BEFORE THE UNITED STATES FISH AND WILDLIFE SERVICE

In re: Harvard Medical School
    New England Primate Research Center

Docket No. ___

PETITION FOR ENFORCEMENT

Submitted to:

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Date:
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Reply to:

Physicians Committee for Responsible Medicine
c/o Mark Kennedy, Director of Legal Affairs
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1. Action Requested

Harvard Medical School has repeatedly violated the Endangered Species Act by killing and harming critically endangered cotton-top tamarins (*Saguinus oedipus*) at its New England Primate Research Center (NEPRC). Animal welfare deficiencies affecting other species at the NEPRC and the stress caused by laboratory captivity raise additional concerns. The Physicians Committee for Responsible Medicine (PCRM) requests that the U.S. Fish and Wildlife Service immediately investigate and penalize Harvard Medical School for violations of the Endangered Species Act and retire all cotton-top tamarins at NEPRC to sanctuary.

2. Background on Cotton-Top Tamarins

Cotton-top tamarins are New World monkeys easily recognized by long, white hair on their heads. They are very small; on average, wild cotton-top tamarins weigh about 1 pound and are 9 inches tall. They are cooperative breeding animals, meaning that infant cotton-top tamarins are cared for not only by their mothers, but by their fathers and siblings, as well.1 Cotton-top tamarins are native to Colombia, where they forage, travel, and rest in tropical forests.2

In the late 1960s and early 1970s, tens of thousands of cotton-top tamarins were exported from Colombia to the United States for use in experiments.3 This, in part, led to the species being declared endangered in 1976. See 50 C.F.R. § 17.11(h) (listing “Marmoset, cotton-top” as “Saguinus oedipus”); U.S. FISH & WILDLIFE SERVICE. Species Profile: Cotton-Top marmoset (*Saguinus oedipus*) (2012), http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A06Q (listing species name as both “Cotton-Top marmoset (Saguinus oedipus)” and “Cotton-Top Tamarin”).

Today, cotton-top tamarins are critically endangered, and it is estimated that only 6,000 remain in the wild.4 As of 2001, there were approximately 200 cotton-top tamarins at NEPRC.5

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4 Ibid. 3
March 2012, a U.S. Department of Agriculture (USDA) inspector visiting the facility noted that the species numbered 167 individuals.  

3. New England Primate Research Center Kills Cotton-Top Tamarins in Violation of the Endangered Species Act

In February 2012, NEPRC laboratory personnel found a cotton-top tamarin exhibiting “unusual behavior” in his cage. There was no water bottle in the cage, and the tamarin was so severely dehydrated that he had to be euthanized. This alone was a serious oversight, but it is even more concerning when coupled with the death of another primate at NEPRC under similar circumstances less than three months earlier. In that incident, in December 2011, a squirrel monkey died of dehydration.

In June 2010, a cotton-top tamarin at NEPRC was sent through a cage washer and was found dead in the cage after the cycle. The USDA inspection report cited the facility for this serious violation, and the violation is part of an ongoing investigation of NEPRC by the USDA’s Investigative Enforcement Services. In describing the cage washer incident, the inspector stated, “Results of gross and microscopic examinations of the body are consistent with the conclusion that the NHP had died before the enclosure was put into the cage washer.” However, undergoing the scalding, high-pressure water and harsh chemicals typical of laboratory cage washers would make a cotton-top tamarin’s body unrecognizable or nearly so. As such, it is doubtful that anyone could reliably exclude death from the cage washer cycle or determine the time of the tamarin’s death by examining what little of the tamarin’s body remained. In any event, the animal’s death illustrates the harms faced by cotton-top tamarins in the possession of Harvard Medical School and NEPRC.

The Endangered Species Act states that it is unlawful to “take any [endangered] species within the United States or the territorial sea of the United States,” 16 U.S.C. § 1538(a)(B), and to “violate any regulation pertaining to such species,” 16 U.S.C. § 1538(a)(G). To “take” is “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 16 U.S.C. § 1532(19).

The two cotton-top tamarin deaths at NEPRC constitute violations of the Endangered Species Act. Though the Act allows “any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species,” 16 U.S.C. § 1539(a)(1)(A), such acts are legal only after receiving permits from the secretary of the Fish and Wildlife Service. Harvard does not have any active permits related to tamarins with the U.S. Fish and Wildlife

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Service, and it is clear that the above killings did not benefit the survival of cotton-top tamarins in any way.

4. **New England Primate Research Center Harms Cotton-Top Tamarins in Violation of the Endangered Species Act**

After the February 2012 cotton-top tamarin death at NEPRC, Harvard Medical School dean Jeffrey S. Flier, M.D., suspended new experiments and vowed to improve the facility. Yet no matter the changes the university makes, cotton-top tamarins face constant harm, defined as “physical or mental damage,” in laboratory captivity.

Animals do not thrive in captivity. It is well known that captive primates often exhibit hair picking, self-injury, and other abnormal behaviors. Light, sound, and interaction with humans in the lab can negatively influence animals’ well-being, and experiences in the laboratory resemble conditions that lead to trauma in human captivity.

