



June 12, 2024

The Honorable H. Katrina Brisbon
Deputy Assistant Secretary for Acquisitions
U.S. Department of Health and Human Services

Via e-mail: Katrina.Brisbon@hhs.gov

Dear Deputy Assistant Secretary Brisbon:

Thank you for your response dated April 16, 2024, in which you wrote that “it is in the best interest of the government not to terminate the Department’s contracts with MRIGlobal” in the wake of that company’s “United States Department of Agriculture (USDA) notice of violations and the USDA Official Warning,”¹ dated August 3, 2023,² and November 2, 2023,³ respectively, that we cited in our February 7, 2024, complaint to the U.S. Department of Health and Human Services (HHS).⁴ **Based on the new information described below—which indicates a disturbing and persistent culture of non-compliance by MRIGlobal with the Animal Welfare Act (AWA)—we disagree with HHS’s assessment to continue business as usual and again urge the agency to terminate all current HHS contracts awarded to MRIGlobal that entail experiments on animals and bar all future such contracts to the company.**

While you acknowledge that “[t]he Department has a legal and moral responsibility to ensure that animals entrusted to [its] care are treated in accordance with the highest standards of animal welfare and require research studies involving animals conducted or supported by the Department must comply with the Animal Welfare Act (AWA),”⁵ it is precisely on this point that MRIGlobal has failed, repeatedly, resulting in egregious animal suffering and deaths. By not sanctioning MRIGlobal, HHS risks giving the signal that its awardees can continue to violate the AWA with impunity and still receive millions of taxpayer dollars in agency contracts.

¹ Brisbon, KH. Response to PETA regarding complaints against MRIGlobal from the office of the Acting Assistant Secretary for Financial Resources. U.S. Department of Health and Human Services. Dated April 16, 2024. Accessed on April 17, 2024. https://www.peta.org/wp-content/uploads/2024/05/PETA-Letter-MRIGlobal_20240412vf.pdf

² Boone, B. Inspection report. United States Department of Agriculture. Prepared Sept 29, 2023. Accessed April 17, 2023. https://www.peta.org/wp-content/uploads/2023/10/2023-08-03_MRI-Global-rabbits-monkeys-dogs.pdf

³ Mullaney R. Official warning notice of alleged violation. United States Department of Agriculture. Issued Nov 2, 2023. Accessed Nov 29, 2023. <https://www.peta.org/wp-content/uploads/2024/06/usda-warning-mriglobal.pdf>

⁴ Mand D. Letter to Norris Cochran, Acting Assistant Secretary for Financial Resources, re MRIGlobal violations of Animal Welfare Act. People for the Ethical Treatment of Animals. Dated Feb 7, 2024. Accessed April 17, 2024. <https://www.peta.org/wp-content/uploads/2024/05/2024-02-07-hhs-mriglobal.pdf>

⁵ Brisbon, KH.

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We wish to inform you that the USDA recently issued the following *additional* two citations against MRIGlobal as detailed in its January 23, 2024, inspection report,⁶ not previously mentioned in our February 7th, 2024, letter to HHS⁷:

- A Göttingen minipig “became hypothermic while under anesthesia due to a lack of monitoring and insufficient warming.” A facility investigation revealed that the study coordinator had not assigned anyone to monitor the pig and the Standard Operating Procedure (SOP) documents did not include specific information to inform staff on how to properly monitor animals while under anesthesia. According to the current interim Attending Veterinarian, no other training had been documented and the protocol for the study did not provide information about temperature monitoring. MRIGlobal failed to properly educate staff, resulting in unnecessary animal suffering.⁸
- Four guinea pigs were injured as a result of MRIGlobal failing to keep animal enclosures safe. While housed in “bottomless” enclosures, the guinea pigs had their extremities entrapped in the perforations in the enclosure flooring—resulting in multiple injuries, including a severe knee injury, a front leg fracture, and rear leg fractures. This improper housing caused significant injury and resulted in the guinea pigs being pulled from the study and killed. Further, by failing to provide guinea pigs with proper flooring and adequate bedding, MRIGlobal deprived them of the opportunity to engage in natural behaviors such as digging, burrowing, and foraging. MRIGlobal failed to educate itself on how to safely house animals and the risks presented to animals by these specific enclosures.⁹

