



Stop Animal Exploitation NOW!

Dr. Robert Gibbens  
Director, Western Region, USDA/APHIS/AC,  
2150 Center Ave.  
Building B, Mailstop 3W11  
Fort Collins, CO 80526-8117

8/30/20

Dr. Gibbens,

I am writing to you today to file an Official Complaint against the Oregon Health and Science University (OHSU - 92-R-0001), for shocking violations of the Animal Welfare Act.

Since January of 2016 OHSU has amassed a total of 19 non-compliances, 2 of which are DIRECT (even more rare and serious than CRITICAL), and 7 of which are considered to be CRITICAL. During this time period OHSU negligence has killed 13 animals, seriously injured several more, denied water to many, denied veterinary treatment to many, failed to follow proper practices for sterile surgery multiple times, failed to follow proper research practices by using a monkey in a second surgical procedure, used unapproved drugs, and failed to follow approved protocols. All of these incidents follow an Official Warning which was issued to OHSU for the strangulation death of a monkey.

In a recent public statement, OHSU said:

***"On Aug. 13, 2020, an animal care technician placed a 6-foot-tall rack of nonhuman primate cages into a cage-washing machine and turned it on, unaware that there were two monkeys in one of the top cages. The technician quickly realized the error and immediately called veterinary staff for help, but one monkey died and the second was later humanely euthanized."***

As you know, cage washers sterilize with heat, so these monkeys were essentially boiled alive.

This is a clear violation of Sec. 2.38 Misc. (f) Handling. (1) 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.

Since this violation led directly to the deaths of two monkeys this should be seen as a critical non-compliance.

As you know, OHSU's history over the last four years has been one of Direct and Critical non-compliances with over a dozen animals of four different species dead. The issues at OHSU are not limited to the primate center. The non-compliances are very widespread, involving multiple code sections. It is clear that the entire system involved with OHSU animal experimentation must be examined. I would urge you to conduct a full audit of all animal health care records for OHSU regulated species to allow for a complete prosecution of this career criminal.

For Example, one non-compliance admitted to by OHSU which is not discussed in any USDA inspection is delineated in an OHSU report dated 4/22/20 which states:

*"The incident occurred on January 21, 2020 and involved one juvenile male rhesus macaque . . .*

*An animal care technician conducted husbandry duties in an outdoor shelter at the ONPRC. The duties included opening the stainless steel cover on a trough drain to sanitize the underside. The employee neglected to close the drain cover before exiting the facility. The employee returned three - four hours later and found an animal with its head and right shoulder protruding from the partially closed drain cover. The animal was released from entrapment and taken directly to the hospital. The animal presented with partial paralysis and ataxia of the right side of its body."*

This incident could have been much more serious if the monkey had not been discovered relatively quickly. This incident would constitute another failure to comply with Sec. 2.38 Misc. (f) Handling. (1) 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.

The two latest deaths admitted to by OHSU raise the death toll caused by staff negligence to 15. This long term pattern of careless slaughter is nothing short of catastrophic.

OHSU has clearly demonstrated contempt for federal supervision and has not taken USDA/APHIS/AC's previous enforcement actions seriously. Therefore, I strongly urge you to impose the maximum penalty on OHSU, because it has become extremely clear that your previous efforts at enforcement actions (issuance of **"Official Warnings"** in 2016 and 2014) have been ignored.

OHSU clearly believes that they are above the law. This facility must be severely punished if they are to be brought into compliance.

I know that your office considers major violations of the Animal Welfare Act to be very serious in nature, especially when these violations kill, abuse, or seriously injure animals. Since the Oregon Health and Sciences University has a long history of animal abuse which has led to multiple animal deaths and injuries, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately begin the process of issuing the maximum fine allowable against the Oregon Health and Sciences University at the completion of your investigation -- \$10,000 per infraction, per animal. As I am sure you are aware, this could result in a six-figure penalty.

I look forward to hearing from you in the near future about the fate of this facility.

Sincerely,



Michael A. Budkie, A.H.T.,  
Executive Director, SAEN

Attachments: 1 OHSU Report



April 22, 2020

Brent Morse, DVM, DACLAM  
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Dear Dr. Morse:

Oregon Health & Science University (OHSU), in accordance with Assurance D16-00195 (A3304-01) and PHS Policy IV.F.3., provides this report of a serious deviation from the provisions of the Guide for the Care and Use of Laboratory Animals. This was first reported to you on March 24, 2020 via a telephone voice message from Vickie L. Jarrell, Ph.D., Director, Animal Care & Use Program.

The incident occurred on January 31, 2020 and involved one juvenile male rhesus macaque of approximately two years of age housed in an outdoor sheltering facility of the Oregon National Primate Research Center (ONPRC). The animal was a member of the ONPRC colony and not assigned to a specific research protocol.

An animal care technician conducted husbandry duties in an outdoor shelter at the ONPRC. The duties included opening the stainless steel cover on a trough drain to sanitize the underside. The employee neglected to close the drain cover before exiting the facility. The employee returned three – four hours later and found an animal with its head and right shoulder protruding from the partially closed drain cover. The animal was released from entrapment and taken directly to the hospital. The animal presented with partial paralysis and ataxia of the right side of its body. A thorough physical examination was performed. Radiographs did not reveal any fractured bones or dislocated joints. The animal received supportive care with analgesics, anti-inflammatory drugs, and oral rehydration therapy.

The animal's condition improved steadily over the next 3 weeks. No residual impacts of the incident remained and the animal was returned to group housing on February 20, 2020. Short-term social separation has demonstrated no negative consequences to animal's behavior. The animal continues to thrive without sustained harm from the injury.

As is standard procedure, an ONPRC committee conducted a root-cause analysis of this incident. The IACUC Chair and Director, Animal Care and Use Program, conducted an independent investigation. Both investigations concluded human error was the cause of the incident.

The OHSU West Campus (ONPRC) IACUC was informed of the incident on March 17, 2020. A full analysis of the incident was presented to the Committee on April 21, 2020. After careful consideration, the IACUC agreed this incident was due to human error and not reflective of a larger problem. The IACUC discussed and approved the following corrective action plan in response to this event:

- Management has re-trained the employee regarding the importance of ensuring equipment has been returned to its original status before leaving the enclosures. Management has also addressed this issue with all husbandry staff responsible for washing the sheltered housing areas.
- Husbandry practices have been modified to include verification that facility issues, such as the drain covers, have been returned to their former state prior to the reintroduction of animals into an area.
- The ONPRC education and training staff have reviewed and revised training and husbandry documentation.
- A working group has been appointed to review the design of the drain covers. An ideal design must not impact the cleanliness of the enclosures, but should allow for washing of the shelter without requiring the drain covers to be opened.

OHSU is committed to protecting the welfare of animals used in research and appreciates the guidance and assistance provided by OLAW in this regard. Should you have any questions regarding this report, please contact Dr. Jarrell (b) (6) or jarrellv@ohsu.edu).

Thank you for your consideration of this matter.

Sincerely,

(b) (6)

Dana L. Director, Ph.D.  
Vice President of Research Administration & Senior Staff Officer  
Institutional Official  
Oregon Health & Science University

cc: Attending Veterinarian  
IACUC Chair  
Director, Animal Care & Use Program