

November 11, 2009

Dr. Robert Gibbens, Regional Director
USDA-Western Region
2150 Centre Ave., Bldg. B
Mail Stop #3W11
Fort Collins, CO 80526

Dear Dr. Gibbens:

On behalf of People for the Ethical Treatment of Animals (PETA) and our more than 2 million members and supporters, I am submitting this complaint regarding the treatment of animals at the University of Utah (UU).

A PETA investigator ("LZ") was hired as an animal support technician at UU, where she worked from February ■ 2009, to October ■ 2009. During this time, she witnessed numerous violations of the Animal Welfare Act (AWA). Based on the enclosed video, photographs, and log notes, PETA believes that UU has consistently violated Animal Welfare Act Regulations (AWARs) governing animal experimentation practices. The evidence shows that during this time, UU:

1. Failed to maintain a program of adequate veterinary care (9 C.F.R. §2.33 (b));
2. Failed to handle animals in a way that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort (9 C.F.R. §2.38);
3. Failed to ensure that personnel conducting procedures are qualified to perform their duties (9 C.F.R. §2.32 (a));
4. Failed to ensure the existence of adequate ventilation for primary enclosures used to transport live rabbits (9 C.F.R. §3.61 (a)(4));
5. Failed to provide safe and adequate housing for pigs and monkeys (9 C.F.R. §§3.6 (b)(4), 3.125 (a), 3.75 (a), 3.1 (a));
6. Failed to provide adequate food and water to animals (9 C.F.R. §§3.54-3.55);
7. Failed to provide adequate environment enhancement to promote psychological well-being of nonhuman primates (9 C.F.R. §3.81 (c)(2)); and
8. Failed to conform to restrictions on fluid deprivation as a method of training nonhuman primates (9 C.F.R. §2.38 (f)(2)(ii)).

In addition, evidence seems to indicate that the UU Institutional Animal Care and Use Committee (IACUC):

1. Failed to ensure that procedures involving animals would "avoid or minimize discomfort, distress, and pain to the animals" (9 C.F.R. §2.31 (d)(1)(i));



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2. Failed to ensure that Principal Investigators (PIs) “considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals” (9 C.F.R. §2.31 (d)(1)(ii));
3. Failed to ensure that the “animals’ living conditions will be appropriate for their species ... and contribute to their health and comfort” (9 C.F.R. §2.31 (d)(1)(vi)); and
4. Failed to ensure that proposed protocols were adequately complete—including caveats for how particular (and not unlikely) scenarios would be handled. As a result of this failure, deficient protocols were approved and more animals than would be required to obtain valid results were used (9 C.F.R. §2.31 (e)(3)).

I. Failure to maintain a program of adequate veterinary care

Section 2.33(b) of the AWARs states: “Each research facility shall establish and maintain programs of adequate veterinary care.” The regulation further specifies that adequate care includes the “use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries”¹ and “adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.”² The level of care stipulated by this regulation was not met by UU during the period in question.

- On May 6, LZ learned that a product called Cell-Sorb was being used in the university’s laboratories as bedding for guinea pigs, even though the product can be fatal to guinea pigs if it is eaten. Cell-Sorb blocks the guinea pigs’ intestines, resulting in a painful death. Although UU’s animal technicians are required to look for signs that bedding had been consumed, it would seem likely that some guinea pigs would elude detection and would consequently suffer and die. UU’s decision to use Cell-Sorb, when safer bedding materials exist, stands in violation of the directive to implement appropriate methods to prevent disease and injury.³
- On July 5, LZ learned that a cow being used in a cardiac experiment in Rm. 1810 in the Comparative Medicine Center (CMC) was diagnosed as having the intestinal parasite, coccidia. LZ learned that the cow was being treated for diarrhea—a symptom of the infection—but was not being treated for the infection itself. Two other cows were being housed in Rm. 1810 at this time; it is unclear whether steps were taken to prevent the spread of coccidia to the other two cows.⁴
- On October 10, LZ learned from an animal technician named [REDACTED] that F09-045—a mother cat whose kittens were scheduled to be used in James McAllister’s hydrocephalus experiments—was being treated for distemper. While feline distemper is known to be a highly contagious viral disease, no effort was made to prevent spread of the virus. F09-045’s kittens were kept with her until she was euthanized. On October 12, F09-045’s kittens were placed with another mother cat, F09-046, and her five kittens.⁵

¹ 9 CFR §2.33 (b)(2)

² 9 CFR §2.33 (b)(5)

³ PETA investigator, daily notes, 6 May 2009.

