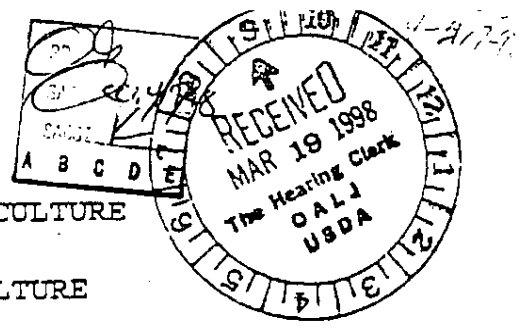


UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 98-0014  
 )  
 Coulston Foundation, )  
 )  
 Respondent ) Complaint

NM 47003-AW  
NM 47005-AW

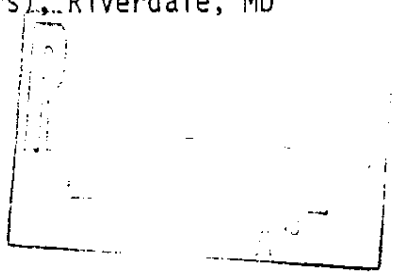
There is reason to believe that the respondent named herein has violated the regulations and standards (9 C.F.R. § 1.1 et seq.), issued pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), herein referred to as the Act, and, therefore, the Administrator of the Animal and Plant Health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

I

A. Coulston Foundation, hereinafter referred to as respondent, is a New Mexico corporation whose address is 1300 La Velle Road, Alamogordo, New Mexico 88310.

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

cc:  
 IES, Ft. Worth, TX  
 AC, Sacramento, CA ✓  
 LPA (J. Rogers), Riverdale, MD



## II

On January 21, 1997, the respondent sedated three chimpanzees as a group for the purpose of facilitating their movement to another enclosure, resulting in the death of a chimpanzee known as "Jello."

A. Respondent violated section 2.38(f) of the regulations (9 C.F.R. § 2.38(f)), by failing to handle the three chimpanzees as carefully as possible in a manner that did not cause behavioral stress, physical harm, and unnecessary discomfort.

B. Respondent violated section 2.33 of the regulations (9 C.F.R. § 2.33), by not providing adequate veterinary care to the three chimpanzees in sedating them as a group.

C. Respondent violated section 2.33(b) of the regulations (9 C.F.R. § 2.33(b)), by failing to establish and maintain programs of adequate veterinary care, including procedures and equipment for emergency care.

D. Respondent violated section 2.33(b)(5) of the regulations (9 C.F.R. § 2.33(b)(5)), by failing to provide adequate pre-procedural care in accordance with current established veterinary medical and nursing procedures, in that

respondent failed to ensure that the chimpanzees had fasted prior to the sedation.

### III

On March 24, 1997, the respondent failed to provide adequate veterinary care to a chimpanzee known as "Echo" which had suffered severe trauma, resulting in its death.

A. Respondent violated section 2.33(b)(5) of the regulations (9 C.F.R. § 2.33(b)(5)), by failing to provide adequate pre-procedural care in accordance with current established veterinary medical and nursing procedures, in that respondent failed to treat the chimpanzee for shock and stabilize its condition prior to surgical treatment.

B. Respondent violated section 2.33 of the regulations (9 C.F.R. § 2.33), by not providing adequate veterinary care to "Echo" in that the respondent undertook an extensive surgical procedure under inappropriate conditions.

C. Respondent violated section 2.33(b)(5) of the regulations (9 C.F.R. § 2.33(b)(5)), by failing to provide adequate post-procedural care in accordance with current established veterinary medical and nursing procedures, in that respondent failed to adequately monitor the chimpanzee following surgery.

## IV

On July 29-31, 1997, APHIS inspected respondent's facility (Sites Nos. 2, 3, and 4) and found the following violations of section 2.38(k) of the regulations (9 C.F.R. 2.38(k)) and the standards specified below:

1. Primary enclosures for nonhuman primates (Site No. 2) were not maintained in good repair so as to protect the animals from injury and to contain them (9 C.F.R. § 3.80(a));
2. Supplies of food for nonhuman primates (Site No. 2) were not stored in a manner that protects them from spoilage, contamination, and vermin infestation (9 C.F.R. § 3.75(e));
3. Provisions were not made (Site No. 2) for regular and frequent collection, removal, and disposal of animal and food wastes, in a manner that minimizes contamination and disease risk. The facility was not equipped with disposal facilities and drainage systems constructed and operated so that animal wastes and water are rapidly eliminated and the animals may stay dry (9 C.F.R. § 3.75(f));
4. Surfaces of housing facilities (Site No. 3) for nonhuman primates were not constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled (9 C.F.R. § 3.75(c));

5. Primary enclosures for nonhuman primates (Site No. 3) were not kept clean and sanitized as required (9 C.F.R. §§ 3.84(a), (b));

6. Housing facilities for nonhuman primates (Site No. 4) were not structurally sound and maintained in good repair so as to protect the animals from injury 9 C.F.R. § 3.75(a));

7. Surfaces of housing facilities for nonhuman primates (Site No. 4) (including perches, shelves, swings, boxes, dens, and other furniture-type fixtures or objects within the facility) were not constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled (9 C.F.R. § 3.75(c)(1));

8. Sheltered housing facilities for nonhuman primates (Site No. 4) were not maintained in a manner to ensure that the animals were protected from temperature extremes, and to provide for their health and well-being (9 C.F.R. § 3.77(a)); and

9. An effective program for the control of insects and mammals that are pests was not established and maintained (Site No. 4) so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas (9 C.F.R. § 3.84(d)).

. V

On August 27, 1997, APHIS inspected respondent's facility (Site No. 5) and found the following violations of section 2.38(k) of the regulations (9 C.F.R. 2.38(k)) and the standards specified below:

1. Housing facilities for nonhuman primates were not structurally sound and maintained in good repair so as to protect the animals from injury and to contain the animals securely (9 C.F.R. § 3.75(a));

2. Surfaces of housing facilities for nonhuman primates (including perches, shelves, swings, boxes, dens, and other furniture-type fixtures or objects within the facility) were not constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled (9 C.F.R. § 3.75(c)(1));

3. Supplies of food for nonhuman primates were not stored in a manner that protects them from spoilage, contamination, and vermin infestation (9 C.F.R. § 3.75(e));

4. Primary enclosures for nonhuman primates were not kept clean and sanitized as required (9 C.F.R. §§ 3.84(a), (b));

5. The premises, including buildings, were not kept clean and in good repair in order to protect the nonhuman primates from injury and to facilitate the required husbandry practices (9 C.F.R § 3.84(c));

6. An effective program for the control of insects, external parasites, and mammals that are pests, was not established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas (9 C.F.R. § 3.84(d));

7. The facility for nonhuman primates was not adequately ventilated to provide for the health and comfort of the animals at all times (9 C.F.R. § 3.76(b)); and

8. Provisions were not made for regular and frequent collection, removal, and disposal of animal and food wastes, in a manner that minimizes contamination and disease risk. The facility was not equipped with disposal facilities and drainage systems constructed and operated so that animal wastes and water are rapidly eliminated and the animals may stay dry (9 C.F.R. § 3.75(f)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the

regulations and standards 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:

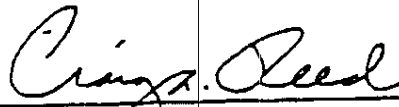
1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

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 19th day of March, 1998



Acting Administrator  
Animal and Plant Health  
Inspection Service

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