



Stop Animal Exploitation NOW!

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

3/22/21

Dr. Gibbens,

I am writing to you today to file an Official Complaint against the University of Alabama, Birmingham (64-R-0004 UAB) for clear violations of the Animal Welfare Act.

I have recently obtained a UAB report which involves a whistleblower complaint regarding mishandling of animals, falsification of records, etc. in a project involving non-human primates. The initial telephone log of the incident references: *"Faculty members falsifying animal records."*

The later more complete report states: *"On October 28, 2020, the IACUC received allegations of non-compliance by two members of the same lab. One person was a faculty member (not the PI of the protocol) and the other a visiting scientist. The species were NHPs and federal funding was involved under aware number U19AI090959. The Allegations included:*

- \*Inadequate restraint of animals for minor experimental and/or diagnostic procedures.*
- \*Recording specific values in animal records, without performing the corresponding necessary measurements , e.g., pulse rate, blood pressure, weight, fluid input/output.*
- \*Recording inaccurate time of drug administration in animal records."*

These accusations would potentially violate multiple sections of the Animal Welfare Act including, but not limited to: **Sec. 2.38 Misc (f)(1) Animal Handling: 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 ; Sec. 2.33 Attending veterinarian and adequate veterinary care, Sec. 2.31 Institutional Animal Care and Use Committee (IACUC), etc.**

Another UAB report dated 9/24/20 reveals the suffocation deaths of 3 animals:

*" . . . three female ferrets (out of a total of ten in this cohort) died during a routine research cigarette smoke exposure. After careful examination, it was determined the cause of the problem was the pressurized fresh air line. This line mixed fresh air with the cigarette smoke from the machine before delivery to the animals. In this case, the line had worked loose over time allowing it to be detached from the mixing bottle. Because of this the system supplied more concentrated smoke to the ferrets than typical affecting the three smallest ferrets in the cohort."*

These ferret deaths, apparently by suffocation, clearly violate **Sec. 2.38 Misc (f)(1) Animal Handling: 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.**

However, this is likely not the only code section that was violated. Any properly trained and qualified staff person should know that before this procedure is done all of the hoses (i.e., the pressurized fresh air line) on the machine should be checked for proper attachment, because if the system is not set up correctly the result can be fatal. Additionally, anyone familiar with this procedure, or the behavior of the ferrets, should have been able to tell that they were not getting enough oxygen, and that they were dying. Obviously the machine was not properly checked before the procedure was initiated, and no one present could tell that the ferrets were suffocating. Therefore it is clear that the UAB staff involved in this procedure were not properly trained or qualified to perform this procedure. Therefore, this situation also violates **Sec. 2.32 Personnel Qualifications.**

Additionally, any non-compliance issued against University of Alabama, Birmingham for these incidents should be in the Critical category because these incidents had *"a serious or severe adverse effect on the health and well-being of the animal."* There is no more serious or severe adverse effect on the health and well-being of an animal than death.

The potential violations relevant to primate experimentation include mishandling of animals as well as falsification of records. While mishandling animals is very serious, falsification of records not only jeopardizes the health and well-being of the animals, it also renders any project in which the records were deliberately inaccurate to be scientifically meaningless. This disregard for both the animals and for science makes this violation even worse.

Since University of Alabama, Birmingham, staff negligence unnecessarily killed three animals and jeopardized the well-being of others by falsifying records, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately launch a full investigation, and at the conclusion of the investigation issue the maximum fine allowable against University of Alabama, Birmingham, (64-R-0004) -- \$10,000 per infraction, per animal.

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

Multiple University of Alabama Reports

A3255 - 2K



### Initial Report of Noncompliance

By: BCM

Date: 11/11/2020

Time: voicemail

Name of Person reporting: David Cannon, IACUC Director

Telephone #: (b) (6)

Fax #:

Email: dgcannon@uab.edu

Name of Institution: UAB

Assurance number: A3255

Did incident involve PHS funded activity? ?

Funding component:

Was funding component contacted (if necessary):

What happened?