⁴ PETA investigator, daily notes, 5 July 2009.

⁵ PETA investigator, daily notes, 10 October 2009. PETA investigator, [REDACTED] video footage [file 10/10/09 (3)].

II. Failure to handle animals in a way that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort

Section 2.38 (f)(1) of the AWARs states, "Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort."⁶ This regulation was violated at UU during the period in question.

- On August 25, an unidentified man delivered four female pigs to the CMC. The license plate on the trailer in which the pigs were transported was [REDACTED] (Utah). The man picked up and swung each pig, who weighed approximately 45 pounds, by her hind leg to load her into a transport cart. The handling caused all the pigs to squeal, evidencing their behavioral stress. Lacerations covering the animals' bodies suggested that they had previously been mishandled, as well.⁷

III. Failure to ensure that personnel conducting procedures are qualified to perform their duties

Section 2.32 (a) of the AWARs states that, "It shall be the responsibility of 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."⁸ And §2.32(c) states that "Training and instruction of personnel must include guidance in at the least following areas: (1) Humane methods of animal maintenance ... including: ... (i) The basic needs of each species of animal⁹ [and] (ii) proper handling and care for the various species of animals used by the facility."¹⁰ These regulations were routinely violated at UU during the period in question.

- On July 11, LZ spoke with an animal technician named [REDACTED] about a rhesus macaque monkey named Frack who had been observed a number of times circling his cage. LZ asked if anything could be done about this behavior to which [REDACTED] responded, "Not really ... They've been like this for a while."¹¹ This comment portrays an astounding lack of knowledge on the part of the animal technician of the behavior and needs of the very animals with whose care she had been charged. A critical task performed by animal technicians is monitoring the health of animals. If a technician does not recognize circling, pacing, swaying and thrashing as being indicative of psychological distress, she cannot report the issue to the attending veterinarian.
- On July 28, LZ learned that [REDACTED], one of the animal technicians, had picked up a pregnant cat from Davis County Animal Shelter earlier that day. The cat's kittens were to be used in hydrocephalus experiments directed by PI James McAllister. Shortly after she arrived

⁶ 9 C.F.R. §2.32 (f)(1)

⁷ PETA investigator, daily notes, 25 August 2009.

⁸ 9 C.F.R. §2.32 (a)

⁹ 9 C.F.R. §2.32 (c)(1)(i)

¹⁰ 9 C.F.R. §2.32 (c)(1)(ii)

¹¹ PETA investigator, daily notes, 11 July 2009. PETA investigator, [REDACTED] video footage [file 7/11/09 (3)].

at UU, the cat gave birth to eight kittens.¹² On July 29, LZ wrote in her daily log: “The kittens were drinking her milk, and the mother was purring.”¹³ Six days later, on August 4, LZ reported: “The kittens were nursing and the mother was purring.”¹⁴ Later that day, the kittens were used in an initial surgery in which they were injected with a compound that would produce excessive fluid in their brains. On August 5, [REDACTED], the manager of the large animal department, expressed concern that the kittens' mother was rejecting the kittens. LZ visited the cats' quarters and observed that

“The kittens appeared dirty, and there was an odor coming from the cage. The kittens had what appeared to be feces on their bodies ... Other employees stated they also smelled this odor. I didn’t notice any major changes in the kittens’ behavior. [REDACTED] said it can take a few days after the surgery is performed before major changes occur in their attitudes and behavior ... The mother didn’t appear to want anything to do with them. [REDACTED] said the mother hasn’t really been caring for the kittens since the surgery ... [REDACTED] said that she and [REDACTED] tried to hold the mother down while the kittens fed, but the mother was stressed and wouldn’t ‘cooperate’ so that idea was abandoned. Next, they tried putting the mother and her kittens into a kennel, which was smaller than the cage to which they were normally confined, so the mother and kittens would be closer, with the hope that the mother would then nurse the kittens. This apparently worked for a short time, but the cat and her kittens were soon moved back to the original cage ... There seemed to be a lot of confusion about what exactly was supposed to be done to care for the kittens. In response, the technicians had a meeting with Dr. [REDACTED].”¹⁵

