



July 16, 2024

Carolyn Ortega  
Director  
Animal Welfare Department  
City of Albuquerque

Via e-mail: [caortega@cabq.gov](mailto:caortega@cabq.gov); [animalwelfare@cabq.gov](mailto:animalwelfare@cabq.gov)

Dear Director Ortega:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally, about 35,000 of whom live in New Mexico—to request that your department investigate and pursue all appropriate charges against Lovelace Biomedical Research Institute (2425 Ridgecrest Dr SE, Albuquerque; hereinafter, “Lovelace”) for apparent violation of Albuquerque’s Humane and Ethical Animal Rules and Treatment (HEART) ordinance, Ord. 18-2006.

The Albuquerque City Council “finds that the City shall endeavor to protect animals in the City” and “that the people of Albuquerque should treat animals as more than just lifeless inanimate chattel property.” ROA 1994, § 9-2-1-2(A)(B). Additionally, the City Council “finds that judges have a significant role in the disposition of animal cases and respectfully asks [the] courts to strictly enforce animal cases to the fullest extent of the law, to treat animal abuse as a serious offense, because all types of abuse have a direct correlation and must be unacceptable behavior.” *Id.* Evidence indicates that the animals at Lovelace need protection through the enforcement of the HEART ordinance, as the staff at Lovelace has apparently engaged in cruelty towards dogs by confining dogs in enclosures that subjected them to high temperatures.

A June 11, 2024, U.S. Department of Agriculture (USDA) inspection report (attached) documents an incident involving 54 beagles that is noncompliant with the federal Animal Welfare Act (AWA).<sup>1</sup>

In this incident, Lovelace staff apparently failed to provide dogs with adequate shelter when, according to the inspection report, 54 beagles were confined in hot temperatures. On June 7, 2024, Lovelace staff confined the dogs in a kennel in which the “automated environmental monitoring system measured and recorded

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<sup>1</sup>The Animal Welfare Act does not insulate the Lovelace Biomedical Research Institute from liability under local laws 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](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 Lovelace’s conduct appears to fall within the prohibitions of local laws.

PEOPLE FOR  
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- PETA Switzerland
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temperatures in the indoor area within the range of 29.6 degrees Celsius [85.28 degrees Fahrenheit] and 30.4 degrees Celsius [86.72 degrees Fahrenheit] between the hours of 1:44pm and 10:15pm (~8.5h).”<sup>2</sup> The inspection report notes, “Dogs that are hot may experience discomfort, lethargy or distress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot temperatures.”<sup>3</sup>

The HEART ordinance provides: “Cruelty is any act or inaction that causes, is known to cause or is calculated to cause physical or psychological pain, injury, damage or harm to an Animal.” ROA 1994, § 9-2-4-1(A). It further provides: “Any Person who treats an Animal in any way that would lead a reasonable Person to conclude that such Animal has been subjected to harm without Lawful Justification is guilty of Cruelty.” *Id.* § 9-2-4-1(F).

“Animal” includes “Any living nonhuman mammal,”<sup>4</sup> and cruelty includes “failing to provide Adequate Shelter.” ROA 1994, § 9-2-1-4. To be “Adequate Shelter,” an enclosure “must protect the Animal from extreme conditions.” *Id.* By keeping beagles in temperatures over 85 degrees for over eight hours—when hot temperatures are known to cause harm to dogs—Lovelace apparently engaged in cruelty to animals. That certain standards for mammals in the HEART ordinance include a requirement that temperatures not exceed 80 degrees<sup>5</sup> further suggests that the beagles at Lovelace were not provided with adequate shelter and thus were subjected to cruelty.

Moreover, Lovelace staff were specifically on notice that such temperatures are known to cause harm because the USDA cited Lovelace for being noncompliant with the AWA by keeping beagles in hot temperatures for extended periods the last two summers as well.

- A September 7, 2023, USDA inspection report (attached) details that on eight days (between July 4-13, 2023), 80 beagles were confined in temperatures that ranged from 85.28 to 88.88 degrees Fahrenheit for periods of time that reached 14.25 hours. Additionally, on July 19, 2023, 75 beagles were confined for over 5 hours in temperatures that reached 91.04 degrees Fahrenheit. On August 4, 2023, 68 beagles were confined for 5 hours in temperatures that reached 87.62 degrees Fahrenheit.
- A June 8, 2022, USDA inspection report (attached) details that 39 beagles were confined for about 6 hours in temperatures<sup>5</sup> that reached 87.62 degrees Fahrenheit on June 7, 2022.

