

Investigative and Enforcement Services

Settlement Agreement

USDA, APHIS, IES
 4700 River Road, Unit 85
 Riverdale, MD 20737
 Phone (301) 734-8684
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RESPONDENT:	
<u>1st Address</u>	<u>2nd Address</u>
University of Louisiana Lafayette P.O. Box 41008 Lafayette, LA 70504	New Iberia Research Center 4401 W. Admiral Doyle Dr. New Iberia, LA 70560

CASE NUMBER | **LA09013-AC
REVISED**

DUE ON OR BEFORE | May 15, 2010
 CONTACT | Ms Roxanne Folk
 PHONE | (301) 734-5578


DATE	CITATION	DESCRIPTION
		(See Attached Pages)

PENALTY \$ 18,000. **TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

The Department alleges that the matters described on the second page of the Settlement Agreement constitute violations of the Act. Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described matters. Your payment constitutes a waiver of your right to a hearing, and settlement of such matters. You neither admit nor deny that any of said matters either took place or constitute violations of the Act.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent:  Date: 6 May 2010

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

T04A – Settlement Agreement
 7/1/09

DATE	CITATION 9 CFR	DESCRIPTION
27-MAR-2009	2.31(d)(1)(ii)	<p>Institutional Animal Care and Use Committee (IACUC). NIRC failed to consider alternatives to distressful procedures involving animals. NIRC sedated nonhuman primates while in social groups (using darts). APHIS documented evidence that showed nonhuman primates were fearful of the darting apparatus causing the social group to behave in an exaggerated distressful manner. There was no written description of the methods and sources used to determine that there were no alternatives available to sedating the nonhuman primates in this manner.</p>
	2.31(e)(3)	<p>Institutional Animal Care and Use Committee (IACUC). NIRC failed to have a complete description of the proposed use of the animals. APHIS identified two activities that did not have a description protocol and were not described in any other documents. NIRC did not have a complete description of sedation methods for chimpanzees housed in social groups and the training (acclimation) procedures for primates in the pole and collar/chairing studies.</p>
	2.33(b)(5)	<p>Attending Veterinarian and Adequate Veterinary Care. NIRC failed to apply adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures. APHIS observed three adult nonhuman primates under sedation, housed with nursing infants, which NIRC was not monitoring. The animals were unresponsive to the vigorous attempts of their infants to arouse them.</p>
	2.38(f)(1)	<p>Miscellaneous. Handling. NIRC failed to handle animals as carefully as possible, in a manner that does not cause physical harm or unnecessary discomfort as required. NIRC transported chimpanzees by physically lifting the animals by all four limbs, thereby risking injury to the animals.</p>
	3.78(b)	<p>Outdoor housing facilities. Shelter from the elements. NIRC failed to provide adequate protection from inclement weather conditions for African green monkeys. APHIS observed at least one African green monkey whose tail had been amputated as a result of frostbite.</p>
	3.81	<p>Environment enhancement to promote psychological well-being. NIRC failed to follow its protocol for environmental enhancement for nonhuman primates. NIRC individually housed nonhuman primates without evaluating the compatibility of nonhuman primates to determine whether NIRC could house the animals in social groups or providing written exemptions from participating in social groups.</p>