It was decided that the kittens would have to be fed by syringe. One kitten had gone missing. On August 8, LZ learned that all but one of the kittens used in the hydrocephalus experiment had died.¹⁶ Following her kittens’ procedure, the mother did not take care of her kittens and the attempt to bottle-feed the kittens was unsuccessful. On August 12, LZ learned that one kitten underwent an MRI on August 6 or 7; it is unclear whether the kitten was euthanized or simply died after the MRI.¹⁷ No data was obtained from any of the eight kittens in the litter; the protocol was supposed to last four to six weeks and a shunt was supposed to be implanted in the brain to expel some of the fluid. But, as a result of the inadequate veterinary care and supervision, the kittens’ health deteriorated and they died—before they were even 11 days of age.

On September 19, LZ noticed that there were two new pregnant cats, F09-045 and F09-046, in CMC Rm. 1840.¹⁸ These cats’ kittens would be used in McAllister’s

¹² PETA investigator, daily notes, 28 July 2009. PETA investigator, [REDACTED] video footage [file 7/28/09 (1) (3)].

¹³ PETA investigator, daily notes, 29 July 2009.

¹⁴ PETA investigator, daily notes, 4 August 2009.

¹⁵ PETA investigator, daily notes, 5 August 2009. PETA investigator, [REDACTED] video footage [file 8/5/09 (1) (2)].

¹⁶ PETA investigator, daily notes, 8 August 2009.

¹⁷ PETA investigator, daily notes, 12 August 2009. PETA investigator, [REDACTED] video footage [file 8/12/09 (1)].

¹⁸ PETA investigator, daily notes, 19 September 2009. PETA investigator, [REDACTED] video footage [file 10/19/09 (4)].

hydrocephalus experiments. On September 23, F09-045 gave birth to four kittens.¹⁹ Two of the kittens were determined to be too weak to be used in the protocol and were euthanized.²⁰ The remaining two kittens were F09-050 and F09-052.²¹ On October 10, F09-046 gave birth to five kittens.²²

On October 13, LZ learned from [REDACTED], one of the PI's technicians, that he had taken two of the kittens—F09-050 and F09-052—for an MRI. [REDACTED] said that kitten F09-050 had aspirated and subsequently died inside the machine. He said that he had noticed that F09-050 had a full stomach before the MRI, but he didn't believe that this was something the investigators or their staff had worried about in the past. Although [REDACTED] acknowledged that the kittens had to be anesthetized before undergoing the MRI—and while he also acknowledged that humans must fast for six hours before being anesthetized—he said that he hadn't heard that it was necessary to withhold food from animals before they were anesthetized.²³

In the week following the death of F09-050, James McAllister's laboratory speculated that perhaps the kitten didn't aspirate, but that there was possibly something wrong with the MRI machine or the PI and his staff had the settings set too high, or they kept the kittens in the MRI machine for too long.²⁴ From the date of the kitten's death—October 13—to LZ's last day of employment 13 days later, the matter remained unresolved. [REDACTED]'s failure to recognize that the kittens should be fasted before being anesthetized is a transparent case of gross incompetence.

On October 17, LZ learned from an animal technician named [REDACTED] that another kitten, F09-052, also died in the MRI machine; it is unclear whether [REDACTED] was responsible for this incident, or whether it was another of the PI's technicians.²⁵

Of F09-046's kittens, one was determined to be too weak and was euthanized. On October 19, two kittens were found dead in their cage. At that point, the remaining two kittens were euthanized.²⁶

Thus, from July 28 to October 19, McAllister's protocol consumed three litters of kittens—17 kittens—but none of the experiments lasted longer than 13 days and no data was gleaned from these animals.

