



Animal Welfare Institute

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September 12, 2022
Sent Electronically and via Express Mail

Brent Morse, DVM, Director
Division of Compliance Oversight
Office of Laboratory Animal Welfare (OLAW)
National Institutes of Health
6700B Rockledge Drive, Suite 2500, MSC 6910
Bethesda, MD 20892
MorseB@mail.nih.gov

Dear Dr. Morse:

Please consider this a formal complaint against the University of Missouri – Kansas City (UMKC; Assurance Number: A3397-01) filed by the Animal Welfare Institute (AWI) for alleged multiple, ongoing, and repeated violations of the HREA of 1985, and hence, the Assurance.

Over a period spanning the last 17 months, there have been multiple reports of animal negligence and deaths at the UMKC's Lab Animal Research Core (LARC). These new allegations come mere months after the same types of egregious allegations, which had been reported to OLAW, were supposedly resolved pursuant to a letter dated October 14, 2020 (OLAW Case W).

The new allegations include written reports to the IACUC, from November 2021 through August 2022, documenting multiple mice found dead from water deprivation though UMKC had assured OLAW it had resolved this issue in October 2020. These deaths occurred after (and despite) repeated written complaints to the IACUC, spanning May 2021 through August 2022, documenting mice found with low water levels, or no water at all, including some before the weekend.

These water deprivation deaths were not the only serious noncompliances. During this same time period, written complaints to the IACUC further documented mice found without food, mice left for days in flooded cages (with bedding so wet it had expanded to the point where mice had little space to move), new litters not being reported (resulting in severe overcrowding), cages dirty beyond acceptable levels, and inadequate training and staffing. In addition, questions were raised about how these noncompliances might affect research results. We have reason to believe that multiple UMKC researchers with current NIH grants received reports of these serious issues and deaths.

In February 2021, just four months after OLAW had accepted UMKC's assurance that it had resolved the issues that led to the water deprivation deaths, and two months before the new allegations begin, the UMKC IACUC held a virtual meeting, publicly available at <https://www.youtube.com/watch?v=bFAuyokOUrA>. During this meeting, the IACUC:

Touted new staffing. Yet in response to the new allegations spanning 17 months, UMKC would then try to blame inadequate staffing and inadequate training for the multiple PHS Policy noncompliances and animal deaths.

Recognized issues of water bottles flooding cages. Yet the flooding continued.

Emphasized the importance of written complaints to the IACUC. Yet, for 17 months, repeated written complaints to the IACUC that document noncompliances and preventable animal suffering and deaths would lead to no meaningful action to resolve the issues.

These new allegations, which began in April 2021 and are apparently ongoing, raise fundamental questions about oversight at UMKC, animal welfare, and compliance with the law. OLAW's reliance on enforced self-regulation has failed at UMKC, just months after UMKC claimed it had addressed these issues, and after OLAW accepted such a resolution. Given that OLAW's prior efforts have failed to protect these animals from avoidable and repeated suffering and death, as these allegations make clear, AWI urges the following:

1. Suspension of PHS funds, and a pause on renewing the Assurance that expires November 30, 2022. As per the HREA of 1985, Sec. 495, "(d) If the Director of NIH determines that (2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action; and (3) no action has been taken by the entity to correct such conditions; the Director of NIH shall suspend or revoke such grant or contract under such conditions as the Director determines appropriate."
2. An *unannounced* inspection by OLAW and an independent investigation to examine these grave allegations that strike at the heart of animal welfare, compliance with the law, and the concept of enforced self-regulation upon which OLAW so heavily relies. Due to its repeated failure to act, UMKC has forfeited any involvement with the investigation.
3. Reconstitution of the IACUC and appointment of multiple public members. The IACUC is supposed to ensure humane animal care and use, as well as represent the public's interest in same. It has failed to fulfill these paramount responsibilities.
4. OLAW's appointment of an external monitor, funded by UMKC, who should provide regular updates available to the public. OLAW has done this in the past and the allegations here warrant it. The monitor should also be involved with the reconstitution of the IACUC.

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Formal Complaint to OLAW

We request that you please notify us when you receive this letter. We will be contacting you for updates.

Sincerely,

A handwritten signature in black ink that reads "Cathy Liss". The signature is written in a cursive style with a large, stylized "C" and "L".

Cathy Liss
President

cc: Jacquelyn Tubbs, DVM, Senior Animal Welfare Program Specialist
Jacquelyn.Tubbs@nih.gov

Axel Wolff, MS, DVM, Deputy Director
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