



July 9, 2024

Thomas Leone
Assistant Vice President for Public Safety and Chief of Police
Department of Police and Public Safety
University of Maryland, Baltimore

Via e-mail: TLeone@police.umaryland.edu

Dear Chief Leone:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally, over 95,000 of whom live in Maryland—to request that your department investigate and pursue all appropriate charges against the University of Maryland School of Medicine (Medical School Teaching Facility, 10 S. Pine Street, Baltimore) for apparent violation of Maryland's prohibitions against abuse or neglect of an animal, Md. Code, Crim. Law § 10-604.

The Maryland legislature intended that “each animal in the State be protected from intentional cruelty, including animals that are...used in privately, locally, State, or federally funded scientific or medical activities.” Md. Code, Crim. Law § 10-602(7). In the school's use of live animals in experiments, evidence indicates that staff unnecessarily failed to provide baboons with nutritious food in sufficient quantity, necessary veterinary care, and proper shelter, in apparent violation of Md. Code, Crim. Law § 10-604(a)(5)(i), (ii), and (vi).¹

An April 10, 2024, U.S. Department of Agriculture (USDA) inspection report (attached) documents two separate incidents involving baboons that are noncompliant with the federal Animal Welfare Act (AWA).²

In one incident, staff apparently unnecessarily failed to provide baboons with nutritious food in sufficient quantity and, as indicated by the USDA, to provide necessary veterinary care when, according to the inspection report, “an animal

¹These incidents do not constitute “research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act”—the school itself had the baboons on primate biscuits and the inspection report indicates they should have been fed, and it would be illogical for it to be part of a protocol for a baboon to bite an IV line—and so the incidents are not exempt from Maryland law protecting animals from abuse. Md. Code, Crim. Law § 10-603(2).

²The Animal Welfare Act does not insulate the University of Maryland from liability under state law because it expressly does not preempt the field. 7 U.S.C. §§ 2143(a)(8), 2145(b); *see also* USDA OIG, CONTROLS OVER APHIS LICENSING OF ANIMAL EXHIBITORS, AUDIT REP. 33601-10-Ch, at 4 (June 2010), https://www.rexano.org/RegAgency/OIG_Audit_USDA_Exhibitors2010.pdf (stating that “[t]he AWA does not supersede State and local authorities or restrict them in any way when their laws are more stringent than the AWA”). Moreover, the enforcement of state law for the protection of animals is crucial given that the AWA provides only minimal protections—and even those have been routinely found by the USDA's own internal watchdog to be inadequately enforced, and the school's conduct appears to fall within the prohibitions of Maryland's laws.

PEOPLE FOR
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OF ANIMALS

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- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

caretaker was not present from March 30-31, 2024 to provide the baboons their daily ration of the primate biscuits.”³ Primate biscuits are the core food that primates receive in laboratories and provide most of their nutrition. Although the baboons did receive some other food items during that two-day time span, those items’ insufficiency is evident both from the fact that primate biscuits comprise the baboons’ daily diet and from the USDA’s citation against the facility for failing to provide them. According to the USDA inspection report, the items provided over the two days were only for “enrichment”—i.e., items intended to provide mental stimulation or facilitate natural behaviors but not constitute the animals’ complete diet. The inspection report notes, “Nonhuman primates must be fed at least once each day except as otherwise might be required to provide adequate veterinary care.”⁴ The inspection report provides a count of 40 baboons who may have all gone for two days without receiving their daily food ration.

In a second incident, staff apparently unnecessarily failed to provide necessary veterinary care and proper shelter when, according to the inspection report, a baboon bled to death in an enclosure. According to surveillance footage, at 3:30 a.m. on October 26, 2023, the baboon was able to access their IV line, pull it into the enclosure, and bite it. At 3:59 a.m., the baboon lay down. At 7:30 a.m., staff entered the baboon room in response to an IV pump alarm. At this time, the baboon was in the position in which they’d lain down at 3:59 a.m. and was unresponsive. The inspection report summarizes, “The bite created a leak in the IV line which caused the animal to exsanguinate. The tape used to hold the IV line was no longer secure and allowed the baboon . . . access to the IV line.”⁵

Staff apparently failed to provide necessary veterinary care by using an IV line so unsecure that the baboon could reach, control, and fatally damage it and allowing four hours to pass between when the baboon bit the IV line and when they entered the baboon room, enough time that the baboon was able to bleed to death. Staff also apparently failed to provide proper shelter by confining the animal with an IV line in an enclosure in which that line was unsecure, and the baboon was able to access it, bite it, and bleed to death over a period of hours.

This incident was included in a settlement agreement between the USDA and the University of Maryland, Baltimore (UMB); the school was fined a civil penalty of \$8,750 to resolve six alleged violations of the AWA.⁶ The inclusion of the incident in the settlement agreement indicates that the USDA viewed it as quite serious, but the penalty amount pales in comparison to the over \$98 million in tax dollars that UMB has received in funding from the National Institutes of Health (NIH) so far in FY 2024 alone. UMB received over \$215 million in NIH funding in FY 2023. It is therefore imperative that your department investigate and pursue all appropriate charges against the school for apparent violation of Maryland’s prohibitions against abuse or neglect of an animal in order to create additional accountability and fulfill the intent of the Maryland legislature to protect animals.

³Page 2 of inspection report.

⁴Page 2 of inspection report.

⁵Page 2 of inspection report.

