removed by a staffer during a routine husbandry task. When the gerbil landed on the flood, he sustained multiple fractures of his left front leg and right hind leg. He was then euthanized. The inspection report notes, "The husbandry task was not done in a manner to prevent injury to the gerbil."

The Guide states,

Personnel caring for animals should be appropriately trained...and the institution should provide for formal and/or on-the-job training to facilitate effective implementation of the Program and the humane care and use of animals. Staff should receive training and/or have the experience to complete the tasks for which they are responsible. According to the Program scope, personnel with expertise in various disciplines (e.g., animal husbandry, administration, veterinary medical technology) may be required (p.15).

¹USDA, Animal and Plant Health Inspection Service, *Submit Research Facility Annual Reports*, https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Obtain_Research_Facility_Annual_Report.

Since the staffer didn't perform the husbandry task in a manner to prevent injury to the gerbil and the gerbil was severely injured, Emory has failed to provide sufficient staff training to facilitate the humane care of animals and/or to employ staff with sufficient experience in animal husbandry.

4. Failure to provide safe enclosures to prevent injury to animals

According to the inspection report, on November 12, 2023, a pig's snout was injured with a laceration during transport. Staff did not determine the exact cause of the injury but determined that it was likely caused by a "sharp corner on a metal plate at the base of one of the walls" of the transport enclosure.

However, the Guide outlines that an enclosure "should be free of sharp edges or projections that could cause injury to the animals or personnel" and "should be kept in good repair to prevent escape of or injury to animals" (p.51).

We urge you to investigate the concerns summarized in this letter and to take swift and decisive action against Emory. Thank you for your time and consideration.

Sincerely,



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