



USDA, APHIS, Animal Care

Animal Care 11/7
3/19/11

ANIMAL WELFARE COMPLAINT

Complaint No. FY #W09-163	Date Entered 18-Aug-09	Received By EMC
Referred To Randy Ridenour, DVM, SACS & Gwynn Hallberg, VMO		Reply Due

Facility or Person Complaint Filed Against

Name Oregon National Primate Research Center		Customer/License/Registration No. 92-R-0001/1046	
Address 3181 SW SAM JACKSON PARK RD., #L335			
City Portland	State OR	Zip 97239	Phone No 503-494-1085

Complainant

Name (b)(6)		Organization PETA	
Address (b)(6) @peta.org			
City	State	Zip	Phone No./Email address (b)(6)

How was complaint received?
email

Details of Complaint: Death of monkey 5/28/09, due to heat stroke, lack of air conditioning/broken.

Results:

START CASE
 SENT TO IES: DATE: 12-01-09 IES CASE NUMBER: OR10
 IES CLOSE DATE: RESULTS:

Application packet provided? Yes No

INSPECTOR

DATE

REVIEWED BY

DATE

Evelyn M
Celli/CO/APHIS/USDA
08/18/2009 12:32 PM

To (b)(6)
cc
bcc
Subject Re: Fw: Potential AWA violations at Oregon National Primate
Research Center

August 18, 2009

(b)(6)

Dear Complainant:

Thank you for your emailed letter received in our office August 18, 2009, concerning Oregon National Primate Research Center. Your concern has been issued number W09-163. If you wish to know the results of our findings, you must send a request, in writing, to our Freedom of Information Act office. Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly investigate your concerns.

FOIA requests can be submitted three ways--

1. Email: foia.officer@aphis.usda.gov
2. Fax: 301-734-5941
3. US Mail: USDA, APHIS, FOIA
4700 River Road, Unit 50
Riverdale, MD 20723

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

Sincerely,
/S/
Robert Gibbens, DVM
Director, Western Region

USDA, APHIS, Animal Care

cc: Gwynn Hallberg, VMO
Connie R Morris/CO/APHIS/USDA

From: (b)(6)
Sent: 08/18/2009 10:10 AM AST
To: Robert Gibbens
Subject: Potential AWA violations at Oregon National Primate Research Center

August 18, 2009

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

Via e-mail: robert.m.gibbens@usda.gov

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 writing to request an investigation into potential violations of the Animal Welfare Act (AWA) at the Oregon National Primate Research Center (ONPRC, #92-R-0001) that resulted in the death of a nonhuman primate (NHP).

Documents that PETA has obtained via the Freedom of Information Act indicate that a 7-year-old female rhesus macaque (#22599) was found dead in her cage on May 17, 2008. A necropsy confirmed that heat stroke was the cause of death. In a letter (attached) dated June 24, 2008, to the National Institutes of Health's (NIH) Office of Laboratory Animal Welfare (OLAW), ONPRC (b)(6) reported that the outside temperature on Friday, May 16, 2008, was 95°F and that the swamp cooler in the area where NHP #22599 was being housed had broken and was not working for approximately two hours after the equipment failure was discovered.

As the rhesus macaque is a USDA-regulated species and this animal's death resulted from avoidable errors including inadequate monitoring and veterinary care, we are notifying your office of this incident.

This incident is particularly alarming in light of recently documented AWA violations at the ONPRC. On December 2, 2008, the ONPRC received an "Official Warning, Violation of Federal

Regulations" from APHIS (APHIS Form 7060). In this warning and the citations associated with it, the ONPRC was informed that "in the future, this citation and all past and future documented violations will be used to justify a more severe penalty."

We are requesting a full investigation into this incident and any underlying issues that may be exposed. If noncompliance is found, we urge you to take swift and decisive action that includes assessing a civil penalty against the university. As you know, the size of the ONPRC, the gravity of the violations, and the history of previous violations are factors that APHIS must consider when determining the appropriateness of a penalty (7 U.S.C. §2149(b)).

Thank you very much for your attention. I look forward to hearing from you and can be contacted at ^{(b)(6)} [REDACTED]

Respectfully,

(b)(6)

Research Associate
Laboratory Investigations Department
People for the Ethical Treatment of Animals

Attachments: Letter from ONPRC to OLAW dated June 24, 2008



image001.jpg



Letter from ONPRC to OLAW 6-24-2008.pdf



Office of the Vice
President for Research

Mail code: L335
3181 S.W. Sam Jackson Park Rd.
Portland, Oregon 97239-3058
tel 503 494-1085
fax 503 494-1099

Daniel M. Dorsa, PhD
Vice President for Research

June 24, 2008

OLAW Assurance #A33401

A3304 -

(b)(6) M.S., D.V.M.
Director, Division of Compliance Oversight
Rockledge One
6705 Rockledge Dr.
Suite 360, MSC 7982
Bethesda, MD 20892-7982

RE: May 16, 2008, incident at Oregon National Primate Research Center
(ONPRC), Oregon Health & Science University (OHSU)

NIH Grant: 5 U42RR1605-08; Establishment of Specific Pathogen Free
Rhesus Macaque Colony. PI: (b)(6), DVM,
PhD

Dear (b)(6)

