



March 4, 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 the University of Alabama at Birmingham (UAB; Animal Welfare Assurance ID D16-00162).

A January 31, 2024, U.S. Department of Agriculture (USDA) inspection report for UAB details four separate issues that also indicate noncompliance with PHS Policy and the Guide. These issues include the following:

1. Failures of the Institutional Animal Care and Use Committee (IACUC) and the attending veterinarian (AV) to ensure and monitor adherence to approved protocols and the administration of appropriate veterinary care

According to the inspection report, staff made changes to a protocol including a surgical procedure to implant an eye coil in a nonhuman primate without obtaining approval from the IACUC. Under the approved protocol, the primate was to be given an intramuscular injection of dexamethasone before and after surgery, along with a third dose if needed. If any additional doses were needed, laboratory staff were supposed to contact veterinary staff before administering them. On October 23-24, 2023, a pigtail macaque underwent eye coil surgery and received seven doses of dexamethasone. The laboratory staff did not reach out to the veterinary staff regarding the extra doses, nor did they submit a change in doses to the IACUC. The inspection report notes, "If the investigators and lab staff wish to make changes to an approved protocol they must first give the IACUC the opportunity to approve all proposed significant changes in ongoing protocol activities in order to ensure that the proposed activities are in accordance with the Animal Welfare Act and Regulations."

Additionally, multiple protocols did not contain a rationale for the number of animals to be used, and three of these protocols were

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previously cited for only providing the number of animals but not a rationale for the number. Another protocol didn't include a rationale for the number of animals requested in each grouping. The inspection report notes, "An animal use proposal must include a rationale for the appropriateness of the numbers of animals to be used so that the IACUC can conduct a thorough review of the components of the activities related to the care and use of animals and determine that the proposed activities are in accordance with the Animal Welfare Act and Regulations."

Furthermore, the inspectors identified three medical issues related to staff failure to identify medical problems and communicate daily observations to the AV. An inspector saw a ferret itching himself and with areas of complete hair loss on the front sides of his upper front limbs; the animal's record had no mention of the problem, and he was not under medical care with the veterinary staff. A tree shrew was exhibiting the stereotypic behavior of repetitive flipping in circles; the animal's record had no mention of a medical evaluation or treatment plan. Another tree shrew had patchy hair loss along his whole tail; his cage card had a sticker noting hair loss, but there was no medical record. The inspection report notes, "Failure to observe medical problems and/or communicate those problems to a veterinarian can result in prolonged medical conditions and ongoing pain/distress."

The Guide instructs that an institution's animal care and use program must include adequate policies, procedures, and practices "to achieve the humane care and use of animals in the laboratory and throughout the institution" (p. 6). Additionally, the institution must maintain an environment in which the IACUC can "function successfully to carry out its responsibilities" and the institution is responsible for ensuring that "IACUC members are provided with training opportunities to understand their work and role" (pp. 6 and 17). Furthermore, the IACUC is responsible for "assessment and oversight" of the institution and should have "sufficient authority and resources (e.g., staff, training, computers, and related equipment) to fulfill this responsibility" (pp. 14–15).

The Guide also states that the AV "is responsible for the health and well-being of all laboratory animals used at the institution. The institution must provide the AV with sufficient authority, including access to all animals, and resources to manage the program of veterinary care" (p. 14).

In addition to establishing this responsibility of the IACUC and the AV, the Guide addresses the importance of proper training for staff involved in animal care and surgeries. It 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" (p. 16). Furthermore, "[t]he institution should provide appropriate education and training to members of research teams—including principal investigators, study directors, research technicians, postdoctoral fellows, students, and visiting scientists—to ensure that they have the necessary knowledge and expertise for the specific animal procedures proposed and the species used" (pp. 16–17).

The IACUC also has the responsibility—under federal law, regulations, and policies—to continually monitor the use and care of animals (p. 33). Post-approval monitoring includes “observation of animals by animal care, veterinary, and IACUC staff and members” (p. 33).

The failures of the UAB IACUC and the AV to ensure and monitor that staff followed approved protocols and reported medical issues—leading to multiple incidents in which animals were suffering and didn’t receive prompt veterinary care—illustrate a complete breakdown in the institution’s animal care and use program. The actions of UAB staff are not only negligent but also constitute interference with program operations.