V. Failure to provide adequate housing for animals

¹⁹ PETA investigator, daily notes, 30 September 2009, 4 October 2009. PETA investigator, [REDACTED] video footage [file 10/4/09 (1) (2)].

²⁰ PETA investigator, daily notes, 30 September 2009.

²¹ PETA investigator, daily notes, 3 October 2009.

²² PETA investigator, daily notes, 11 October 2009.

²³ PETA investigator, daily notes, 13 October 2009. PETA investigator, [REDACTED] video footage [file 10/13/09 (4)].

²⁴ PETA investigator, daily notes, 17 October 2009, 19 October 2009.

²⁵ PETA investigator, daily notes, 17 October 2009.

²⁶ PETA investigator, daily notes, 19 October 2009. PETA investigator, [REDACTED] video footage [file 10/18/09 (1), 10/19/09 (1)].

Section 3.125 (a) of the AWARs mandates that: “The indoor and outdoor housing facilities [for warm blooded animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and marine mammals] shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.”²⁷ On May 6, LZ helped [REDACTED] restrain a pig in CMC Rm. 1840, who was being used in non-agricultural experimentation. The pig had injured her foot when it got stuck in the metal grates on the bottom of her cage, and it was infected and swollen. Although the pig was given antibiotics, a painkiller and an anti-inflammatory the previous week, she was cold and shivering; she also had a fever and was huddled in the corner of the cage shaking and not moving much. The pig was euthanized on May 7.²⁸

Section 3.75 (a) of the AWARs states: “Housing facilities for nonhuman primates must be designed and constructed so that they are structurally sound for the species of nonhuman primates housed in them. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.”²⁹ However, on July 19, LZ learned that two monkeys had escaped from their cages in CMC Rm. 1170 the previous night, likely as a result of someone failing to close their cage doors properly. Water, food, paper and other supplies were strewn all over the room. The monkeys had bitten the water lines attached to the walls and there was water on the floor. Additionally, the monkeys had also gotten into a large tub of Virkon, a cleaning agent, and spread it all over the room.³⁰ While the monkeys’ escape was deemed as having likely occurred as a result of human error, the opportunity for serious harm to the two monkeys who escaped and other monkeys in the room was significant. It would seem that either standard operating procedures to ensure safe enclosure of animals were not sufficiently emphasized, or personnel training was lacking.

VI. Failure to provide adequate food and water to a rabbit for four days

Title 9 C.F.R. §3.54 mandates that “Rabbits shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbit.”³¹ And Title 9 C.F.R. §3.55 requires that “Sufficient potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care.”³²

However, on September 15, LZ learned that a rabbit had been delivered on September 11 from one building at UU to the Cardiovascular Research & Training Institute at UU. The rabbit had been requested by a PI in the second building. No one in the second building noticed the rabbit until September 15. The rabbit was transported without any food or water, which means that he or she was left without food or water for four days.³³

²⁷ 9 C.F.R. §3.125 (a)

²⁸ PETA investigator, daily notes, 6 May 2009, 9 May 2009. PETA investigator, [REDACTED] video footage [file 5/6/09 (3)].

²⁹ 9 C.F.R. §3.75 (a)

³⁰ PETA investigator, daily notes, 19 May 2009.

³¹ 9 C.F.R. §3.54

³² 9 C.F.R. §3.55

³³ PETA investigator, daily notes, 15 September 2009.

The problems represented in this episode go well beyond the failure to provide adequate food and water to a rabbit for four days, of course. That a rabbit could be transported and neglected for four days indicates serious deficiencies in communications—and basic observation skills—at UU. It would seem that either the university failed to have adequate standard operating procedures in place to ensure that animals are safely transported or animal care staff failed to employ these procedures. The university's Animal Care and Use Program should be amended to ensure that such an occurrence is not repeated. If the program is deemed to be sufficient, remedial training should be implemented to ensure that protocols are followed.

