



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Dkt. No. 15-0023
)
Santa Cruz Biotechnology, Inc.,)
)
Respondent) Complaint

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

I

A. Santa Cruz Biotechnology, Inc., hereinafter referred to as respondent, is a Delaware corporation whose address is 2145 Delaware Avenue, Santa Cruz, California 95060.

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

C. The respondent has received a copy of the

regulations and the standards issued pursuant to the Act and agreed in writing to comply with them.

II

A. On September 26, 2012, APHIS inspected respondent's premises and records and found that the Institutional Animal Care and Use Committee (IACUC) did not insure that procedures involving animals will avoid or minimize discomfort, distress and pain to the animals, in violation of section 2.31(d)(1)(i) of the regulations (9 C.F.R. § 2.31(d)(1)(i)).

B. On September 26, 2012, APHIS inspected respondent's premises and found that the respondent had failed to establish and maintain programs of adequate vet care that included daily observation of all animals to assess their health and well-being, in violation of section 2.33(b)(3) of the regulations (9 C.F.R. §§ 2.33(b)(3)), and in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

C. On September 26, 2012, APHIS inspected respondent's facility and records and found the following violations of section 2.26 of the regulations (9 C.F.R. 2.26) and the standards specified below, and willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. The facility was not constructed of such material

and such strength and was not maintained in good repair to protect the animals from injury and contain the animals (9 C.F.R. § 3.125(a));

2. Animals were not provided with wholesome, palatable food that was free of contamination and of sufficient quantity and nutritive value to maintain the animal in good health (9 C.F.R. § 3.129(a));

3. Excreta was not removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors (9 C.F.R. § 3.131(a)); and

4. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests was not established and maintained (9 C.F.R. § 3.131(d)).

III

From at least March 6, 2012, through October 30, 2012, respondent failed to allow APHIS officials to inspect and photograph facilities, property, and animals housed at the Lake Ranch/H7 location, as the APHIS officials considered necessary to enforce the provisions of the Act, regulations and standards, and in violation of section 2.38(b)(1)(iv) of the regulations, and willful violation of section 2.126(a)(4) of the regulations (9 C.F.R. §§ 2.38(b)(1)(iv), 2.126(a)(4));

7 U.S.C. § 2146(a)).

IV

A. On October 31, 2012, APHIS inspected respondent's premises and records and found that the IACUC did not review and approve, require modifications in (to secure approval) or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities, in violation of section 2.31(c)(7)) of the regulations (9 C.F.R. § 2.31(c)(7)).

B. On October 31, 2012, APHIS inspected respondent's premises and found that the respondent had failed to establish and maintain programs of adequate vet care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care and included daily observation of all animals to assess their health and well-being, in violation of sections 2.33(b)(2) and (3) of the regulations (9 C.F.R. §§ 2.33(b)(2) and (3)), and in willful violation of sections 2.40(b)(2) and (3) of the regulations (9 C.F.R. §§ 2.40(b)(2) and (3)).

C. On October 31, 2012, APHIS inspected respondent's facility and records and found the respondent violated section 2.26 of the regulations (9 C.F.R. § 2.26) and the standards,

and willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards since the premises (buildings and grounds) were not kept clean and in good repair and free of accumulations of trash (9 C.F.R. § 3.131(c)).

V

On December 18, 2012, APHIS inspected respondent's premises and found that the respondent had failed to establish and maintain programs of adequate vet care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care and included daily observation of all animals to assess their health and well-being, in violation of sections 2.33(b)(2) and (3) of the regulations (9 C.F.R. §§ 2.33(b)(2) and (3)), and in willful violation of sections 2.40(b)(2) and (3) of the regulations (9 C.F.R. § 2.40(b)(2) and (3)).

VI

On February 20, 2013, APHIS inspected respondent's premises and found that the respondent had failed to establish and maintain programs of adequate vet care that included appropriate methods to prevent, control, diagnose and treat disease and injuries and the availability of emergency, weekend and holiday care in violation of section 2.33(b)(2) of

the regulations (9 C.F.R. §§ 2.33(b)(2)), and in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

VII

On May 14, 2013, APHIS inspected respondent's premises and records and found that the IACUC did not review and approve, require modifications in (to secure approval) or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities, in violation of section 2.31(c)(7) of the regulations (9 C.F.R. § 2.31(c)(7)).

VIII

On September 10, 2013, APHIS inspected respondent's facility and records and found the following violations of section 2.26 of the regulations (9 C.F.R. § 2.26) and the standards specified below, and willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Sufficient shade by natural or artificial means was not provided to allow all animals kept outdoors to protect themselves from direct sunlight when sunlight is likely to cause overheating or discomfort of the animals (9 C.F.R.

§ 3.127(a)).

IX

A. On April 22, 2014, APHIS inspected respondent's premises and records and found that the IACUC did not review and approve, require modifications in (to secure approval) or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities, in violation of section 2.31(c)(7) of the regulations (9 C.F.R. § 2.31(c)(7)).

B. On April 22, 2014, APHIS inspected respondent's premises and records and found that the IACUC did not review and approve a proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, that contained a complete description of the proposed use of the animals, in violation of section 2.31(e)(3) of the regulations (9 C.F.R. § 2.31(e)(3)).

C. On April 22, 2014, APHIS inspected the respondent's facility and records and found the following violations of section 2.26 of the regulations (9 C.F.R. § 2.26) and the standards specified below, and willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Primary enclosures were not kept reasonably free of excreta, hair, cobwebs and other debris by periodic cleaning (9 C.F.R. § 3.56(a));

2. The food provided for rabbits was not free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbits (9 C.F.R. § 3.54(a));

3. Food was not wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health (9 C.F.R. § 3.129(a)).

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).

(c) Suspending or revoking the respondent's license
in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 4th day of Nov., 2014



Administrator
Animal and Plant Health
Inspection Service

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