2. Failure to handle animals in a way that doesn’t cause injury, stress, and death

According to the inspection report, in three separate incidents, staff failed to handle animals as expeditiously and carefully as possible, “leading to trauma, injury, stress, discomfort and/or death.” On June 28, 2023, three ferrets died and five others had symptoms of asphyxiation after cigarette smoke exposure due to insufficient airflow reaching the exposure chambers. Tar residue from cigarette smoke had blocked the internal conduits of the exposure plenum. On October 6, 2023, a rhesus macaque was sedated and placed on a warming pad for an imaging procedure. Four days later, staff noticed thermal injuries on the back of the animal’s right foot and tail. The warming pad was working properly, so staff determined that the warming pad may have been folded and the protective blankets moved—creating a hot spot that came into direct contact with the animal’s skin. Tissue death from the injury led to the animal having three toes, the tip of another toe, and the tip of the tail amputated. On October 24, 2023, an endangered long-tailed macaque escaped during a cage change through a space between the two cages and attacked a monkey in another cage. Both were injured, with the escaped animal sustaining hand injuries that may lead to limited use of the hand, and the other animal sustaining injuries to his lip and tongue. The second monkey did not do well with recovering and was euthanized.

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).

This series of incidents in which staff handled animals in ways that caused them to experience stress, injury, and death illustrates that UAB’s program has failed to train staff in routine husbandry tasks as well as in assisting with procedures.

3. Failure to clean and sanitize animal enclosures and other facility spaces

According to the inspection report, the clean side cage wash area of the building housing hamsters was filled with “stored items and metal shelves and racks all covered in a coating of dirt and dust from bedding.” A storage cart had a shelf of what appeared to be dirty bedding material, along with dirty plastic tubs containing dirty enrichment items. A metal rolling rack

had dirt and debris on its surfaces, as well as a “large amount of rodent feces.” A metal cabinet with missing doors had dark grey dirt on its floor surface and the objects stored in it. An “extremely dirty mop” was in a dirty mop bucket. A metal stand with a drain contained yellow-brown material and stains, and a dirty glove, dirty dustpan, and scraping tool were laying on it. Ceiling grates by a light fixture were covered in grey-brown dust and debris. Dead roaches were in an adjoining storage room. Multiple trash cans without lids contained discarded items, dirt, and dust. A large puddle of water—about 3ft. x 1.5ft.—with brown dirt in it was on the floor, and water was dripping from between two ceiling tiles with stained brown edges.

Additionally, staff weren’t cleaning enclosures as often as needed. The plastic tunnel tubes in which ferrets are placed during cigarette smoke experiments contained ferret hair, dried saliva, and a thick yellow-brown residue that didn’t come off when rubbed with a paper towel. “The inspectors viewed these tubes late in the afternoon and were told that the tubes were going to be used the next morning for studies.” Tree shrew enclosures contained fresh and old excreta that has built up on the perches, shelves, and floor (where it was mixed with feed pellets).

According to the Guide, “the maintenance of environmental conditions conducive to health and well-being—involves bedding change (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of excrement, dirt, and debris, and disinfection reduces or eliminates unacceptable concentrations of microorganisms” (p.69).

The Guide additionally instructs, “All components of the animal facility, including animal rooms and support spaces (e.g., storage areas, cage-washing facilities, corridors, and procedure rooms) should be regularly cleaned and disinfected as appropriate to the circumstances and at a frequency based on the use of the area and the nature of likely contamination.”

Staff at UAB are clearly failing to clean and sanitize animal enclosures as well as other facility spaces. The inspection report describes items as “dirty” ten times, along with other descriptions of filth, showing an utter failure of any plan for cleaning and sanitization.

4. Failure to provide safe enclosures

According to the inspection report, two tree shrew enclosures each contained a thin electrical cord leading to a light tube, with a 4 to 5in. section of the electrical cord exposed in the enclosure where the shrews had access to it. Additionally, one of the cords appeared to not be safely grounded. The inspection report notes, “The animals may become injured if they chew on, pull on or become caught in the thin electrical cording.”

The Guide states, “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” (p.51).

Surely, this guidance includes that electrical cords should not run through enclosures where they are exposed to animals.

5. Failure to provide water to a small animal

According to the inspection report, the water bottle on the cage of a ferret was empty during the inspection. The inspector asked the facility representative to offer water to the animal, and “drank readily for over 3 minutes.” The inspection report notes, “Adequate hydration is important to the health and well-being of all animals especially the smaller species who can become dehydrated very quickly. Access to adequate, potable water is essential for the health of the animal.”

The Guide instructs, “Animals should have access to potable, uncontaminated drinking water according to their particular requirements” (p.67). It additionally states, “Watering devices, such as drinking tubes and automated water delivery systems, should be checked frequently to ensure appropriate maintenance, cleanliness, and operation” (p.68).

Staff at UAB failed to provide the ferret with water for long enough that he then drank for three minutes upon receiving water, indicating that he was not adequately hydrated, and a ferret is a small animal who may experience dehydration quickly. Additionally, staff only provided the ferret with water at that point because the inspector asked.

In FY 2023 alone, the National Institutes of Health (NIH) awarded UAB over \$326 million. Such funding should be able to ensure that a program functions properly, but UAB has proved that it can’t meet even basic animal welfare requirements, regardless of what resources it has—and so UAB should no longer receive NIH funding, and its Animal Welfare Assurance should be revoked.

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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PETA