Both of these inspection reports advised Lovelace:

Dogs that are hot may experience discomfort, lethargy, or stress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot weather. The licensee must provide additional / alternate cooling mechanisms or make adjustments that adequately provide for animal comfort and well-being and ensure ambient temperatures inside the sheltered areas do not exceed 29.5 degrees Celsius for more than four consecutive hours when dogs are present.

Given this history and Lovelace’s evident disregard for the citations and instructions of the USDA, it is imperative that your department investigate and pursue all appropriate charges against Lovelace. Under the HEART ordinance, “[p]ersonal observation of Cruelty by an ASO, Reserve ASO or Police Officer is

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<sup>2</sup>Page 1 of inspection report.

<sup>3</sup>Page 1 of inspection report.

<sup>4</sup>Nor do the animals at Lovelace appear exempt from the ordinance’s protections, as the cruelty prohibition applies “to all Animals within the city limits of Albuquerque.” ROA 1994, § 9-2-4-1(C).

<sup>5</sup>*Id.* § 9-2-2-4(B)(5).

not required and such officers may issue citations, file criminal complaints or assist any other Person in filing a criminal complaint if an Animal has been treated cruelly.” ROA 1994, § 9-2-4-1(D). Additionally, “the city may avail itself of the remedies of Seizure, Confiscation and Protective Custody.” *Id.* § 9-2-4-1(E). We not only urge you to file charges against Lovelace based on the evidence in the USDA inspection reports, but we also encourage you to remove the dogs, as Lovelace has repeatedly apparently engaged in cruelty towards the dogs in its custody despite the USDA’s citations and instructions.

We also encourage you to consider charging Lovelace under New Mexico state law as well, as the actions of Lovelace staff seemingly constitute “negligently mistreating” animals. Section 30-18-1(B)(1) NMSA 1978.<sup>6</sup>

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

Sincerely,



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

cc: Harold Medina, Chief of Police, Police Department, City of Albuquerque  
([chiefofpolice@cabq.gov](mailto:chiefofpolice@cabq.gov))

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<sup>6</sup>The act of confining dogs in hot temperatures, even after repeated citations from the USDA, does not appear exempt under Section 30-18-1(I)(6) NMSA 1978.



### Inspection Report

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Lovelace Biomedical Research Institute  
2425 Ridgecrest Dr SE  
Albuquerque, NM 87108

Customer ID: **1072**  
Certificate: **85-R-0003**  
Site: 001  
Lovelace Biomedical Research  
Institute

Type: ROUTINE INSPECTION  
Date: 11-JUN-2024

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**3.3(a) Repeat**

**Sheltered housing facilities.**

On June 7, 2024 20 female and 34 male, adult beagle dogs were housed in sheltered housing "Kennel D," where the automated environmental monitoring system measured and recorded temperatures in the indoor area within the range of 29.6 degrees Celsius and 30.4 degrees Celsius between the hours of 1:44pm and 10:15pm (~8.5h). Dogs that are hot may experience discomfort, lethargy or distress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot temperatures. The licensee must provide additional / alternate cooling mechanisms or make adjustments that adequately provide for animal comfort and well-being and ensure ambient temperatures inside do not exceed 29.5 degrees Celsius for more than four consecutive hours when dogs are present.

This inspection and exit interview were conducted with the attending veterinarian, IACUC Chair and facility representatives.

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**Prepared By:** TAMILA STOTT  
USDA, APHIS, Animal Care  
**Title:** VETERINARY MEDICAL OFFICER

**Date:**  
14-JUN-2024

**Received by Title:** Facility Representative

**Date:**  
14-JUN-2024



### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
1072	85-R-0003	001	Lovelace Biomedical Research Institute	11-JUN-2024

Count	Scientific Name	Common Name
000046	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000369	<i>Macaca fascicularis</i>	CRAB-EATING MACAQUE / CYNOMOLGUS MONKEY
000086	<i>Chlorocebus aethiops</i>	AFRICAN GREEN MONKEY / GRIVET
000362	<i>Canis familiaris</i>	DOG ADULT
000078	<i>Sigmodon hispidus</i>	HISPID COTTON RAT
000941	<b>Total</b>	



### Inspection Report

LOVELACE BIOMEDICAL RESEARCH INSTITUTE  
2425 RIDGECREST S E  
ALBUQUERQUE, NM 87108

Customer ID: **1072**  
Certificate: **85-R-0003**  
Site: 001  
LOVELACE BIOMEDICAL  
RESEARCH INSTITUTE