Friday, May 16, 2008, was an unseasonably hot day in Oregon with temperatures reaching 95F. On that day, 38 rhesus macaques assigned to the U42 grant (Establishment of the SPF rhesus macaque colony) were being housed in the Corral North Catch Area (referred to as Catch Area J) in order to acclimate them to outdoor conditions and to allow for social interaction prior to being moved into newly constructed Shelter Housing Units. The animals in Catch Area J were monitored and fed twice per day by trained husbandry and veterinary technicians. At 1445, animal care staff fed the animals monkey chow and produce at which time all animals appeared normal and were eating and drinking freely. At that time, the animal care staff noted it was warm in Catch Area J and that the swamp cooler was not running. There are two thermometers present in the Catch Area J; however, the temperature inside the area was not noted or recorded on Friday afternoon. Other cooling elements were functioning including several Casablanca fans and an exhaust fan set to pull hot air out of the area. Animal care staff did not note any animal to be compromised during their afternoon feeding. At 1505, the facilities group was contacted regarding the swamp cooler. At 1530, a technician arrived to work on the swamp cooler which had a broken belt. The cooler was repaired over the next two hours with ice being used to cool the air in the meantime. The cooler was functional until approximately 2030 at which time it was noted to be making loud noises. The outdoor temperature at that time was 78F so the swamp cooler was turned off for the evening with repair to commence again on Saturday morning. During the Saturday morning health check, female 22599, a 7 year old female, was found dead in her cage. Her water lixit (individual watering device in cage) was checked and was working at that time. All other animals in the area appeared normal. As temperatures were predicted to be high on Saturday as well,

the remaining animals were moved to indoor, air conditioned housing. Necropsy of 22599 on 5/19/08 confirmed heat stroke as the cause of death based on gross findings. Histopathology is pending.

Description of Animal Housing Area

Catch Area J is an 1875sq ft sheltered housing area that holds 125 hanging non-human primate cages. There are two tiered cages along the south and west walls and in three back to back rows in the center of the area. All cages have automatic drinking water fixtures. There are sliding doors on the north and east sides that can be opened or closed dependent on outdoor conditions. There is one swamp cooler mounted in the east side gable end and one exhaust fan unit mounted in the west side gable end. There are two ceiling mounted Casablanca fans. The exterior is constructed of corrugated sheet metal with a smoked fiberglass semi-transparent roof to allow natural light into the area. Two thermometers are present in the area located at the entrance and in the center section of the Catch Area.

Monitoring Systems and Procedures

During normal operating hours (including Saturday) the Facilities staff monitors equipment functions through the Apogee system (automatic environmental monitoring system), daily rounds and from reports of failure by the staff. Daily rounds consist of inspection of equipment and areas to assure that what equipment is in place is functioning properly (e.g the swamp coolers are on when temperatures reach 75 degrees, the heaters are on when temperatures fall below 65 degrees). When the weather is extreme in either direction, Facilities will do these rounds twice per day. Reports are responded to immediately and the necessary arrangements for repairs are made and communicated to the appropriate DAR staff. On the off-shifts, Northwest Protective Services Officers patrol all areas to verify that nothing is in alarm or has failed completely. He/she covers the entire campus every 2 hours. Upon finding a problem the officer calls the Facilities on-call person. Facilities personnel make the determination as to whom should be called in if necessary, and decides whom to notify within DAR of the issue based on the DAR on-call list. Indoor areas have electronic environmental monitoring equipment in the animal holding areas. These areas are monitored 24 x 7 and have a built-in paging system to notify Facilities on call staff. Upon receipt of a page, Facilities personnel evaluate the problem and decide if calling in a technician or sub-contractor is warranted, and notifies the appropriate DAR staff if necessary. In the Sheltered Housing units there are automatic controls for turning on the heat when temperatures fall below 45 degrees (both overhead and in the floors) in the winter. Misters are turned on manually by the DAR staff when temperatures exceed 85F or as needed. The Catch Area J exhaust fan and Casablanca fans are manually turned on when temperatures reach 75 degrees. The sliding doors are opened manually as needed.

Corrective Actions

- The immediate corrective action was to move all animals out of Catch Area J into indoor, air conditioned housing until the unseasonable heat subsided.
- A replacement swamp cooler was ordered 5/19/08 and installed on 5/21/08.
- Two portable air conditioning units were purchased on 5/29/08 to be used as needed in any area that is overheating (indoor/outdoor/sheltered housing areas).

- An infrared heat sensor will be used by DAR personnel to assess environmental temperature. This may help in determining if there are temperature extremes in microenvironments that are not evident from the two temperature sensors in the area.
- Requisitions were placed 5/19/03 with Facilities to modify the Catch J area to be more weather resistant. These modification include:
 - Replacement of the existing roof panels with a new plywood, fully insulated roof with white metal panels to reflect the heat.
 - Framing of the north, west and south walls with plywood, insulation and new white metal siding.
 - Install an additional swamp cooler on the east wall.
 - Replacement of the existing wooden doors with new framing, insulation and white metal panels
- Increased and improved communication between DAR and Facilities to ensure awareness of where animals are being housed. Any changes to animal location will be accompanied by an email announcement to all key personnel within DAR and Facilities.

Sincerely,

(b)(6)



cc:

(b)(6)



NIH; AAALAC, Int'l