



Animal and Plant
Health Inspection
Service

VIA: Electronic Mail

April 15, 2020

Marketing and
Regulatory Programs
Business Services

University of Wisconsin-Madison
Director, Research Animal Resources
1710 University Avenue
396 Enzyme Institute
Madison, Wisconsin 53726

Investigative and
Enforcement Services

Riverdale, MD Office:
4700 River Road
Unit 85
Riverdale, MD 20737
Voice 301.851.2948
Fax 301.734.4328

SETTLEMENT AGREEMENT

Dear Sir or Madam:

Raleigh, NC Office:
920 Main Campus Drive
Suite 200
Raleigh, NC 27606
Voice 919.855.7080
Fax 919.855.7090

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

Ft. Collins Office:
2150 Centre Avenue
Building B-3W10
Fort Collins, CO 80526
Voice 970.494.7485
Fax 970.494.7487

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each alleged violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What are the terms of the Settlement Agreement?

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

If you agree to waive your right to a hearing and pay the penalty, then do the following:

- Pay the amount due, \$74,000, by **April 30, 2020**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.
- If you are unable to pay the full amount due by **April 30, 2020**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **April 30, 2020**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.



What are my other options?

If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **April 30, 2020**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

What happens if I fail to respond?

If we do not receive a payment or hearing request from you by **April 30, 2020**, we will forward this matter to our Office of the General Counsel for litigation.

What should I do if I need help?

If you have any questions concerning this letter, contact Jennifer Mooreat (301) 851-2749.

I am a small business owner and have comments or concerns regarding APHIS's enforcement of animal and plant health laws. Who should I contact?

APHIS always welcomes comments on how it can better assist small businesses. If you have comments about APHIS's enforcement of animal and plant health laws, please contact Eileen F. Sullivan, the APHIS Small Business Ombudsperson, at (301) 851-2948. If you would prefer to comment to someone outside APHIS, you may contact the Small Business Regulatory Enforcement Ombudsperson at <http://sba.gov/ombudsman>, email ombudsman@sba.gov, or toll free at 1-888-REG-FAIR. The Ombudsperson's office receives comments from small businesses and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small businesses.

Sincerely,

Eileen F. Sullivan, Director
Investigative and Enforcement Services



University of Wisconsin-Madison
Director, Research Animal Resources
1710 University Avenue
396 Enzyme Institute
Madison, Wisconsin 53726

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Dates of Alleged Violation: March 4, 2015, April 4, 2015, April 12, 2015, June 29, 2015, July 5, 2015, July 7, 2015, July 16, 2015, October 15, 2015, December 2, 2015, December 20, 2015, January 15, 2016, March 9, 2016, May 18, 2016, September 6, 2016, March 3, 2017, May 24, 2017, October 18, 2017, November 6, 2017, February 13, 2018, March 15, 2018, October 25, 2018, March 1, 2019, April 25, 2019

9 C.F.R. § 2.38(f)(1) Miscellaneous: handling:

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.

On March 4, 2015, University of Wisconsin-Madison (UWM) personnel failed to handle a nonhuman primate (NHP) in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. UWM personnel failed to properly transfer a NHP for cage sanitation. The NHP pushed its way out of its enclosure and subsequently sustained oral and muzzle trauma.

On April 4, 2015, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm or unnecessary discomfort. A NHP escaped during a cage cleaning. The escaped NHP aggressively engaged a caged NHP, and as a result of the interaction, the escaped NHP sustained trauma to its left hand requiring amputation of a digit of that hand.

On April 12, 2015, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. UWM personnel failed to secure an enclosure door and multiple NHPs escaped. The NHPs sustained minor injuries including lacerations to their faces and bodies.



On June 29, 2015, UWM personnel failed to handle multiple NHPs in a manner that prevented them from experiencing trauma, physical harm, or unnecessary discomfort. Seven NHPs escaped from their pen after they were able to push a Plexiglas door up to escape. Five animals had injuries to their hands and fingers and received veterinary treatment, including two that required digit amputations. All of the animals' injuries healed without further complications.

On July 5, 2015, UWM personnel failed to handle two NHPs in a manner that prevented the NHPs from experiencing trauma, physical harm, or unnecessary discomfort. The two NHPs escaped from their cage after UWM personnel opened the cage door. One NHP sustained a nail avulsion on one digit while engaging in an aggressive interaction with a caged NHP. After the encounter, the second NHP had minor scratches and bruising on its forehead.

On July 7, 2015, UWM failed to handle two NHPs in a manner that prevented the NHPs from experiencing trauma, physical harm or unnecessary discomfort. Two of the animals injured on June 29, 2015 escaped through the locked Plexiglas door. One NHP required two more partial digit amputations, sutures on its left wrist and wounds to its face. The second animal lost a portion of its tongue and sustained wounds to its face.

On July 16, 2015, UWM personnel failed to handle a NHP in a manner that prevented the NHP from experiencing trauma, physical harm, or unnecessary discomfort. UWM personnel failed to lock the enclosure door and a NHP escaped. An adolescent NHP that was caged required amputation of its toe due to trauma sustained when it came into contact with the escaped NHP.

On October 15, 2015, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. The NHP escaped when UWM personnel failed to properly transfer the NHP from its home cage to a transport device. The NHP required amputation of a toe due to injury sustained during the escape.

On December 2, 2015, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. UWM personnel failed to secure a door and an NHP escaped. The NHP required amputation of a finger on its left hand due to injury sustained during the escape.

On December 20, 2015, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or

unnecessary discomfort. When UWM personnel failed to secure the enclosure door, the juvenile NHP escaped. The animal made contact with caged NHPs and required surgery for injuries sustained to its tail tip and one arm.

On January 15, 2016, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. After UWM personnel failed to ensure the cage lock worked properly, a NHP escaped and was injured. The animal made contact with five caged NHPs that resulted in injury to those animals. The animals required treatment for lacerations, tongue amputation, and sutures to repair wounds.

On March 9, 2016, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. A NHP escaped when UWM personnel failed to secure a latch on a cage. Subsequently, the NHP sustained injuries that required amputation of a digit of its right foot.

On May 18, 2016, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. UWM personnel failed to properly transfer a NHP from its primary enclosure to a transport box and the animal escaped. The NHP suffered a laceration on its face, a nail avulsion on its right foot, and required amputation of a digit on its left hand.

On September 6, 2016, UWM personnel failed to handle NHPs in a manner that prevented the animals from experiencing trauma, physical harm, or unnecessary discomfort. UWM failed to properly lock a cage resulting in the escape of two NHPs. Four NHPs sustained injuries, including hand laceration that resulted in removal of one digit.

On March 3, 2017, UWM personnel failed to handle NHPs in a manner that prevented the animals from experiencing trauma, physical harm, or unnecessary discomfort. As a result of uncontrolled interaction with other NHPs, an escaped NHP suffered injuries that required wound closure and partial digit amputation.

On May 24, 2017, UWM personnel failed to handle NHPs in a manner that prevented the animals from experiencing trauma, physical harm, or unnecessary discomfort. Two NHPs escaped their primary enclosure resulting in injuries that required wound closure and partial digit amputation.

On October 18, 2017, UWM personnel failed to handle a NHP in a

manner that prevented the animal from experiencing trauma, physical harm, or unnecessary discomfort. A marmoset suffered injuries to its right hind foot when UWM personnel closed its foot in an enclosure door. The incident required partial digit amputation of the affected foot.

On November 6, 2017, UWM personnel failed to handle an NHP in a manner that prevented the animal from experiencing trauma, physical harm or unnecessary discomfort. The same marmoset injured on October 18, 2017 suffered injuries to its right hind foot when UWM personnel closed its foot in an enclosure door. The incident required partial amputation of the affected foot.

On February 13, 2018, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. The NHP escaped its primary enclosure and sustained injuries that required wound closure and partial digit amputation during the course of uncontrolled interactions with other NHPs housed in the same room.

On March 15, 2018, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. The NHP escaped its primary enclosure and, in the course of uncontrolled interactions with other NHPs housed in the same room, sustained injuries that required wound closure and partial digit amputations.

On October 25, 2018, UWM personnel failed to handle an animal in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. A peromyscus mouse had its head caught between the polypropylene enclosure and the lid. Necropsy findings identified signs of rapid hypoxia.

On March 1, 2019, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. Due to improper lock placement, the NHP escaped its enclosure and, in the course of uncontrolled interactions with other NHPs, sustained injuries that resulted in distal tongue loss and required surgical repair, including suturing and partial digit amputations.

On April 25, 2019, UWM personnel failed to handle a NHP in a manner that prevented it from experiencing trauma, physical harm, or unnecessary discomfort. Due to improper lock placement, the NHP escaped its enclosure and, in the course of uncontrolled interactions with other NHPs, sustained injuries that resulted in distal tongue loss



and required surgical repair, including suturing and partial digit amputations.

Date of Alleged Violation: December 24, 2015 and December 28, 2015

9 C.F.R. § 3.81(a)(3) Environment enhancement to promote psychological well-being: social grouping:

Nonhuman primates may not be housed with other species of primates or animals unless they are compatible, do not prevent access to food, water or shelter by individuals animals, and are not known to be hazardous to the health and well-being of each other. Compatibility of nonhuman primates must be determined in accordance with generally accepted professional practice and actual observations, as directed by the attending veterinarian, to ensure that the nonhuman primates are in fact compatible. Individually housed nonhuman primates must be able to see and hear nonhuman primates of their own or compatible species unless the attending veterinarian determines that it would endanger their health, safety, or well-being.

On December 24, 2015, a younger NHP suffered wounds that affected multiple muscle layers on its back and involved a partially exposed vertebrae (bone). The wounds were caused by a cagemate. After receiving medical treatment that included closure of wounds, the animal was returned to its cage and social partners, including the cagemate that caused the injuries.

On December 28, 2015, UWM found the NHP dead in its enclosure. A necropsy showed severe trauma and suggests the animal died acutely with traumatic thoracic injuries.

Date of Alleged Violation: December 9, 2015

9 C.F.R. § 3.83 Watering:

Potable water must be provided in sufficient quantity to every nonhuman primate housed at the facility. If potable water is not continually available to the nonhuman primates, it must be offered to them as often as necessary to ensure their health and wellbeing.

UWM failed to provide potable water to all NHPs housed at its facilities. The drinking water supply for three NHPs was disconnected for no less than four days causing dehydration in all NHPs. The NHPs required specialized intravenous fluid therapy for rehydration. After responding poorly to the intravenous fluid therapy, one NHP was euthanized.

Date of Alleged Violation: June 25, 2016

9 C.F.R. § 3.125(a) Facilities, general: structural strength:

The facility must be constructed of such material and of such strength as



appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

UWM failed to construct enclosures to securely contain two ground squirrels. UWM failed to properly latch the lid to the enclosure of two squirrels, resulting in their escape. One ground squirrel was found and the second squirrel was not located.

Date of Alleged Violation: January 25, 2016

9 C.F.R. § 3.129(a) Feeding:

The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally acceptable practices.

UWM failed to provide food in sufficient quantities and nutritive value to maintain three cages of peromyscus mice in good health. Room sheets completed by UWM personnel show that UWM personnel failed to feed the mice for three consecutive days on January 22, 2016, January 23, 2016, and January 24, 2016. In one of the three cages, a mouse was found dead and another in the same cage was found with an unhealthy appearance. The dead mouse had been cannibalized by the second mouse. The stomach contents of the dead mouse contained hair, paper, and bedding. The second mouse was euthanized.

The penalty for the alleged violation(s) described above is \$74,000.



How To Pay The Penalty

You may pay your penalty immediately through secure online transactions or phone using American Express, Discover, Diners Club, Master Card, and Visa, or by U.S. Mail using a check, cashier's check, or money order.

Online. Pay.gov allows you to make deferred and recurring credit card payments through secure online payments. To submit your credit card payment online:

1. Log on to <https://www.pay.gov>.
2. Click on Agency List.
3. Click on "A" in Index.
4. Click on Agriculture Department.
5. Click on Department of Agriculture.
6. Click on Animal and Plant Health Inspection Service – APHIS Customers (2nd listing).
7. Complete the required information and submit the form.
8. Enter payment information and submit your payment.
9. Print confirmation screen as your receipt.

Phone. To make a credit card payment by phone:

1. Call (612) 336-3264 and speak to a Debt Management Specialist.
2. State your Reference Number WI160011-AC, WI170003-AC.
3. Submit your credit card information.

U.S. Mail. To make a payment by check, cashier's check, or money order:

1. Make the check, cashier's check, or money order payable to the Treasurer of the United States.
2. Write the Reference Number WI160011-AC, WI170003-AC on your check, cashier's check, or money order.
3. Mail your payment to:
USDA – APHIS – GENERAL WI160011-AC, WI170003-AC
P.O. Box 979043
St. Louis, MO 63197-9000

If You Are Unable To Pay In Full

Complete the attached form and return it to our office to request a payment plan. Please be prepared to provide us with copies of your most recent federal tax return so that we may determine whether you are eligible for a payment plan.



**AGREEMENT TO PAY AND
REQUEST FOR PAYMENT PLAN**

If you agree with the terms in this Settlement Agreement but cannot pay the penalty in full at this time, select one of the options below, sign the form, and return it to the following address prior to the due date of **April 30, 2020**:

USDA, APHIS, IES (General) WI160011-AC, WI170003-AC
4700 River Road, Unit 85
Riverdale, MD 20737

I understand that by signing this Settlement Agreement, I waive my right to a hearing. I agree to pay the penalty of \$74,000, but I am requesting a payment plan because of financial hardship. I have enclosed a copy of my most recent federal tax return. I have indicated below if I have enclosed other documents to show financial hardship:

_____ Bankruptcy filing

_____ Other (describe):

Signature: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip code: _____



Case Number: WI160011-AC, WI170003-AC
Sending Option: USPS Certified Mail
Version: Final
Document Create Date: 6/19/2019
Document Modify Date: 4/15/2020
Issuance Date: 4/15/2020
Author: Jennifer Moore

CC to IES Field Operations
and Area Directors:

- Director of Field Operations (DFO), IES
- Deputy DFO, Ft. Collins, IES
 - Northwest Area Director, IES
 - Pacific Area Director, IES
 - High Plains Area Director, IES
 - Mid-Atlantic Area Director, IES
 - Northeast Area Director, IES
- Deputy DFO, Raleigh, IES
 - Caribbean Area Director, IES
 - Southeast Area Director, IES
 - North Central Area Director, IES
 - South Central Area Director, IES
 - Great Plains Area Director, IES

CC to Others: [\[CC to Others\]](#)

Final Processing: Reggie Dobbins

Production Notes: [\[Production Notes\]](#)

T04A Settlement Agreement (5-2-19)

University of Wisconsin-Madison
Director, Research Animal Resources
1710 University Avenue
396 Enzyme Institute
Madison, Wisconsin 53726