Cotton-top tamarins, who have been said to “develop stress easily,” face particular harms in captivity. For example, tamarins in laboratory environments have been found to suffer from stress-induced colitis which subsides when they are returned to more natural environments. This condition can be extremely painful or even deadly. In 2001, researchers studying cotton-top tamarins at NEPRC wrote, “Five [cotton-top tamarins] presented with acute onset of profuse diarrhea. Affected animals became anorexic and inactive and developed clinically recognized dehydration…Animals received supportive therapy and were treated with enrofloxacin (2 mg/kg once a day intramuscularly) and lactated Ringer’s solution. Despite therapy, 4 of 5 animals died or were euthanized after a disease course of 2-10 days.”

By subjecting cotton-top tamarins to stress, illness, and premature death in laboratory captivity, NEPRC perpetually harms them. This harm, which constitutes an illegal take under the Endangered Species Act, is a very serious violation.

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17 Ibid. 5
5. Numerous Additional Incidents Raise Serious Concerns for Cotton-Top Tamarin Safety

Cotton-top tamarins are not the only primates who have been killed or harmed at the NEPRC. In the past year, USDA has cited NEPRC for numerous additional Animal Welfare Act violations involving primates, including the following:

- **June 2011**—On multiple occasions, procedures that had not been approved by the Institutional Animal Care and Use Committee were performed on primates.\(^{18}\)
- **October 2011**—A marmoset was killed after escaping from his cage, being captured, and undergoing an imaging procedure.\(^{19}\)
- **December 2011**—Multiple primates were noted to have areas of patchy hair loss or to be exhibiting abnormal behaviors characteristic of psychological distress.\(^{20}\)
- **December 2011**—Two squirrel monkeys became severely dehydrated when staff did not notice a malfunctioning water dispenser. One of the squirrel monkeys died.\(^{21}\)
- **December 2011**—Several rhesus macaques escaped from their pens, and one suffered a foot injury.\(^{22}\)
- **January 2012**—A squirrel monkey sustained multiple leg fractures when a door was closed on him during a cage check.\(^{23}\)

From Harvard’s poor record on animal care, it is clear that staff cannot take care of the many primates at NEPRC, and these additional incidents involving deaths, injuries, and abnormal behaviors raise serious concerns about the risk posed to cotton-top tamarins and all monkeys at the facility.

6. Sanctuaries Provide Superior Environment for Cotton-Top Tamarins

Sanctuaries are better equipped than research facilities to take care of endangered species such as cotton-top tamarins. Thus, the tamarins at NEPRC should be immediately released into the care of organizations such as Jungle Friends Primate Sanctuary of Gainesville, Fla.

Jungle Friends provides care for primates rescued from the pet trade, retired from research facilities, or confiscated by authorities. Registered with USDA and accredited by both the American Sanctuary Association and the Association of Sanctuaries, Jungle Friends offers large habitats designed to promote normal behavior and natural enrichment. Primates, including cotton-top tamarins, thrive under the care of Jungle Friends.

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\(^{20}\) Ibid. 19

\(^{21}\) Ibid. 9

\(^{22}\) Ibid. 9

\(^{23}\) Ibid. 9
Hershey and Gatsby are two such cotton-top tamarins. Retired from a research laboratory in 2008, they were among 10 cotton-top tamarins sent to Jungle Friends (the sanctuary also worked to place 60 more cotton-top tamarins from the same research facility in sanctuaries across the country). Here is the story of Hershey’s and Gatsby’s arrival as told by the sanctuary:

“The ten who arrived here at Jungle Friends were flown to Orlando where we picked them up. It was after dark when we reached the sanctuary, so we took our new residents directly to Tamarin Town. We put the carriers into the indoor enclosures and left the carrier doors open for a 'soft release', meaning the monkeys would choose for themselves when they wanted to venture out into unknown territory.

“The Hershey and his companion Gatsby decided that they would just stay put for a while, but by late the next morning they cautiously emerged out of their carriers to join the other brave souls — and oh the chatter!

“The Hershey and Gatsby are never far from each other, they are both very interested in every detail of their new home — discovering the great outdoors for the first time, getting a taste of a new, larger life — and reminding us why we do what we do!”

Jungle Friends Animal Sanctuary and other sanctuaries across the country have substantial experience with providing exceptional care for cotton-top tamarins. Thus, the NEPRC cotton-top tamarins would vastly benefit from retirement to these sanctuaries.

7. Conclusion

The New England Primate Research Center has violated the Endangered Species Act by illegally taking cotton-top tamarins. Specifically, NEPRC has killed some tamarins through neglect and has harmed other tamarins by keeping them captive under inherently stressful laboratory conditions. Numerous animal welfare deficiencies affecting other species of primates at NEPRC raise concerns that the tamarins may be at further risk. The U.S. Fish and Wildlife Service is the principal agency responsible for administering and enforcing the Endangered Species Act. To protect this critically endangered species, the U.S. Fish and Wildlife Service should investigate and penalize Harvard for these violations and retire all cotton-top tamarins at NEPRC to sanctuaries equipped to give them a safer, stress-free living environment.