Type: FOCUSED INSPECTION  
Date: 07-SEP-2023

**2.38(f)(1) Critical**

**Miscellaneous.**

During the inspection, the inspector witnessed four adult male pigs with injuries: Animal #3969 had one bright red, wet, linear lesion on the forehead near the inside corner of the left eye measuring ~1.5X0.5", one red, wet circular lesion measuring ~0.5" at the center of the forehead, and one ~1" linear, dark discoloration between the left eye and ear, as well as smaller, red scratches on the top of the the face, body and its back near the tailhead; Animal #3970 had a circular, purplish discoloration under the left eye measuring ~1"; Animal #3973 had two, bright red, linear scratches on the right lateral torso ~3-4" and ~2" in length; Animal #3971 had four red discolorations measuring between ~0.25-1.0" on the right side of its head between the eye and ear. Facility representatives stated that the injuries were sustained during anesthetic recovery earlier in the day. When asked exactly how the pigs were injured, the member of the laboratory staff present during the post-anesthetic monitoring relayed that, while padding and supervision were employed, the animals hit metal parts inside the recovery enclosure that were not padded while attempting to move and stand during recovery. Failure to provide safe conditions for post-anesthetic recovery resulted in four pigs sustaining self-induced injuries. The registrant must ensure that handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma or unnecessary discomfort.  
TO BE CORRECTED BY 09/15/2023

**3.1(a)**

**Housing facilities, general.**

In Kennel G and Kennel H (housing 31 male and 9 female adult beagle dogs), the ceiling surface is composed of compressed, dried seaweed insulation that is damaged, having become loose, and trailing downward over several of the kennels in the indoor portion of these sheltered housing facilities.  
Loose insulation material could fall into runs where the dogs are housed and pose a risk of illness due to ingestion. The registrant must ensure that housing facilities for dogs are designed and constructed so that they are structurally sound and kept in good repair to protect the health and well-being of the animals.  
TO BE CORRECTED BY 09/21/2023

**3.1(e)**

**Housing facilities, general.**

Prepared By: TAMILA STOTT  
USDA, APHIS, Animal Care  
Title: VETERINARY MEDICAL OFFICER

Date:  
15-SEP-2023

Received by Title: Facility Representative

Date:  
15-SEP-2023



### Inspection Report

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In Kennel D, housing 33 male and 27 female adult beagle dogs, there are two opened bags of dog kibble stored in an uncovered bin.

Opened, uncovered food items are more likely to become contaminated or lose nutritive value, and can also attract pests and vermin. The registrant must ensure that all open supplies of food and bedding are kept in leakproof containers with tightly fitting lids to prevent contamination and help prevent the attraction of pests and vermin.

CORRECTED AT THE TIME OF INSPECTION ON 09/07/2023

#### 3.3(a)

##### Sheltered housing facilities.

Dogs were housed in Kennels D and F, sheltered housing facilities in which the temperature inside the sheltered areas exceeded 29.5 degrees Celsius for greater than 4 hours at a time on multiple days.

Between 07/04/2023 and 07/13/2023, 40 female and 40 male adult beagle dogs were housed in Kennel F, where the temperatures were measured and recorded by the automated environmental monitoring system to exceed 29.5 degrees Celsius on consecutive days:

\*\*07/04/2023-07/05/2023 - Remaining within the range of 29.6 degrees Celsius and 30.1 degrees Celsius between the hours of 7:45pm and 1:30am (5.75 hours)

\*\*07/05/2023-07/06/2023 - Remaining within the range of 29.6 degrees Celsius and 31.0 degrees Celsius between the hours of 6:00pm and 2:45am (8.75 hours)

\*\*07/06/2023-07/07/2023 - Remaining within the range of 29.6 degrees Celsius and 30.9 degrees Celsius between the hours of 6:00pm and 4:30am (10.5 hours)

\*\*07/08/2023-07/09/2023 - Remaining within the range of 29.6 degrees Celsius and 30.1 degrees Celsius between the hours of 7:00pm and 12:45am (5.75 hours)

\*\*07/09/2023-07/10/2023 - Remaining within the range of 29.6 degrees Celsius and 30.1 degrees Celsius between the hours of 6:45pm and 1:45am (7.00 hours)

\*\*07/10/2023-07/11/2023 - Remaining within the range of 29.7 degrees Celsius and 31.0 degrees Celsius between the hours of 4:45pm and 4:45am (12.0 hours)

\*\*07/11/2023-07/12/2023 - Remaining within the range of 29.6 degrees Celsius and 31.5 degrees Celsius between the hours of 3:45pm and 6:00am (14.25 hours)

\*\*07/12/2023-07/13/2023 - Remaining within the range of 29.6 degrees Celsius and 31.6 degrees Celsius between the hours of 3:25pm and 4:45am (13 hours, 20 minutes)

On 07/19/2023, 35 female and 40 male adult beagle dogs were housed in Kennel D, where the temperature was measured and recorded by the automated environmental monitoring system as remaining within the range of 29.7 degrees Celsius and 32.8 degrees Celsius between the hours of 11:30am and 4:45pm (5.25 hours).

