



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

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Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

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March 15, 2007

Re: Animal Welfare Assurance
A3196-01 [OLAW Case 30]

Dr. Roberto Peccei
Vice Chancellor for Research
University of California, Los Angeles
405 Hilgard Avenue
Los Angeles, CA 90024-1405

Dear Dr. Peccei,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your March 8, 2007 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the University of California- Los Angeles (UCLA). According to the information provided, OLAW understands that an investigator failed to treat or euthanize an injured mouse as directed by the veterinarian. The animal was subsequently found dead. Eight similar instances had previously occurred in this laboratory.

The corrective action consisted of counseling the investigator and having the investigative staff undergo retraining.

Based on its assessment of this explanation, OLAW is extremely concerned that prior corrective actions have not been successful in preventing recurrences of the noncompliance resulting in nine similar incidents happening in the same laboratory. In order for OLAW to have a better understanding of how the Institutional Animal Care and Use Committee (IACUC) ensures compliance with the PHS Policy please provide the following information:

- 1) Does UCLA employ a system of escalating sanctions or enhanced oversight following a recurrent noncompliance to prevent additional incidents?
- 2) What consequences does an investigator face when the same violation is identified numerous times? What specific institutional consequences can be expected other than the indication that the violation is unacceptable and will be reported to OLAW?
- 3) Provide the investigator's corrective action plan for avoiding future noncompliance.

- 4) What form of post-approval monitoring will the IACUC employ with this laboratory to ensure compliance?
- 5) Provide a copy of the ARC Policy on Investigator Notification of Sick and Injured Animals.
- 6) Explain the follow up procedures the veterinary staff takes to ensure that directives for animal care are promptly carried out to avoid unnecessary animal pain and distress. Also indicate whether the veterinary staff has adequate administrative support and authority to carry out its professional duties.

Please provide the requested information by **April 13, 2007**.

Sincerely,



Axel Wolff, M.S., D.V.M.

Director, Division of Compliance Oversight

cc: William McBride, Ph.D., IACUC Chair
Kathy Wadsworth, Associate Director-Animal Subjects Research

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April 11, 2007

Axel V. Wolff, M.S., D.V.M.
Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
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6705 Rockledge Drive
Bethesda, MD 20892-7982

RE: Animal Welfare Assurance A3196-01
OLAW Case 3P
Initial report dated March 8, 2007

Dear Dr. Wolff:

Thank you for your letter of March 15, 2007 regarding OLAW Case 3P. In your letter, you indicate that OLAW is extremely concerned that these incidents are allowed to occur numerous times without effective measures implemented to prevent a recurrence. Please know that incidents of noncompliance are indeed of great concern to me as well, however, I hope that the clarifications provided in this letter allay some of your concerns regarding UCLA's animal care and use program.

UCLA takes compliance with PHS policy very seriously. The Chancellor's Animal Research Committee (ARC) and Division of Laboratory Animal Medicine (DLAM) work in concert to develop policies and procedures aimed at ensuring that animals housed at UCLA receive the utmost care, and that animals found sick or injured are attended to at the earliest possible time in order to avoid further pain or distress. As indicated in the ARC Policy on Notification of Investigators with Sick or Injured Animals, investigators are expected to attend to sick or injured animals, as prescribed in DLAM Health Case reports. Failure of research personnel to carry out veterinary orders is considered a serious violation reportable to OLAW.

In reviewing incidents of noncompliance over the past couple of years, we noted that some researchers and their staff still do not fully understand that it is unacceptable for investigators to simply fail to respond to Health Case notifications and expect DLAM staff to treat or euthanize the animal(s), which is the default situation. In order to correct this situation, and any other misconceptions that investigators might have, Associate Director Kathy Wadsworth and Clinical Veterinarian Joanne Zahorsky-Reeves, DVM, Ph.D., initiated a series of educational meetings with investigators and their lab staff to review DLAM procedures and policies for the care of research animals and to go over, in detail, incident reports that come from a specific lab. These meetings also provide an opportunity for investigators and their staff to ask questions about the ARC and DLAM and raise concerns that they might have. Over a dozen ARC/DLAM Educational meetings have been held so far this year, and will continue to be held until all animal researchers have had the opportunity to meet with Ms. Wadsworth and Dr. Zahorsky-Reeves, or their representatives.

As requested in your correspondence of March 15, 2007, I have addressed each of your specific questions regarding our animal care and use program, below:

1) **Does UCLA employ a system of escalating sanctions or enhanced oversight following a recurrent noncompliance to prevent additional incidents?**

Campus veterinarians attempt to address initial, minor problems concerning animal health or husbandry directly with the researcher and/or their staff. If additional or continuing problems are noted, a report is forwarded to the ARC for consideration. The ARC reviews all reports of noncompliance, and determines appropriate sanctions on a case by case basis.

UCLA employs a system of escalating sanctions for additional or continued instances of noncompliance that involve:

- Written formal warnings that continued incidents may result in suspension, additional retraining,
- Mandatory veterinary oversight of all animal procedures,
- Denied access to animal facilities,
- Suspension of some or all of the animal activities under the approved protocol, or
- Reassignment of an interim researcher or principal investigator.

An initial occurrence of noncompliance generally leads to a formal letter and retraining in ARC policies and DLAM procedures, but on occasion may warrant more severe sanctions, and in some cases suspension of all animal activities.

In the case of OLAW Case 3P, this was the first report of noncompliance forwarded to the ARC regarding the investigator. The incident was easily

remedied and, therefore, a warning letter and mandatory attendance at an ARC/DLAM education session were deemed appropriate corrective actions.

