

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>
Lovlace Respiratory Research Institute 2425 Ridgcrest Dr. SE Albuquerque, NM 87108	<u>Registered Agent:</u> Charles Armgardt 500 Fourth Street NW Suite 1000 Albuquerque, NM 87102

CASE NUMBER	NM08033-AC
DUE ON OR BEFORE CONTACT PHONE	June 24, 2011 [REDACTED] [REDACTED]

DATE	CITATION	DESCRIPTION
		See Attached Pages Page 1 of 2

PENALTY \$21,750 **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.

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 violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

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:** _____

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
04/10/2007	9 C.F.R. § 2.31(c)(3)	<u>Institutional Animal Care and Use Committee.</u> Lovelace Respiratory Research Institute (LRRRI) failed to update the reports of its semiannual evaluations at least once every six months upon completion of the evaluation. LRRRI's April 2007 report was three months overdue.
04/16/2008	9 C.F.R. § 2.31(d)(1)(ii)	<u>Institutional Animal Care and Use Committee.</u> LRRRI failed to ensure that the primary investigator had considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals and had provided a written narrative description of the methods and sources used to determine that alternatives were not available. The IACUC approved a protocol amendment involving cardiac venipuncture that did not consider less painful alternatives.
	9 C.F.R. § 2.31(d)(1)(viii)	<u>Institutional Animal Care and Use Committee.</u> LRRRI failed to ensure that personnel conducting procedures on the species being maintained or studied were appropriately qualified and trained in those procedures. A research technician punctured another technician with a needle while improperly administering anesthetic to a rabbit. The facility failed to adequately train the technicians in proper restraint.
	9 C.F.R. § 2.33(b)(4)	<u>Attending Veterinarian and Adequate Veterinary Care.</u> LRRRI failed to establish and maintain a program of adequate veterinary care that included guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia. Personnel used a worksheet to calculate anesthetic dosage that was incorrect and had not been reviewed by a veterinarian or the IACUC.
5/11/2008	9 C.F.R. § 3.75(a)	<u>Housing Facilities.</u> LRRRI failed to design and construct nonhuman primate housing facilities so that they were structurally sound, in good repair, protected the animals from injury, contained the animals securely, and restricted other animals from entering. An infant Cynomolgus monkey escaped through a hole in its primary enclosure.
3/06/2009	9 C.F.R. § 3.75(a)	<u>Housing Facilities.</u> LRRRI failed to design and construct nonhuman primate housing facilities so that they were structurally sound, in good repair, protected the animals from injury, contained the animals securely, and restricted other animals from entering. A Rhesus monkey choked to death struggling to free himself after a hook in the animal's enclosure became caught on his jacket.