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## **SETTLEMENT AGREEMENT**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

### **Date of Alleged Violation: On or about April 1, 2022**

**9 C.F.R. § 3.126(b) Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

The University of Memphis (UM) failed to ensure that indoor housing facilities were ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times and provide fresh air by means of windows, doors, vents, fans, or air-conditioning.

An overnight malfunction of the life sciences building HVAC unit resulted in the deaths of 12 voles from decreased ventilation and increased ambient temperatures.

### **Date of Alleged Violation: July 19, 2022 – August 22, 2022**

**9 C.F.R. § 2.38(f)(1) 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.

UM failed to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

Between July 19, 2022 and August 22, 2022, UM found dead or euthanized for medical reasons, 15 Damaraland mole rats. At the

time of the APHIS inspection, an animal care technician reported that the mole rats had recently appeared agitated and engaged in increased bullying and fighting. UM attributed the deaths to fighting between the animals due to an environmental stressor. An investigation by UM for potential causes of agitation among the mole rats identified the soft noise from a dehumidifier in the room and a light malfunction that resulted in the mole rats having 24 hours of continuous light.

**Date of Alleged Violation: November 3, 2022**

**9 C.F.R. § 2.31(e)(3)** Institutional Animal Care and Use Committee (IACUC). A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following:

A complete description of the proposed use of the animals;

UM failed to ensure that a proposal to conduct an activity involving animals contained a complete description of the proposed use of the animals.

The IACUC approved protocol (# 0873) stated that the principal investigator would carry-out euthanasia, but did not identify when and why animals would be euthanized and the number of animals to be euthanized.

**Date of Alleged Violation: September 1, 2023**

**9 C.F.R. § 3.28(a)(1)** Primary enclosures.

All primary enclosures for guinea pigs and hamsters shall conform to the following requirements:

(a) General.

(1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

UM failed to ensure enclosures were structurally sound and maintained in good repair to protect hamsters from injury. On September 1, 2023, UM found a dwarf hamster with its front foot caught in the overhead grate of its enclosure. A medical evaluation of the foot found "soft tissue injury and lameness." Despite treatment, the hamster's foot appeared to have permanent damage. As a result, on September 5, 2023, UM humanely euthanized the hamster as instructed by the attending veterinarian.

**Date of Alleged Violation: January 17, 2024**



**9 C.F.R. § 3.28(a)(1) Primary enclosures.**

All primary enclosures for guinea pigs and hamsters shall conform to the following requirements:

(a) General.

(1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

UM failed to ensure enclosures were structurally sound and maintained in good repair to protect hamsters from injury. UM found a dwarf hamster with its front foot caught in the overhead grate of its enclosure. A medical evaluation identified a degloving injury on the affected leg. As a result, UM humanely euthanized the hamster as instructed by the attending veterinarian.

**Date of Alleged Violation: March 22, 2024**

**9 C.F.R. § 3.153(a)(1)(ii) Primary enclosures.**

(a) General requirements. Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

(1) Primary enclosures must be constructed and maintained so that they:

(ii) Protect the birds from injury;

UM failed to construct and maintain enclosures so that they protect birds from injury. UM found a house finch (#516) dead with digit III on its left foot stuck in a gap between the side and back panel of its enclosure.

The civil penalty amount is \$15,100 to resolve the alleged violation(s) above.

By paying the civil penalty, you are entering into this Settlement Agreement and:

1. Neither admitting nor denying the alleged violation(s) described above,
2. Agreeing to waive your right to a hearing, and
3. Agreeing to waive any action against USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred in connection with this/these alleged violation(s) or any action against any USDA employee in their individual capacity.