



Stop Animal Exploitation NOW!

Dr. Robert Gibbens

10/17/22

Director, Animal Welfare Operations, USDA/APHIS/AC

Via email: [robert.m.gibbens@aphis.usda.gov](mailto:robert.m.gibbens@aphis.usda.gov) ; [animalcare@usda.gov](mailto:animalcare@usda.gov)

Dr. Gibbens,

I am writing to you today to file an Official Complaint against the University of Houston (74-R-0020) for clear violations of the Animal Welfare Act, connected to the death of at least five non-human primates.

As you know, the University of Houston (74-R-0020) failed an inspection on 8/25/22 receiving a total of three CRITICAL violations, and two non-critical violations. This is the second worst inspection report of any US research facility so far in 2022.

The first of the CRITICAL violations states:

***“2.32(b) Critical Personnel qualifications.***

***Records reviewed during this inspection indicate that the PI on Protocol 15-052 had issues with his surgical skills which (between March 2018 and July 2022) resulted in NHP’s having to undergo multiple repair procedures and endure surgical procedures which lasted much longer than normal. One NHP died on December 10, 2020, after the investigator made a surgical error that resulted in the penetration of the dura during chamber placement surgery. The research facility did not review the qualifications of lab personnel conducting these procedures with sufficient frequency to ensure they were qualified to perform their duties.”***

In other words, in the judgement of a USDA Veterinary Medical Officer, this University of Houston Principal Investigator is not qualified to be performing surgeries on monkeys. This violation recounts over three years of improperly performed surgeries, which necessitated further surgeries, and resulted not only in additional pain and suffering for the monkeys, but also in at least one death.

The second CRITICAL violation accounts for the deaths of 12 more animals:

***“2.33(b)(4) Critical Attending veterinarian and adequate veterinary care. The veterinarian witnessed lab personnel on protocol 15-052 reusing needles and syringes to flush the skin on the head post of a NHP, and lab personnel on protocol PROTO201800039 fail to leave brain probes in solutions used for cold sterilization for a long enough time to achieve sterilization. As a result, three NHP’s experienced CNS signs and brain abscesses - two of which had to be euthanized because of the severity of their condition. Upon discussion with the veterinarians, it was determined that the lab employees never received official training for utilization of aseptic techniques regarding the aseptic procedures.”***

Who is the University of Houston hiring as lab employees to perform animal care following highly invasive brain procedures? How is it possible that staff required to care for animals weren't trained in the most basic of concepts, sterilization? Any first-year vet tech student understands sterilization. The utter ineptitude of University of Houston staff resulted in three non-human primates developing highly painful brain abscesses, two of which led to death. Not only is this extremely inhumane, but these serious infections would also make any data from procedures in which these animals were involved utterly useless.

The Third CRITICAL violation was for improper animal handling:

***“Sec. 2.38(f)(1) Critical Miscellaneous.***

***Despite guidance from the veterinarian to use drill guides when performing all cranial surgeries on protocol 15-052, the PI failed to do so, leading to penetration of the dura of two NHP's – one of which had to be euthanized. In addition, the veterinarian also advised the PI to use less surgical cement on another NHP under this protocol due to concerns regarding wound healing and infections. However, according to the veterinarian the PI failed to follow this advice, resulting in excessive skin margin regression (around the cranial hardware) and an infection. Lastly, records indicate that on March 23, 2021, a Rhesus macaque - under protocol PROTO201800039 - experienced anesthetic complications. Revival attempts were not successful when she was mistakenly given an anesthetic (Anased) rather than the reversal drug Antisedan.”***

This violation showcases two more examples of utter ineptitude. Failure to follow the advice of a trained veterinarian is inexcusable. The second violation under this code section shows that University of Houston staff, when trying to revive an animal from a drug reaction didn't give the antidote, they injected more of the drug which was causing the problem. Again, utterly inexcusable! And if these extremely basic blunders are made in this lab, why should we believe that they are capable of doing anything that even roughly resembles science?

The other violations in this inspection are protocol related. In one case an unapproved drug was used. In a second, surgical procedures were not performed as specified in the protocol. Failure to perform a protocol as approved not only endangers animals, but also endangers any data which comes out of the project.

The second set of protocol violations discussed the failure to adequately describe the procedures which were performed on the animals.

In summary, due to University of Houston negligence five non-human primates died unnecessarily, and others suffered in unnecessarily long procedures, or dealt with brain abscesses caused by staff failure to perform procedures aseptically. Also, in many instances research protocols lacked crucial information, or were not followed.

It is quite clear that monkeys at the University of Houston were not handled properly, or cared for properly. It is also quite clear that the protocols are not properly constituted, or followed. All of these things would seriously impact not only the well-being of the animals, but also the reproducibility of the experimentation in which they were used.

I am hereby filing an Official Complaint against University of Houston (74-R-0020) for serious violations of the Animal Welfare Act which killed at least five animals.

I am calling upon your office to open a new enforcement case relevant to these violations. At the conclusion of your investigation, you must prosecute the University of Houston (74-R-0020) to the fullest extent of the law, assessing a penalty of \$10,000 per infraction/per animal.

