



University of Puerto Rico
Medical Science Campus
P.O. Box 365067
San Juan, PR 00936

SETTLEMENT AGREEMENT

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Alleged Violation: September 9, 2019

9 C.F.R. § 2.38(f)(1) 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.

University of Puerto Rico (UPR) failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

A facility vehicle hit a 14-year-old female rhesus macaque (7C0) that crossed a road at Cayo Santiago Field Station (Cayo Santiago Island). The accident occurred when staff driving the vehicle stopped to allow the animal to cross, but failed to confirm that the animal had cleared the path before resuming travel. The animal sustained a head injury and died before it could be euthanized.

Date of Alleged Violation: September 18, 2020

9 C.F.R. § 2.38(f)(1) 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.

UPR failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

On September 17, 2020, caretakers used undiluted chlorine for disinfecting cages. Employees complained about the strong chlorine odor following the disinfecting. The following day, caretakers discovered two nonhuman primates in Q38 dead in their cages, next



to the area where caretakers disinfected cages the previous day. The necropsies for both animals confirmed pulmonary edema, consistent with an acute exposure, likely due to chlorine gas.

Date of Alleged Violation: February 17, 2022

9 C.F.R. § 2.38(f)(1) 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.

UPR failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

As documented on the July 22, 2022 inspection report, facility personnel entered into a labor strike where striking employees blocked access to the facility. Facility personnel could not gain access to the facility at their normal starting time, and a nonhuman primate (BA74) that was hospitalized died before it could receive medical treatment. At approximately 11:00 a.m., a limited number of staff members gained access to the facility and discovered the animal dead in its treatment cage.

Date of Alleged Violation: February 18, 2022

9 C.F.R. § 2.38(f)(1) 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.

UPR failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

As documented on the July 22, 2022 inspection report, a strike by the employee union representing animal caretakers, resulted in handling non-compliances involving animals housed at the Sabana Seca Field Station where striking employees blocked access to the facility. Facility records reviewed by APHIS officials during a July 2022 inspection, documented that on the second day of the strike, additional handling non-compliances occurred, including:

- a nonhuman primate (CV10) identified early in the day with injuries inflicted by conspecifics remained in the enclosure and untreated until after 3 p.m. Veterinarians humanely euthanized the animal on



February 19, 2022 due to its poor prognosis.

- a nonhuman primate (corral Q12) that escaped its enclosure early in the day and repeatedly attacked animals in other enclosures, remained loose until after 3 p.m.

- two nonhuman primates (corrals 31A & 33C) were found dead in their enclosures from unknown causes, remained in the enclosures with other animals and were not removed until hours later when additional staff was allowed access to the facility.

Date of Alleged Violation: February 17, and February 18, 2022

9 C.F.R. § 3.85 Employees.

Every person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) maintaining nonhuman primates must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide husbandry practices and care, or handle nonhuman primates, must be trained and supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of nonhuman primates to supervise others. The employer must be certain that the supervisor can perform to these standards.

UPR maintained nonhuman primates without an adequate number of employees to carry out the regulatory-required level of husbandry practices and care.

As documented on the July 22, 2022 inspection report, on February 17, and February 18, 2022, members of an employee union blocked essential personnel from accessing the Sabana Seca Field Station entrance during a union strike. On both days, union members allowed no more than four of the twenty qualified personnel into the facility during the hours of the strike to care for a colony of over 2,300 nonhuman primates. As a result of the two-day strike, nonhuman primates received inadequate husbandry and care, including:

- a nonhuman primate (CV10) identified early in the day with injuries inflicted by his conspecifics remained in the enclosure and untreated until after 3 p.m. On February 19, 2022, due to its poor prognosis, veterinarians humanely euthanized the animal.

- two nonhuman primates (corrals 31A & 33C) that were found dead in their enclosures remained in the enclosures with other animals and were not removed until hours later when additional staff was allowed access to the facility.

- a hospitalized nonhuman primate (BA74) died before it could receive medical treatment from staff that were denied access to the facility until approximately 11:00 a.m. rather than their normal 6 a.m. arrival time.



- the limited staff allowed access to the facility performed feeding, scheduled animal treatments, and basic cleaning in the quarantine area, but were unable to perform duties such as daily rounds, administration of intravenous fluids, wound re-evaluations, disinfection and general cleaning of corrals due an inadequate number of employees.

Date of Alleged Violation: October 26, 2022

9 C.F.R. § 2.38(f)(1) 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.

UPR failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

On October 25, 2022, caretakers used undiluted chlorine for disinfecting cages. The next morning, caretakers discovered two juvenile nonhuman primates in QA42 dead in their cages. The caretaker involved stated that the animals were moved to cages next to their own cages while they were sanitized. The veterinarian concluded that the cause of death was exposure to chlorine vapors as the animals were too close to the disinfected cages.

Date of Alleged Violation: December 9, 2022

9 C.F.R. § 2.38(f)(1) 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.

UPR failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

A nonhuman primate escaped from the quarantine area of corral 19. The escape occurred when the nonhuman primate squeezed between cages during a transfer. Although the animal exited its cage into a closed corral, it escaped by running through a corridor and out of the corral as a veterinary technician opened the corral gate. UPR recaptured the animal on December 15, 2022.

The civil penalty amount is \$16,500 to resolve the alleged violation(s) above.



By paying the civil penalty, you are entering into this Settlement Agreement and:

1. Neither admitting nor denying the alleged violation(s) described above,
2. Agreeing to waive your right to a hearing, and
3. Agreeing to waive any action against USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred in connection with this/these alleged violation(s) or any action against any USDA employee in their individual capacity.