⁶The settlement agreement is available at <https://www.peta.org/wp-content/uploads/2024/07/2024-05-23-umb-settlement-nearly-9k.pdf>.

Thank you for your attention to this important matter. Please do not hesitate to contact me with any questions at AmandaE@peta.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Elyse". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amanda Elyse, J.D., M.S.
Laboratory Oversight Specialist
Laboratory Investigations Department
PETA



Inspection Report

University of Maryland Baltimore
10 S PINE ST. RM G-100, MSTF BLDG
BALTIMORE, MD 21201

Customer ID: **89**
Certificate: **51-R-0018**
Site: 001
VETERINARY RESOURCES

Type: ROUTINE INSPECTION
Date: 10-APR-2024

2.31(c)(7)

Institutional Animal Care and Use Committee (IACUC).

On November 22nd, 2023, the IACUC conducted a Post Approval Monitoring (PAM) survey for a rabbit user laboratory. The PAM reviewed surgical records and interviews were conducted with laboratory staff. It was determined that under protocol #RA005 animals that underwent survival procedures did not receive any form of analgesia, pre-emptively and post-procedurally at the frequency outlined in the approved protocol. According to the laboratory staff, analgesia was not required because protocol #RA005 was Category E.

According to the approved protocol, analgesics should be administered at least 10 minutes prior to the initial incision at all peripheral catheterization and surgical sites. The IACUC required a response to the Committee from the Principal Investigator (PI) and retraining of the laboratory staff by December 7th, 2023. The PI provided a response and amendment. Following the amendment the IACUC approved the amendment and renewed the protocol (#RA006).

The IACUC reviewed the response from the PI and decided a follow-up PAM survey was needed to assess compliance and determine the number of rabbits that may not have received the appropriate analgesia. During the follow-up PAM survey on December 5, 2023, the IACUC determined none of the 395 rabbits were administered analgesia according to the approved protocol and 306 of those rabbits received no analgesia at all.

On April 10th and April 11th, 2024, it was noted that the laboratory staff was still not administering the analgesia as outlined in the protocol. On April 10, 2024, the IACUC representative told the laboratory member that BID meant the next post procedural dose of analgesia must occur on the same day and not the next morning. The 4 study rabbits identified on April 10th did not receive the second dose of analgesia until the next morning. The laboratory member did not ensure analgesia was administered according to the protocol and as directed by the facility veterinarian and the IACUC representative on April 10th and 11th. The IACUC suspended all activity on protocol #RA006 on April 11, 2024.

The IACUC shall review and approve, require modifications (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities.

Corrected by the IACUC on April 11, 2024, by suspending the protocol and placing the remaining rabbits on a holding protocol.

Prepared By: JESSICA GOWINS
USDA, APHIS, Animal Care

Date:
25-APR-2024

Title: VETERINARY MEDICAL
OFFICER

Received by Title: IACUC Representative

Date:
25-APR-2024



Inspection Report

2.38(f)(1) Critical

Miscellaneous.

On October 26, 2023, at 7:30AM, laboratory personnel and a veterinary technician entered a baboon room in response to hearing an intravenous (IV) pump alarm. When they entered the room, an unresponsive baboon was identified in its enclosure. Upon identifying the baboon, the laboratory personnel attempted to resuscitate the animal, with no success.

After review of the surveillance footage, it appeared that the baboon was able to access the IV line at 3:30AM and laid down at 3:59AM. The baboon was in the same position when the laboratory personnel entered the room at 7:30AM. The IV pump and line were reviewed by the laboratory personnel and it was determined that the baboon was able to pull the IV line into the enclosure and bite it. The bite created a leak in the IV line which caused the animal to exsanguinate. The tape used to hold the IV line was no longer secure and allowed the baboon to access to the IV line.

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.

Corrected at the time of inspection through corrective action plan with Veterinary Resources clinical veterinarian.

3.82(b)

Feeding.

Due to a miscommunication, an animal caretaker was not present from March 30-31, 2024 to provide the baboons their daily ration of the primate biscuits. The enrichment technician provided the required food enrichment for the animals as scheduled, which included apples, broccoli, carrots, and peanuts. All animals had access to water from a lixit. On April 1, 2024, the baboons were examined by a Veterinary Resources clinical veterinarian, and no abnormalities were noted.

Nonhuman primates must be fed at least once each day except as otherwise might be required to provide adequate veterinary care. Infant and juvenile nonhuman primates must be fed as often as necessary in accordance with generally accepted professional and husbandry practices and nutritional standards, based upon the animals' age and condition.

Corrected before the time of inspection through a corrective action plan.

This inspection and exit interview were conducted with facility representatives.

The inspection was conducted from April 10-15, 2024.

Additional Inspectors:

GLORIA MCFADDEN, VETERINARY MEDICAL OFFICER

Prepared By: JESSICA GOWINS
USDA, APHIS, Animal Care

Date:
25-APR-2024

Title: VETERINARY MEDICAL OFFICER

Received by Title: IACUC Representative

Date:
25-APR-2024



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
89	51-R-0018	001	VETERINARY RESOURCES	10-APR-2024

Count	Scientific Name	Common Name
000014	<i>Macaca mulatta</i>	RHESUS MACAQUE
000022	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000040	<i>Papio anubis</i>	OLIVE BABOON
000001	<i>Mustela putorius furo</i>	DOMESTIC FERRET
000031	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000002	<i>Cavia porcellus</i>	DOMESTIC GUINEA PIG
000110	Total	