Faculty members falsifying animal records (weights, blood pressures, times of agent administration)

Species involved: NHP

Personnel involved: research personnel

Dates and times:

Animal deaths:

Projected plan and schedule for correction/prevention (if known):

Currently investigating

Projected submission to OLAW of final report from Institutional Official:

OFFICE USE ONLY

Case #

**UAB** THE UNIVERSITY OF  
ALABAMA AT BIRMINGHAM  
Institutional Animal Care and Use Committee (IACUC)

February 15, 2021

Brent Morse, D.V.M.  
Director, Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
6705 Rockledge Drive  
RKL1, Suite 360, MSC 7982  
Bethesda, Maryland 20892-7982

Assurance # **A3255-01**

Dear Dr. Morse:

On October 28, 2020, the IACUC received allegations of non-compliance by two members of the same lab. One person was a faculty member (not the PI of the protocol) and the other a visiting scientist. The species were NHPs and federal funding was involved under award number U19AI090959. The allegations included:

- Inadequate restraint of animals for minor experimental and/or diagnostic procedures.
- Recording specific values in animal records, without performing the corresponding necessary measurements, e.g., pulse rate, blood pressure, weight, fluid input/output.
- Recording inaccurate time of drug administration in animal records.

After careful investigation and review, there was sufficient evidence supporting some, but not all, of the allegations. The supported allegations constituted unapproved deviations from the Guide for the Care and Use of Laboratory Animals and/or the PHS Policy. Although there was no animal welfare impact found, the actions of the laboratory staff identified were serious and required corrective oversight. Presentation and discussion of the following occurred at the January 2021 full IACUC meeting.

The PI provided and/or the IACUC stipulated the following corrective actions to prevent reoccurrence and ensure animal welfare and compliance with Federal and Institutional policies.

- For 1-year, all UAB animal use privileges revoked for the two staff/faculty involved.
- Require a bimodal approach for sedation for restraint. The Principal Investigator (PI) must work with Animal Resources Program (ARP) veterinary staff to adjust the approved sedation/anesthesia induction method in the protocol. This is a protocol refinement and does not reflect non-compliance because the PI was following their approved protocol.

Institutional Animal Care and Use Committee  
403 Community Health  
933 19<sup>th</sup> St S  
205.934.7692  
FAX 205.934.1188

Mailing Address:  
403 CH19  
1530 3RD AVE S  
BIRMINGHAM AL 35294-2041



THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

*Institutional Animal Care and Use Committee (IACUC)*

A3255-25

September 24, 2020

Brent Morse, D.V.M.  
Director, Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
6705 Rockledge Drive  
RKL1, Suite 360, MSC 7982  
Bethesda, Maryland 20892-7982  
Assurance # A3255-01

Dear Dr. Morse:

Below is the description of an adverse event from the Guide for the Care and Use of Laboratory Animals and/or the PHS Policy discussed during the June (2020) IACUC full committee meeting. The adverse event was self-reported to the IACUC office by laboratory faculty/staff. The report stated that three female ferrets (out of a total of ten in this cohort) died during a routine research cigarette smoke exposure. After careful examination, it was determined the cause of the problem was the pressurized fresh airline. This line mixed fresh air with the cigarette smoke from the machine before delivery to the animals. In this case, the line had worked loose over time allowing it to be detached from the mixing bottle. Because of this, the system supplied more concentrated smoke to the ferrets than typical affecting the three smallest ferrets in the cohort. The described corrective actions for the incident are included below.

Corrective actions include the IACUC requiring the PI to maintain a checklist for the equipment to ensure the equipment is in working order before each exposure and to perform weekly checks of the machine when cleaned by the laboratory staff to minimize any reoccurrence. The project is federally funded through award # 1R35HL135816-01.

If you require additional information or clarification, please do not hesitate to let me know.

Sincerely,

(b) (6)

Christopher S. Brown, Ph.D.  
Institutional Official and Vice President for Research

cc: Samuel C. Gartner, D.V.M., Ph.D., ARP Director  
Robert A. Kesterson, Ph.D., IACUC Chair  
David Cannon, B.A., C.P.I.A., IACUC Director

(b) (6)

AAALAC International

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