I expect that your office will reply to this correspondence within five business days.

Sincerely,

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

Attachments: 1 University of Houston Inspection Report



### Inspection Report

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University of Houston  
Health & Biomedical Sciences Building 1  
4849 Calhoun Rd  
HOUSTON, TX 77204

Customer ID: **1458**  
Certificate: **74-R-0020**  
Site: 003  
University of Houston

Type: ROUTINE INSPECTION  
Date: 25-AUG-2022

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#### 2.31(c)(7)

##### **Institutional Animal Care and Use Committee (IACUC).**

Records reviewed during this inspection indicate that the PI deviated significantly from the IACUC protocol 15-052. In February 2022, Mannitol – a drug not listed in the protocol - was given. On at least three occasions surgical procedures were not performed as described in the protocol. Deviation from the IACUC-approved protocol can jeopardize the health and well-being of the animals in the study, in addition to potentially altering the outcome of the study which could invalidate the entire purpose of the study and therefore the use of these animals. Regarding activities involving animals, the IACUC shall review and approve, require modifications in (to secure approval), or withhold approval of those components of proposed activities related to the care and use of animals in ongoing activities.

Correction Date: October 7, 2022

#### 2.31(e)(3)

##### **Institutional Animal Care and Use Committee (IACUC).**

At the time of inspection it was discovered that the surgical method for the "array" procedure lacked step-by-step details regarding chamber implantation (and removal of) being performed under Protocol 15-052. Lack of a complete description on intended animal use could expose the animals to unnecessary and harmful procedures that could adversely impact

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**Title:** VETERINARY MEDICAL  
OFFICER

**Date:**  
15-SEP-2022

**Received by Title:** Facility Representative

**Date:**  
15-SEP-2022



## Inspection Report

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their health and well-being. A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain a complete description of the proposed use for the animals. The facility had the PI amend the protocol where it now includes a complete, detailed explanation of the "array" procedure, and the chamber implantation is no longer apart of the protocol.

Correction Date: To be corrected from this day forward

**2.32(b) Critical**

**Personnel qualifications.**

Records reviewed during this inspection indicate that the PI on Protocol 15-052 had issues with his surgical skills which (between March 2018 and July 2022) resulted in NHP's having to undergo multiple repair procedures and endure surgical procedures which lasted much longer than normal. One NHP died on December 10, 2020, after the investigator made a surgical error that resulted in the penetration of the dura during chamber placement surgery. The research facility did not review the qualifications of lab personnel conducting these procedures with sufficient frequency to ensure they were qualified to perform their duties. The qualifications of personnel shall be reviewed with sufficient frequency to fulfill the research facility's responsibilities under sections 2.32 and 2.31. The IACUC investigated these incidents and determined the PI must be retrained, along with pre-, during, and post-operative communications between the research and veterinary staff.

Correct by: To be corrected from this day forward

**2.33(b)(4) Critical**

**Attending veterinarian and adequate veterinary care.**

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The veterinarian witnessed lab personnel on protocol 15-052 reusing needles and syringes to flush the skin on the head post of a NHP, and lab personnel on protocol PROTO201800039 fail to leave brain probes in solutions used for cold sterilization for a long enough time to achieve sterilization. As a result, three NHP's experienced CNS signs and brain abscesses - two of which had to be euthanized because of the severity of their condition. Upon discussion with the veterinarians, it was determined that the lab employees never received official training for utilization of aseptic techniques regarding the aseptic procedures. Failure to provide guidance to lab personnel on the aseptic principles necessary to appropriately handle the animals for these research procedures resulted in the use of an improper technique that negatively impacted the health and well-being of these animals. Each research facility shall establish and maintain programs of adequate veterinary care that include guidance to principal investigators and other personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia. The facility held a meeting to review the process and aseptic techniques of all individuals who handle the animals, and has also made pre-, during, and post-operative procedural upgrades and trainings.

Correct by: To be corrected from this day forward

**2.38(f)(1) Critical**

**Miscellaneous.**

Despite guidance from the veterinarian to use drill guides when performing all cranial surgeries on protocol 15-052, the PI failed to do so, leading to penetration of the dura of two NHP's – one of which had to be euthanized. In addition, the veterinarian also advised the PI to use less surgical cement on another NHP under this protocol due to concerns regarding wound healing and infections. However, according to the veterinarian the PI failed to follow this advice, resulting in excessive skin margin regression (around the cranial hardware) and an infection. Lastly, records indicate that on March 23, 2021, a Rhesus macaque - under protocol PROTO201800039 - experienced anesthetic complications. Revival

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attempts were not successful when she was mistakenly given an anesthetic (Anased) rather than the reversal drug Antisedan. Failure to properly handle the animals [as directed] can negatively impact their health and well-being. Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort. Corrective actions taken by the facility regarding the drug mix-up included training and no longer ordering Anased to avoid confusion with Antisedan.

Correct by: September 21, 2022

This inspection and exit interview were conducted with facility representatives.

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