VIII. Failure to provide adequate environment enhancement to promote psychological well-being of nonhuman primates

Section 3.81 of the AWARs mandates that “research facilities must develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates.”³⁴ Title 9 C.F.R. §3.81 (a) specifically stipulates that the “environment enhancement plan must include specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature.”³⁵

However, on June 27, while helping [REDACTED] feed a monkey in CMC Rm. 1160, LZ observed that this cynomolgous monkey—who had “3003,” “MF,” and “3885” tattooed onto his chest—was housed alone in the room. The monkey had no contact—tactile, visual, auditory, or olfactory—with conspecifics. LZ was informed that 3003/MF/3885 did have a cage mate, but that individual had been killed after being used in an experiment. The monkey had pulled paper that had lined the waste tray under his cage into his cage and had torn it to shreds. While it is unclear when MF's cage mate was killed, MF was killed on July 6, which means that he was caged alone in a room by himself for at least 10 days.³⁶ It would seem that poor planning on the part of the PI (Alessandra Angelucci) and negligence on the part of the IACUC resulted in a situation where nothing was done to provide any sort of contact with conspecifics. The injustice of the psychological injury to MF is compounded in knowing that five monkeys were housed in the adjacent room, and MF could easily have been transferred to that room so that he would not have to suffer solitary confinement through his last days.

On June 28, while helping [REDACTED] feed monkeys in CMC Rm. 1170, LZ observed that two rhesus macaque monkeys—Frik and Frack—were caged individually. LZ observed that Frack would occasionally pace in his cage and would also act aggressively and thrash in his cage. A rhesus macaque named Fraggie swayed endlessly in his cage. LZ videotaped this behavior for six minutes.³⁷ On July 5th, LZ again observed Frack circling in his cage and behaving aggressively.³⁸ On October 13, LZ observed Mars pacing in circles in his cage.³⁹

³⁴ 9 C.F.R. §3.81

³⁵ 9 C.F.R. §3.81 (a)

³⁶ PETA investigator, daily notes, 27 June 2009, 4 July 2009. PETA investigator, [REDACTED] video footage [file 6/27/09 (1)].

³⁷ PETA investigator, daily notes, 28 June 2009. PETA investigator, [REDACTED] video footage [file 6/28/09 (3)].

³⁸ PETA investigator, daily notes, 5 July 2009. PETA investigator, [REDACTED] video footage [file 7/5/09 (2)].

³⁹ PETA investigator, daily notes, 13 October 2009.

Title 9 C.F.R. §3.81 (c) (2) of the Animal Welfare Act states that nonhuman primates who “show signs of being in psychological distress through behavior or appearance,” are to be “provided special attention regarding enhancement of their environment.”⁴⁰ There was no indication that UU had taken any steps to address the psychological distress exhibited by Frack, Fraggie and Mars.

IX. Use of Water Deprivation to Train Monkeys

Section 2.38 (f)(2)(ii) of the AWARs stipulates that: “Deprivation of food or water shall not be used to train, work, or otherwise handle animals; Provided, however: That the short-term withholding of food or water from animals, when specified in an IACUC-approved activity that includes a description of monitoring procedures, is allowed by these regulations.”⁴¹ On June 28, LZ learned that the five monkeys housed in CMC Rm. 1170 were being used in PI Bradley Greger’s protocol (06-00308). Four of the five monkeys were being given only 10 milliliters of water for every kilogram of body weight per day.⁴² Almost two months later, on Aug 23, LZ observed that the monkeys were still being subjected to fluid restriction.⁴³ On October 12, LZ asked █████ how long the monkeys had been on the water restriction regimen. She thought it had been a little over a year.⁴⁴ Whether two months or twelve months, the monkeys on Greger’s protocol were fluid restricted for a period that cannot be considered “short-term” and unless an exemption had been secured by Greger from UU’s IACUC, the practice of depriving monkeys of fluid for this protracted period constitutes a violation of federal regulations.

X. IACUC Failures

Section 2.31 of the AWARs specifies numerous responsibilities for IACUCs, highlighting the IACUCs’ intended role as the animals’ last line of defense. However, during her tenure at UU, PETA’s investigator documented several scenarios which indicate either failure on the part of the UU IACUC to adequately review protocols and implement adequate animal care policies—or failure on the part of experimenters to conform with approved protocols and on the part of personnel to implement policies.