On 08/04/2023, 25 female and 43 male adult beagle dogs were housed in Kennel D, where the temperature was measured and recorded by the automated environmental monitoring system as remaining within the range of 29.7 degrees Celsius and 30.9 degrees Celsius between the hours of 3:45pm and 8:45pm (5 hours).

Dogs that are hot may experience discomfort, lethargy, or stress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot weather. The licensee must provide additional / alternate cooling mechanisms or

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**Prepared By:** TAMILA STOTT  
USDA, APHIS, Animal Care

**Date:**  
15-SEP-2023

**Title:** VETERINARY MEDICAL OFFICER

**Received by Title:** Facility Representative

**Date:**  
15-SEP-2023



### Inspection Report

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make adjustments that adequately provide for animal comfort and well-being and ensure ambient temperatures inside the sheltered areas do not exceed 29.5 degrees Celsius for more than four consecutive hours when dogs are present.  
CORRECTED PRIOR TO THE DATE OF INSPECTION ON 09/07/2023

This inspection and exit interview were conducted with facility representatives.

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**Prepared By:** TAMILA STOTT  
USDA, APHIS, Animal Care  
**Title:** VETERINARY MEDICAL OFFICER

**Date:**  
15-SEP-2023

**Received by Title:** Facility Representative

**Date:**  
15-SEP-2023





### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
1072	85-R-0003	001	LOVELACE BIOMEDICAL RESEARCH INSTITUTE	07-SEP-2023

Count	Scientific Name	Common Name
000393	<i>Canis familiaris</i>	DOG ADULT
000018	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000411	<b>Total</b>	



### Inspection Report

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LOVELACE BIOMEDICAL RESEARCH INSTITUTE  
2425 RIDGECREST S E  
ALBUQUERQUE, NM 87108

Customer ID: **1072**  
Certificate: **85-R-0003**  
Site: 001  
LOVELACE BIOMEDICAL  
RESEARCH INSTITUTE

Type: ROUTINE INSPECTION  
Date: 08-JUN-2022

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#### 3.3(a)

##### Sheltered housing facilities.

Thirty-nine adult beagle dogs were housed in "Kennel J," a sheltered housing facility in which the temperature inside the sheltered area exceeded 29.5 degrees Celsius for approximately six hours. The temperature was measured and recorded by the automated environmental monitoring system as remaining within the range of 29.6 degrees Celsius and 30.9 degrees Celsius with an average temperature of 30.3 degrees Celsius between the hours of 4:45pm and 10:45pm on June 7, 2022.

Dogs that are hot may experience discomfort, lethargy, or stress. Dogs with medical problems or under study may be especially vulnerable to the effects of hot weather. The licensee must provide additional / alternate cooling mechanisms or make adjustments that adequately provide for animal comfort and well-being and ensure ambient temperatures inside the sheltered areas do not exceed 29.5 degrees Celsius for more than four consecutive hours when dogs are present.

Correct by June 17, 2022

This inspection and exit interview were conducted with facility representatives.

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**Prepared By:** TAMILA STOTT  
USDA, APHIS, Animal Care  
**Title:** VETERINARY MEDICAL OFFICER

**Date:**  
13-JUN-2022

**Received by Title:** Facility Representative

**Date:**  
13-JUN-2022



### Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
1072	85-R-0003	001	LOVELACE BIOMEDICAL RESEARCH INSTITUTE	08-JUN-2022

Count	Scientific Name	Common Name
000243	<i>Canis lupus familiaris</i>	DOG ADULT
000304	<i>Macaca fascicularis</i>	CRAB-EATING MACAQUE / CYNOMOLGUS MONKEY
000014	<i>Sus scrofa domestica</i>	DOMESTIC PIG / POTBELLY PIG / MICRO PIG
000071	<i>Chlorocebus aethiops</i>	AFRICAN GREEN MONKEY / GRIVET
000013	<i>Oryctolagus cuniculus</i>	DOMESTIC RABBIT / EUROPEAN RABBIT
000645	<b>Total</b>	