These two aforementioned AWA violations attributed by USDA to MRIGlobal add fuel to the company’s persistent culture of noncompliance, and they come after the company was cited for the following AWA violations that we detailed to HHS in our February 7, 2024, complaint¹⁰:

- Thirty rabbits were administered eyedrops that were significantly more acidic than the study’s protocol. This error was secondary to the company not checking the pH prior to administering the eye drops, resulting in avoidable harm to the animals. MRIGlobal negligence resulted in unnecessary animal suffering and invalidating further data collection.¹¹
- Two crab-eating macaques were incorrectly administered a test article in the wrong muscle group, which caused the company to kill the macaques since further data collection was invalidated.¹²
- Four beagles were at risk of dehydration since MRIGlobal failed to have potable water and water bowls of sufficient size and composition to be spill-proof.¹³
- Rabbits were improperly secured in their cages resulting in injuries such as bruising on the abdomen and becoming trapped in the improperly spaced cage bars.¹⁴

⁶ Janecke W. Inspection report. United States Department of Agriculture. Prepared Jan 23, 2024. Accessed on April 17, 2024. https://www.peta.org/wp-content/uploads/2024/02/2024-01-23_MRI-Global-2-violations-1-critical.pdf

⁷ Mand D.

⁸ Janecke W.

⁹ Janecke W.

¹⁰ Mand D.

¹¹ Boone, B.

¹² Boone, B.

¹³ Boone, B.

¹⁴ Boone, B.

Despite the company's repeated failure to abide by the bare minimal standards set forth by the AWA, MRIGlobal has received at least \$5,868,242.00 from taxpayers via four HHS contract awards,^{15,16,17,18,19} as detailed in our February 7, 2024, complaint to the agency.

Based on the authority granted by the Health and Human Services Acquisition Regulation clause 352.270-5b, if a contractor fails to comply with the current Animal Welfare Assurance—which as we have described here is a *repeated* issue for MRIGlobal over and above what we reported in our February 7, 2024, complaint to HHS—then the Contracting Officer has the authority to immediately suspend work and further payments under this contract,²⁰ and “may, in consultation with [the Office of Laboratory Animal Welfare], [National Institutes of Health], terminate this contract in whole or in part, and the Contractor's name may be removed from the list of those contractors with Animal Welfare Assurances.”²¹

It's not acceptable for HHS to claim that it has a “legal and moral responsibility” to ensure that animals used in experiments it funds are treated in accordance with the AWA, while issuing *no sanctions* to address repeated and deadly non-compliances by MRIGlobal, an HHS multi-million dollar awardee. Without any penalty from HHS, the take-home message for MRIGlobal is that its AWA violations have no impact on the financial compensation it receives from the agency.

You can contact me directly via e-mail at dmand@peta.org. Thank you for your consideration of this important issue, and we look forward to your response.

Sincerely,



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Laboratory Investigations Department

cc: The Honorable Lisa Molyneux
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U.S. Department of Health and Human Services
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¹⁵ Mand D.

¹⁶ PIID 75A50122D00018. USASpending.gov. Accessed Nov 29, 2023.

https://www.usaspending.gov/award/CONT_IDV_75A50122D00018_7505

¹⁷ PIID 75A50122D00009. USASpending.gov. Accessed Nov 29, 2023.

https://www.usaspending.gov/award/CONT_IDV_75A50122D00009_7505

¹⁸ PIID 75A50120F33002. USASpending.gov. Accessed Nov 29, 2023.

https://www.usaspending.gov/award/CONT_AWD_75A50120F33002_7505_HHSO1002017000_151_7505

¹⁹ PIID 75D30121P12152. USASpending.gov. Accessed Nov 29, 2023.

https://www.usaspending.gov/award/CONT_AWD_75D30121P12152_7523_-NONE_-NONE-

²⁰ 352.270-5b Care of Live Vertebrate Animals. ACQUISITION.GOV. Published Dec 2015. Accessed Nov 28, 2023. <https://www.acquisition.gov/hhsar/352.270-5b-care-live-vertebrate-animals>.

²¹ *Ibid*