A. Failure to minimize discomfort, distress, and pain to animals

Section 2.31 (d)(1)(i) of the AWARs mandates that the IACUC must ensure that “procedures involving animals will avoid or minimize discomfort, distress, and pain to the animals.”⁴⁵

However, on July 18, LZ learned that a cow—confined to a crate in CMC Rm. 1810 with a heart pump surgically implanted in his chest and with wires and tubes keeping him tethered to a machine—would be left in this condition for one full month.⁴⁶ While this protocol was approved by UU’s IACUC, it is unclear whether any provision was made to ensure that the cow would have adequate freedom of movement through this protracted period, as required by §3.128 of the AWARs, stipulating space requirements for warm blooded animals other than dogs, cats, rabbits,

⁴⁰ 9 C.F.R. §3.81 (c)(2)

⁴¹ 9 C.F.R. §2.38 (f)(2)(ii)

⁴² PETA investigator, daily notes, 28 June 2009. PETA investigator,  video footage [file 6/28/09 (3)].

⁴³ PETA investigator, daily notes, 23 August 2009.

⁴⁴ PETA investigator, daily notes, 12 October 2009.

⁴⁵ 9 C.F.R. §2.31 (d)(1)(i)

⁴⁶ PETA investigator, daily notes, 18 July 2009.

hamsters, guinea pigs, nonhuman primates, and marine mammals. Certainly, in the absence of any such provision, such restricted movement would increase discomfort and distress to the cow beyond that which would be considered justified for scientific purposes. We believe two additional cows were being used under the same protocol.

B. Failure to consider alternatives

Section 2.31 (d)(1)(ii) of the AWARs stipulates that the IACUC must ensure that PIs have “considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals.”⁴⁷ However, on June 22, LZ learned that UU uses cats—including the cats “named” F09-001 through F09-012—in endotracheal intubation training exercises.⁴⁸ The use of cats in intubation training can cause bleeding, swelling, scarring, collapsed lungs, and even death. Further, the American Heart Association (AHA) and the American Academy of Pediatrics (AAP) exclusively endorse the use of humanlike manikins for their pediatric life support courses (both of which include intubation training), demonstrating that the use of these methods is the standard of practice and that animal use is not necessary. It is unclear whether UU’s IACUC ensured that the PIs involved in intubation training had even considered alternatives to the use of cats. Given the existence of effective and widely employed non-animal methods, it is simply not possible—as required by the AWA—for a course instructor’s required written narrative to demonstrate that alternatives to the use of animals in this training are not available [see 9 C.F.R. §2.31(d)(1); §2.32(c)(5)(ii)] and that the use of animals for this purpose “is unavoidable for the conduct of scientifically valuable research.”⁴⁹ The use of animals for intubation training represents a staggering failure on the part of both the training instructor and the UU IACUC.

C. Failure to conduct adequately comprehensive reviews of proposed protocols

Section 2.31 (e) of the AWARs specifies that the IACUC must ensure that “a proposal to conduct an activity involving animals” includes “a rationale for involving animals, and for the appropriateness of the species and numbers of animals to be used,” “a complete description of the proposed use of the animals,” and “a description of procedures designed to assure that discomfort and pain to animals will be limited to that which is unavoidable for the conduct of scientifically valuable research.”⁵⁰

PETA’s investigator found that UU routinely subjected animals to cruel and invasive procedures only to—through neglect and inadequate planning—arrive at a place where the animals could not continue to be used in the protocol. Additional animals would have to be procured and subjected to the cruel and invasive procedures to replace the animals who had already been used. While PETA regards any use of animals in experimentation as objectionable, scenarios witnessed by PETA’s investigator at UU represent incidents of unequivocally “avoidable” pain and suffering.

While inadequately qualified personnel played a role in the wastage of kittens’ lives in James McAllister’s hydrocephalus experiments described earlier, it is also apparent that the IACUC-approved protocol did not include a plan to care for the kittens in the not improbable

⁴⁷ 9 C.F.R. §2.31 (d)(1)(ii)

⁴⁸ PETA investigator, daily notes, 22 June 2009.

