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PETA Continues Push for U. of Washington IACUC Names, UMass Documents, Vows More Legal Actions

By Theresa Defino

A legal fight with People for the Ethical Treatment of Animals (PETA) over the release of documents—including the names of institutional animal care and use committee (IACUC) members—has already cost the University of Washington (UW) more than \$540,000 in fines and penalties alone, and it's not over yet.

At the same time, PETA and the University of Massachusetts Amherst are also embroiled in litigation, which the animal rights group filed in September related to primate research, including videos and protocols and IACUC names. PETA officials also vow to pursue other universities and research institutions in court for what it says are violations of state public meeting and records laws.

“While many universities do release the names of the IACUC members, some are secretive. We are looking carefully at public institutions with numerous violations that aren't transparent and will file suit as necessary,” Kathy Guillermo, PETA senior vice president, laboratory investigations, told RRC. “We will be looking at additional lawsuits, but we aren't far enough along to say where yet.”

In the last two years, the Animal and Plant Health Inspection Service, which enforces the Animal Welfare Act that governs research involving animals, has fined six universities and research institutions.^[1] UW is among them.

In October, King County Superior Court Judge Suzanne Parisien ordered UW to pay PETA \$277,584 in attorneys' fees, \$12,318 in costs (such as for videotaping depositions) and \$250,000 in penalties stemming from its handling of PETA's records requests under the state Public Records Act (PRA). Among PETA's requests was “the amount of settlements and judgments” it paid for previous violations of the PRA.

IACUC Filed Own Suit to Prevent Release

On Feb. 17, PETA announced it had scored a “major win” in a separate case when the U.S. Court of Appeals for the Ninth Circuit reversed a district court's preliminary injunction that prohibited UW from releasing letters appointing UW IACUC members.^[2]

However, UW IACUC members—who filed for the injunction against UW to retain their anonymity and avoid being “targeted for harassment”—have requested a rehearing of the appellate decision. In that ruling, the three-judge Ninth Circuit also rejected the members' assertion “that the disclosure of such letters, which contain their personal identifying information, would violate their First Amendment right of expressive association.”

They said IACUC members' “performance of their official duties is not protected by the First Amendment right of expressive association, and so the disclosure of public records that relate to performance of such duties does not impinge on that right.” The Reporters Committee for Freedom of the Press and 16 other media-related organizations, including *The Seattle Times*, joined PETA in seeking to overturn the injunction.

In their request for a rehearing, the IACUC members said the Ninth Circuit had erred in its reasoning and was

inconsistent with prior rulings.

To date, UW still has not released the names. Seventy-six former and current IACUC members are part of the suit. Only one is identified by name; the rest are referred to as P. Poes, “gender-neutral pseudonyms” (instead of John or Jane Does).

PETA: IACUC Members Not ‘Harmed’

PETA tried to get the names by requesting letters appointing them, which Asher Smith, PETA Foundation director of litigation, said was a “necessary last resort because the UW IACUC was keeping the names of members of a state governing body secret during public meetings.”

He added that “PETA had previously sued over the latter practice, alleging that this violates Washington state open meetings law. While the resolution of that case has been delayed by the similar federal case, the Washington state court recently ruled in PETA’s favor by allowing PETA to amend its lawsuit.”

PETA’s separate and newly amended suit over the release of the names identifies numerous UW staff and some IACUC members by name but also mentions “John Does 1-5.” PETA has “pieced together” the identities through unrelated document releases and members self-identifying on social media, Smith said. Their identities being known has not led “to any kind of harm,” which invalidates their claim, he noted.

“Presumably, the IACUC members are aware that, if it could be confirmed the UW IACUC is improperly constituted, it could have serious consequences for recently approved experimental protocols,” Smith told RRC.

Smith said PETA won’t file a response to the request for a rehearing of the appeal’s court ruling “unless the court asks for it.” He expressed confidence that the rehearing request will be denied. “Only 1% of petitions for rehearing are granted,” Smith said.

UW ‘Is in Compliance’ With Laws

For its part, spokesperson Victor Balta told RRC UW “takes its commitment as a public agency to provide public records very seriously—not only as a matter of law but because it is the right thing to do.”

He added that UW “has responded to many public records requests from PETA over several years involving thousands of pages of responsive records” and “also processes millions of pages worth of documents in response to public records requests every year.”

Balta said the court dismissed four of PETA’s seven public records requests, as well as PETA’s “claims that the UW failed to provide reasonable response times to PETA’s requests. While the judge found liability on three of PETA’s claims, the UW continues to deny that it concealed or destroyed any documents subject to PETA’s requests.”

UW “properly handled records and responded to the requests,” Balta said.

Balta also maintained UW’s IACUC meetings “are conducted in compliance with legal and regulatory requirements and denies the allegations of violating the Open Public Meetings Act or any retaliation as a result of comments at meetings.”

UMass Suit Follows Exemption Claims

In UMass’ case, PETA alleges it “refuses to produce numerous public records, including video recordings of taxpayer-funded primate experiments conducted at its facilities,” according to the suit filed in Suffolk County

Superior Court.

PETA has been seeking the documents for nearly two years “pertaining to these taxpayer-funded experiments,” but UMass “continues to violate the Public Records Law by refusing to produce the records based on unsubstantiated claims that these public records are exempted from disclosure,” the court documents state.

In correspondence to PETA in April 2022 redacting IACUC members’ names, UMass officials cited the UW IACUC ruling that the appeals court has since reversed and other exemptions of commonwealth law.

Speaking broadly, PETA’s Guillermo said that an “IACUC is all that stands between the animals and the people who use them. If the IACUCs aren’t doing their jobs properly, it enables bad behavior, sloppy practices, and violations of the laws and guidelines.”

She said, “an effective IACUC has to start by being properly constituted; if it’s stacked with individuals who don’t meet the criteria it becomes a rubber stamp committee and fails to do its job and animals suffer.”

UMass: Animal Research ‘Saves Lives’

Regarding the suit PETA filed in September, “UMass Amherst does not comment on specific matters in active litigation,” spokesperson Ed Blaguszewski told *RRC*.

Instead, he defended UMass’ research using animals.

“As we have publicly noted in a general statement on many occasions, medical research has saved and improved the lives of millions of people and animals,” Blaguszewski said. “UMass Amherst has a commitment to care for laboratory animals that involves the highest ethical standards and rigorous attention and adherence to all applicable federal and state laws and guidelines.”

1 Theresa Defino, “APHIS Recently Fined Six Institutions for AWA Violations,” *Report on Research Compliance* 20, no. 4 (April 2023).

2 People for the Ethical Treatment of Animals, “Animal Oversight Board Members Can’t Hide Names—Landmark 9th Circuit Court Victory for PETA,” news release, February 17, 2023, <http://bit.ly/3mIAjYB>.

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