



Animal and Plant
Health Inspection
Service

Emergency and
Regulatory Compliance
Services

Investigative and
Enforcement Services

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

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

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

VIA: USPS Certified Mail
Shipping Event: 1st

October 24, 2022

University of Washington
P. O. Box 357160
Seattle, WA 98195-7160

Dr. Sally Thompson-Iritani
University Of Washington - Seattle
4000 15th Avenue Ne - Box 357330
Seattle, WA 98195

SETTLEMENT AGREEMENT

To Whom It May Concern:

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.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, adjusted for inflation, 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, \$3,750, by **November 24, 2022**. 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 **November 24, 2022**, 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 **November 24, 2022**, 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 Case Number, to our office by **November 24, 2022**, 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 **November 24, 2022**, 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 Roxanne Folk at (301) 851-2736, or call our main office at (301) 851-2948.

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 Michon Oubichon, 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 Ombudsman at <http://sba.gov/ombudsman>, email ombudsman@sba.gov, or toll free at 1-888-REG-FAIR. The SBA Ombudsman'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 Washington
P. O. Box 357160
Seattle, WA 98195-7160

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.

Date of Alleged Violation: November 15, 2018

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

You failed to handle animals in a manner that does not cause trauma, physical harm, or unnecessary discomfort as required.

On March 31, 2018, a pigtail macaque pulled the chain of an improperly installed enrichment device into the cage, entangled it's jaw and asphyxiated. (Site 001)

Date of Alleged Violation: June 4, 2019

9 C.F.R. § 2.33(b)(5) Attending Veterinarian and Adequate Veterinary Care. Research facility shall establish and maintain programs of adequate veterinary care that include adequate preprocedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.

You failed to establish and maintain programs of adequate veterinary care that include pre-procedural and post-procedural care in accordance with established veterinary medical and nursing care.

On March 6, 2019, a non-human primate underwent surgery and died during the recovery period. On the morning of the procedure, it was found that the animal had not fasted. After the procedure, the animal went into respiratory arrest, and during CPR, was seen to vomit and aspirated. (Site 001)

Date of Alleged Violation: December 1, 2020

9 C.F.R. § 2.32(b) Personnel qualifications. This regulation requires that training and instruction be made available to research facility personnel, and the



qualifications of personnel reviewed, with sufficient frequency to fulfill the research facility's responsibilities.

You failed to provide continued training and instruction to all personnel on how to ensure all locks are in place and secure to maintain the animals in their enclosures.

On or about June 29, 2020, a one-year-old, female nonhuman primate was able to remove a feeder that was not locked by husbandry staff. The nonhuman primate was able to escape through the feeder opening, climbed onto another enclosure where a male pig-tailed macaque was able to pull her left arm through the 1 in. x 1 in. mesh enclosure. The female nonhuman primate sustained multiple injuries that resulted in amputation of her left arm. (Site 002)

Date of Alleged Violation: January 26, 2021

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.

You failed to handle animals in a manner that does not cause trauma, physical harm, or unnecessary discomfort as required.

The adult, female pigtail macaque (#Z15297) was observed on the morning of April 19, 2020, but was not present in the compound during the afternoon. The next morning, the animal was found in the trapping run moderately dehydrated. Based on the observations, the animal was left in a trapping run for no fewer than twelve hours without access to food or water.

Date of Alleged Violation: January 26, 2021

9 C.F.R. § 3.80(a)(2)(iii) Primary enclosures. General requirements. Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound for the species of nonhuman primates contained in them and contain the nonhuman primates securely and prevent accidental opening of the enclosure, including opening by the animal.

You failed to securely contain nonhuman primates and prevent opening of the enclosures.

On April 9, 2020, during the overnight hours, an adult male pigtail macaque (#L 11117) broke two locks on the connector between two side-by-side enclosures and managed to push the cages apart. The animal escape allowed both the male macaque and his cage mate, an adult female pigtail macaque (#T02319), to escape into the room.



The adult male pigtail macaque, the adult female pigtail macaque and several other nonhuman primates housed in the room suffered injuries to their face, hands and fingers.

The penalty for the alleged violation(s) described above is \$3,750.

Nov. 14, 2022

VIA: USPS Mail
To: Eileen F. Sullivan, Director
USDA, Investigative and Enforcement Services
c/o USDA-APHIS-GENERAL WA210012-AC
P.O. Box 979043
St. Louis, MO 63197-9000

RE: WA210012-AC

Dear Ms. Sullivan,

This Agreement for a payment \$3750 in response to the Citation and Notification of Penalty for Reference Number WA210012-AC, issuance date October 24, 2022, is entered into for purposes of settlement only, to avoid the costs and uncertainties of litigation. The University of Washington has not admitted, and by execution or performance of this Agreement does not admit to and denies any alleged violation of the Animal Welfare Act (7 U.S.C. § 2131 et seq.).

This settlement agreement, including the payment of a penalty, does not constitute an admission of liability or wrongdoing by the University. This Agreement does not constitute a waiver of any rights, claims, or otherwise preclude the University from contesting the underlying factual issues in any future legal or administrative proceedings unrelated to this Citation and Notification of Penalty.

Sincerely,



Sally Thompson-Iritani (she/her), DVM/PhD, CPIA, CCFP
Institutional Official, University of Washington Animal Care and Use Program
Asst. Vice Provost, Animal Care, Outreach & 3Rs
Clinical Associate Professor, DEOHS, SPH
206.661.6294 /sti2@uw.edu

Cc: Dr. Jane Sullivan, UW IACUC Chair
Dr. Christina Cruzen, UW Attending Veterinarian
Dr. Jennifer Iwamoto, Co-Director, Office of Animal Welfare
Dr. Aubrey Schoenleben, Co-Director, Office of Animal Welfare