⁴⁹ 9 C.F.R. §2.31 (e)(4)

⁵⁰ 9 C.F.R. §2.31(e)

circumstance that the mother cat would reject her kittens following the hydrocephalus procedure. While it is not unusual that a litter of kittens would include a weak or even nonviable member, the death of all 17 kittens from three litters reflects failure in the IACUC's review of the protocol and incompetence of the laboratory staff.

D. Failure to ensure that animals' living conditions are appropriate for their species

Section 2.31 (d)(1)(vi) of the AWARs requires IACUCs to ensure that the "animals' living conditions will be appropriate for their species ... and contribute to their health and comfort."⁵¹

In numerous instances, LZ observed that in a given room, some individually-housed animals would have enrichment, while others did not. Some technicians were particular about providing enrichment to animals, while others were unconcerned about—or were unaware that lack of enrichment negatively impacts—the animals' psychological well-being. LZ learned that the inconsistency in provision of enrichment aimed at encouraging species-typical behaviors was rooted in the failure on the part of the IACUC to include stringent requirements for enrichment in its animal care program.

- On May 6, LZ noticed that only two pigs in CMC Rm. 1840 had balls in their cage; the other three pigs had nothing in their cages to provide any form of enrichment. [REDACTED], the technician accompanying LZ, didn't know why the other pigs had nothing.⁵²
- On June 17, while helping [REDACTED] feed rabbits in the John A. Moran Eye Center ("Moran"), LZ observed that while some of the rabbits' cages included small "houses" in which they could hide, not all of the rabbits' cages included such houses.⁵³
- On June 27, LZ observed that five rabbits who were individually caged in Moran Rm. A0224 didn't have any enrichment in their cages. She shared this information with [REDACTED], and together they found some Mason jar rings to put into the cages.⁵⁴
- On July 19, LZ observed that four of the individually-confined dogs in CMC Rm. 104 did not have a toy in their cage.⁵⁵
- On October 10, LZ noticed that none of the three rabbits housed in Moran Rm. A0111, and being used in a protocol directed by PI Nick Mamalis, had any enrichment in their cages.⁵⁶

Conclusion

Based on the documentation compiled by PETA's investigator, there is reason to believe that the problems identified in this complaint are far from comprehensive and represent a larger issue of failed oversight and institutional noncompliance at the University of Utah. The very serious nature of these allegations warrants immediate investigation by the USDA. The actions of UU staff show a flagrant disregard for the law and for the animals for whom they are responsible. Noncompliance at UU appears to have become business as usual—a state of affairs that must not be allowed to continue.

⁵¹ 9 C.F.R. §2.31 (d)(1)(vi)

⁵² PETA investigator, daily notes, 6 May 2009. PETA investigator, [REDACTED] video footage [file 5/6/09 (3)].

⁵³ PETA investigator, daily notes, 17 June 2009. PETA investigator, [REDACTED] video footage [file 6/17/09 (4)].

⁵⁴ PETA investigator, daily notes, 27 June 2009.

⁵⁵ PETA investigator, daily notes, 19 July 2009. PETA investigator, [REDACTED] video footage [file 7/19/09 (4)].

⁵⁶ PETA investigator, daily notes, 10 October 2009.

It is worth noting that at the University of Utah, PETA's investigator worked primarily in the laboratories using mice and rats, where she documented egregious abuse stemming from inadequate veterinary care and failure to euthanize animals in a timely fashion. If these animals were covered under the AWA, the list of violations reported in this complaint would be significantly longer. PETA has submitted a complaint to the Office of Laboratory Animal Welfare to report concerns regarding the treatment of non-regulated species.

We urge your office to treat this matter with gravity and respond swiftly to investigate and take appropriate disciplinary action.

I look forward to hearing from you and am available to assist you in your investigation. I can be reached at (410) 889-1035 or alkac@peta.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Alka Chandna". The signature is fluid and cursive, with the first name "Alka" and last name "Chandna" clearly distinguishable.

Alka Chandna, Ph.D.
Laboratory Oversight Specialist
Laboratory Investigations Department

Enclosures: PETA investigator's daily log notes regarding UU
Video footage documenting alleged AWA violations at UU
Affidavit from undercover investigator