



OCT 18 2005

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

4700 River Road
Riverdale, MD
20737

Ms. Jean Barnes
Director
Primate Freedom Project
Post Office Box 1623
Fayetteville, Georgia 30214

Dear Ms. Barnes:

We are committed to enforcing the AWA within the parameters of the law and its regulations. With regard to the two cases (#GA01060-AC and #GA01061-AC) mentioned in your August 21st letter, officials with our Investigative and Enforcement Services (IES) unit completed formal investigations into the circumstances surrounding each animal's death. The Official Warning (APHIS-7060) Violation you reference was issued by our Agency on October 13, 2001, based on the findings of the IES investigations. With regard to the April 2002 death of rhesus monkey #3566, we trust that you received Dr. Chester Gipson's September 23, 2004, letter regarding our response to this incident. We believe Dr. Gipson's explanation sufficiently addresses your questions on this matter. For your convenience, we have enclosed a copy of the letter. As you mention, we recently investigated Yerkes for the death of one of its primates (Dover chimpanzee). The case was closed in July 2005, with the finding that Emory University was in violation of Sections 3.87 (c) (i) (ii) and 3.87 (f) of the AWA regulations. We assessed the university a \$1,375 civil penalty under a stipulation agreement. The university has paid this penalty.

We regret that you are dissatisfied with our Agency's response to these situations. However, the AWA requires our Agency to consider a number of factors—the size of the facility, the gravity of the violation(s), the facility's "good faith" in attempting to comply with the law, and any history of previous violations—in levying penalties. With each case involving Emory University, our officials properly considered all of these factors in determining appropriate enforcement actions. As you know, we continue to monitor Emory University closely for AWA compliance. Should our inspectors find problems in the future, we assure you that our Agency will pursue all appropriate AWA enforcement action to ensure the well-being of the university's animals.

Sincerely,

pa Chester A. Gipson
Deputy Administrator
Animal Care

Enclosure



INSPECTION REPORT

DCT 1 8 2004

896 cust_id
200287 insp_id
7801 site_id

EMORY UNIVERSITY

Customer ID: 896
Certificate: 57-R-0003

WHITEHEAD BIOMEDICAL RESEARCH BLDG
515 MICHAEL STREET SUITE G02
ATLANTA, GA 30322

Site: 002
EMORY UNIVERSITY
Inspection
Type: ROUTINE INSPECTION
Date: AUG-25-2004

3.87 (c)
3.87 (f)

PRIMARY ENCLOSURES USED TO TRANSPORT NONHUMAN PRIMATES.

(c) Ventilation.

(1) If the primary enclosure is movable, ventilation openings must be constructed in one of the following ways:

- (i) If ventilation openings are located on two opposite walls of the primary enclosure, the openings on each wall must be at least 16 percent of the total surface area of each such wall and be located above the midline of the enclosure; or
- (ii) If ventilation openings are located on all four walls of the primary enclosure, the openings on every wall must be at least 8 percent of the total surface area of each such wall and be located above the midline of the enclosure.

(2) Unless the primary enclosure is permanently affixed to the conveyance, projecting rims or similar devices must be located on the exterior of each enclosure wall having a ventilation opening, in order to prevent obstruction of the openings. The projecting rims or similar devices must be large enough to provide a minimum air circulation space of 0.75 inches (1.9 centimeters) between the primary enclosure and anything the enclosure is placed against.

***Transport of 4 rhesus macaques was observed at time of visit. Animals were contained in individual transport enclosures. The enclosures had ventilation openings on only one side of the enclosure. Enclosures were positioned on floor of vehicle with ventilation openings in contact with driver partition. There is no projecting rim present to maintain the minimum air circulation space of 0.75 inches. This inhibits adequate ventilation of the transport enclosures. Primary enclosures for non-human primates must be constructed in a manner to provide adequate ventilation as described in (c)(1) of this section. Correct by: 30 Nov 04.

***The type of transport enclosure utilized for transport of chimpanzees was inspected. The enclosure consists of a stainless steel box with solid flooring, roof, rear, and sides. Ventilation openings are present only on the front of the enclosure. Upon review of circumstances surrounding death of chimpanzee "Dover", it was noted that the ambient temperature of the transport vehicle with air conditioning functioning was 84 degrees Fahrenheit. Ambient temperatures for non-human primates in transit must remain below 85 degrees Fahrenheit. While the temperature on the inside of the primary enclosure at the time of transport is unknown, poor ventilation contributes to increasing temperatures within primary enclosures. Ventilatory openings present on one aspect of the enclosure do not meet minimum requirements for non-permanently affixed transport enclosures as described in (c)(1) of this section. Correct by: 30 Nov 04.

Prepared By:

Amy Bartholomew
AMY BARTHOLOMEW, D V M, USDA, APHIS, Animal Care

Date:

AUG-25-2004

Title:

(b)(6), (b)(7)c

CER, Inspector ID: 1051

Received By:

Title:

Date:

AUG-25-2004



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(f) Marking and labeling. Primary enclosures, other than those that are permanently affixed to a conveyance, must be clearly marked in English on the top and on one or more sides with the words "Wild Animals," or "Live Animals," in letters at least 1 inch (2.5 cm.) high, and with arrows or other markings to indicate the correct upright position of the primary enclosure. Permanently affixed primary enclosures must be clearly marked in English with the words "Wild Animals" or "Live Animals," in the same manner.

***4 mesus macaques were observed in transit at time of inspection. Transport enclosures are not properly labeled with "live animal" signs or arrows indicating "up". These labels must be affixed to both the top and at least one side of transport enclosures used for vehicle transportation. 01 Sep 04.

Reviewed:

- 1.) Individual employee training records
- 2.) Facility animal incident reports (2)
- 3.) Preliminary necropsy report for "Dover"
- 4.) Standard Operating Procedure 4.19

***Discussed securing of enclosures while in transit

***Although rodent control has been improving, there is continuing need for rodent control measures.

FOCUSED INSPECTION OF FIELD STATION CONDUCTED 25 AUG 04.

Previously cited non-compliant items in areas BC-2, M3, T-1, T-4, G-12, M2B, and G-1 have been corrected.

Prepared By:

Amy Bartholomew, DVM
AMY BARTHOLOMEW, D V M , USDA, APHIS, Animal Care

Date:

AUG-25-2004

Title:

(b)(6), (b)(7)c

INSPECTOR, Inspector ID: 1051

Received By:

Date:

AUG-25-2004

Title: