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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 01-0044
)
The Coulston Foundation,)
)
Respondent) Complaint

There is reason to believe that the Respondent named herein has violated the regulations (9 C.F.R. § 1.1 et seq.), issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. The Coulston Foundation, hereinafter referred to as Respondent, is an institution whose address is 1300 Lavelle Road, Alamogordo, New Mexico 88310.

B. The Respondent, at all times material herein, was registered and operating as a research facility as defined in the Act and the regulations.

II

On August 16, 2000, a chimpanzee ("Ray") at Respondent's facility was observed as being ill and hypoactive. This information was not conveyed to the attending veterinarian and the chimpanzee was found dead on August 18, 2000. The Respondent failed to establish and maintain programs of adequate veterinary

care which included a mechanism of direct and frequent communication so that timely and accurate information on problems of animal health, behavior, and well-being was conveyed to the attending veterinarian, in violation of sections 2.33(a) and (b) and 2.38(k) of the regulations (9 C.F.R. 2.33(a) and (b), and 2.38(k)) and in violation of Paragraph 1(a) of the Order issued in AWA Docket No. 98-0014, issued on August 24, 1999.

III

On October 27, 1999, a chimpanzee ("Donna") at Respondent's facility was found to be retaining a dead fetus. Surgery was delayed until November 8, 1999. During the surgery, the chimpanzee was found to have a ruptured uterus, severe peritonitis, and necrotic bowel. The Respondent did not allow the attending veterinarian to euthanize the chimpanzee when the severity of her condition was discovered. Instead, the incision was closed and the chimpanzee was allowed to recover from anesthesia although areas of necrotic bowel remained. The chimpanzee died several hours later and experienced severe pain before and after the surgery. The Respondent failed to establish and maintain programs of adequate veterinary care and failed to provide adequate veterinary care, in violation of sections 2.33(a) and (b) and 2.38(k) of the regulations (9 C.F.R. 2.33(a) and (b), and 2.38(k)) and in violation of Paragraph 1(a) of the

Order issued in AWA Docket No. 98-0014, issued on August 24, 1999.

IV

From January 1, 2000, and continuing to the present time, the Respondent has failed to employ an adequate number of qualified professional veterinary staff, in violation of sections 2.33(b) and 2.38(k) of the regulations (9 C.F.R. §§2.33(b), 2.38(k)), and in violation of Paragraph 4 of the Order issued in AWA Docket No. 98-0014, issued on August 24, 1999.

V

From January 1, 2000, and continuing to the present time, the Respondent has engaged in research prior to approval by its Institutional Animal Care and Use Committee (IACUC) and has significantly departed from protocols as approved by its IACUC, in violation of section 2.33(b) and 2.38(k) of the regulations (9 C.F.R. §§ 2.31(c), 2.38(k)), and in violation of Paragraph 1(j) of the Order issued in AWA Docket No. 98-0014, issued on August 24, 1999.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact violated the Act and the regulations issued under the Act, this complaint shall be served upon the Respondent. The Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture,

Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

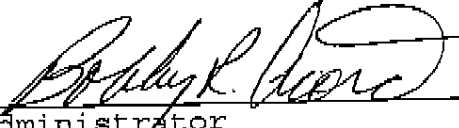
1. That unless the Respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

- (a) Requiring the Respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the Respondent
in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 12 day of July, 2001



Administrator
Animal and Plant Health
Inspection Service

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