2) **What consequences does an investigator face when the same violation is identified numerous times?**

As noted above, the consequences of continued reports of noncompliance reported to the ARC could result in required retraining, mandatory veterinary observation of animal procedures, denied access to animal facilities, suspension of some or all of the animal activities under the approved protocol, or reassignment of an interim researcher or principal investigator.

What specific institutional consequences can be expected other than the indication that the violation is unacceptable and will be reported to OLAW?

Continued instances of noncompliance or instances of animal mistreatment which have not been successfully addressed between the researcher and the ARC may lead to additional institutional consequences such as temporarily revoking the right of personnel to work with animals or permanent suspension of animal use privileges. Such was the case in an instance of mistreatment reported to you on May 19, 2005, in which the ARC revoked an investigator's privilege to conduct animal research at UCLA.

3) **Provide the investigator's corrective action plan for avoiding future noncompliance.**

As noted in the previous correspondence, the investigator replied promptly to the ARC's request for comment regarding the continued incidents, stating that he had spoken with this lab staff, but that they did not understand that the Health Cases were meant as requests for staff to take immediate action, rather than informational notices. Specifically, the investigator replied,

"[A]n investigation ... revealed that the students and post-docs who take care of mice in my lab interpret the messages from DLAM indicating a sick animal as an information about which animal is sick, with the understanding that if they don't take any action, DLAM will perform the euthanasia and my lab will be charged for it. It seems that it was a misinterpretation and that we, at the minimum, need to actively notify DLAM that we would like the animal to be euthanized by DLAM. I apologize for this, and we will remedy to this systematically, by notifying DLAM of what actions we will take (either take care of the animal ourselves, or request DLAM to perform either treatment or euthanasia). On a side note, my lab has recently experienced significant turn over, with two experienced students leaving, probably causing more difficulty in following up on email from DLAM. I had

an extensive review today during my lab meeting about these issues with my lab and we will endeavor that they are solved."

As noted in my correspondence of March 8, 2007, the ARC reviewed the investigator's response to this matter at a convened meeting of January 22, 2007 and found the investigator's explanation to be acceptable, but required that the investigator and his lab staff attend an educational meeting with Associate Director Wadsworth and Dr. Zahorsky-Reeves to review and discuss the applicable ARC policies and DLAM procedures. The educational meeting was held February 7, 2007.

4) What form of post-approval monitoring will the IACUC employ with this laboratory to ensure compliance?

The attending clinical veterinarian Dr. Zahorsky-Reeves is aware of the incident and monitors the status of the investigator's animals, as reported by DLAM animal technicians, and communicates frequently with Associate Director Kathy Wadsworth regarding this. No other post approval monitoring was deemed necessary at this time.

5) Provide a copy of the ARC Policy on Investigator Notification of Sick and Injured Animals.

Please see attached policy.

6) Explain the follow up procedures the veterinary staff takes to ensure that directives for animal care are promptly carried out to avoid unnecessary animal pain and distress. Also indicate whether the veterinary staff has adequate administrative support and authority to carry out its professional duties.

As noted in the attached policy, upon finding a sick or injured animal, veterinary staff mark the cage of animals that require attention by placing a notification tag or post-it note next to the cage card and notify the investigator's lab as soon as feasible thereafter. Depending on the urgency of the situation, this notification is made via e-mail or telephone and contains a summary description of the animal's condition as well as a recommendation for either treatment or euthanasia and a time line of up to 24 hours for it to be completed. If the investigator cannot be reached, the animal is attended to by the veterinarian and may be euthanized, depending on its condition, in accordance with the ARC Policy on Authority of the Attending Veterinarian (attached). If the investigator does not respond within the specified timeframe, this is considered a noncompliance.

DLAM promptly euthanized all but one of the animals referenced in OLAW Case 3P at the conclusion of the deadline indicated in the Health Case report. A mouse

observed on December 15, 2006 was not euthanized, as it was originally thought to have dystocia. The mouse was later noted to have an abdominal mass, rather than dystocia, and was euthanized when veterinary staff observed its low body condition score.

- 7) **Is the investigator training adequate to ensure that investigative staff understand applicable regulations and policies such as the function of Health Case reports.**

As noted above, Associate Director Wadsworth, and Dr. Zahorsky-Reeves have initiated a series of educational meetings with investigators and their lab staff to review DLAM procedures and policies for the care of research rodents, in particular to review the ARC Policy on Notification of Investigators with Sick or Injured Animals.

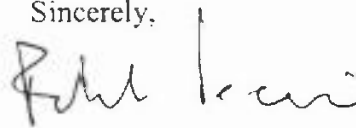
- 8) **What steps DLAM will take to ensure investigator compliance when the same problems repeatedly recur.**

DLAM veterinary staff generally contact the investigator and/or lab staff upon initial notification of a problem. The matter is often addressed and corrected at that time through reeducation, retraining and/or increased DLAM monitoring of animal procedures. Depending upon the nature of the incident, DLAM veterinary staff may also choose to refer an initial incident to ARC, rather than attempt to manage the problem themselves.

Upon repeated failure of researchers to respond to DLAM Health Cases (generally three instances, although more severe cases may be reported immediately to the ARC at the veterinarian's discretion), veterinary staff report the incidents and all pertinent detail to the ARC for their consideration.

Thank you again for the opportunity to provide clarification regarding UCLA's animal care and use program. If you have any questions or concerns, please do not hesitate to contact me at (310) 825-7943.

Sincerely,



Roberto Peccei
Vice Chancellor for Research

cc: Dr. William H. McBride, Chair, ARC
Judith L. Brookshire, Director, OPRS
Kathy Wadsworth, Associate Director, Animal Subjects Research