

September 11, 2019

Dr. Elizabeth Goldentyer, D.V.M.
Associate Deputy Administrator
Animal Care USDA/APHIS/Animal Care (AC)
920 Main Campus Drive, Suite 200
Raleigh, NC 27606-5210
Sent via Email: aceast@aphis.usda.gov

Dear Dr. Goldentyer,

We are writing to file an Official Complaint against the Southern Research Institute (Registration Number 64-R-0001) of Birmingham, Alabama, for a severe and recent violation of the Animal Welfare Act (AWA) concerning a research protocol related to Column E (painful, with no pain relief) experiments on rabbits exposed to anthrax.

Our concern stems from a [Column E Explanation document](#) created November 17, 2017 by Southern Research, in which they admitted that rabbits being used in a federally-funded¹ anthrax experiment might die because the facility they are in is inadequately staffed. Specifically, Southern Research wrote:

“ . . . it is possible that challenged rabbits might die during observation periods (when technicians are concentrating on other animals), between observation periods, or overnight” (emphasis added).

The AWA allows animal experimenters to cause animals pain, and even to withhold pain relief. However, it does not allow experimenters to intentionally inflict pain on animals and then fail to provide monitoring so completely that animals will simply be found dead. Put another way, Southern Research's Column E explanation clearly admits that they designed a research protocol that by definition violates the Animal Welfare Act.

To be specific, the Animal Welfare Act states clearly in 2.33(b)(1):

“Each research facility shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section: (b) Each research facility shall establish and maintain programs of adequate veterinary care that include: (1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter”

The nature of the substance (anthrax) being tested does not create an exemption from the research facility's obligation to monitor these animals. Having staff available for monitoring at

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critical times, including through the night if necessary, is fundamental to the concept of "adequate veterinary care".

Request for Fine

As you may know, Southern Research has been cited multiple times for violating the AWA in the past three years. Given their history of AWA violations and the unambiguous nature of the violation we are highlighting in this letter, we respectfully request your office conduct an immediate investigation into this abuse and fine Southern Research the maximum penalty of \$11,390 per violation.

Thank you for your consideration of this request, and we look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Ryan", is positioned above the typed name.

Michael Ryan
Director, Government Affairs
NEAVS