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April 28, 2006

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Axel V. Wolff, M.S., D.V.M.  
Director, Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health  
Rockledge 1, Suite 360, MSC 7982  
6705 Rockledge Drive  
Bethesda, MD 20892-7982

Dear Dr. Wolff:

I am writing to provide you with a report of continued noncompliance involving animals housed in a UCLA investigator's laboratory. This lab receives funding from various Federal sources including National Institutes of Health (NIH) grants # HL30568 and #IRO1 HL6 8445.

The Chancellor's Animal Research Committee (ARC) was notified on February 27, 2006 by Joanne Zahorsky-Reeves, DVM of the Division of Laboratory Animal Medicine (DLAM), of continued incidents involving failure of research staff to carry out veterinary orders, as required by ARC Policy<sup>1</sup>. Specifically, in October 2005, the investigator was notified that over a two week period there had been four (4) separate instances in which mice were euthanized by DLAM technicians due to failure of the investigator's staff to carry out veterinary orders to either treat or euthanize the sick or injured animals. At that time, the veterinarian informed the investigator that future incidents of non-treatment would be reported to the ARC.

<sup>1</sup> In accordance with ARC Policy on Notification of Investigators with Sick or Injured Animals, DLAM veterinary staff contact researchers immediately to order treatment or euthanasia of animals found to be moribund or in a state of undue pain or distress. If the investigator cannot be reached, the animal may be euthanized in accordance with the ARC Policy on Authority of the Attending Veterinarian. Continued failure of research personnel to carry out veterinary orders is considered a serious violation reportable to the NIH Office of Laboratory Animal Welfare. ARC Policy further clarifies that "it is unacceptable to simply fail to respond to such notification and expect DLAM staff to treat or euthanize the animal."

On February 27, 2006, the veterinarian reported that two (2) additional mice had been euthanized by DLAM, because the investigator's lab staff had failed to respond to veterinary orders to treat or euthanize sick mice.

In accordance with the ARC Policy, Investigating Allegations of Mistreatment or Other Noncompliance Issues<sup>2</sup>, the investigator was provided an opportunity to comment on the incidents.

The investigator replied promptly, stating that he was quite concerned about the continued noncompliance and that he had already spoken to his research staff about the failure to follow DLAM vet orders. The investigator explained that on several occasions, his staff did not agree with the DLAM order for euthanasia, as the animals appeared healthy. Rather than contact the attending veterinarian to discuss the apparent discrepancy, his staff disregarded the order. To avoid future noncompliance, the investigator informed his staff that they must reply to each DLAM request with a detailed explanation of the steps taken to carry out the order. If the research staff do not agree with the veterinary assessment for a specific mouse, the staff must contact the veterinarian immediately to discuss the situation.

The ARC reviewed the matter at a convened meeting of April 10, 2006 and found the investigator's corrective actions to be acceptable.

In accordance with PHS Policy IV.F.3, the ARC requested that this incident be reported to the NIH Office of Laboratory Animal Welfare (OLAW) as a serious deviation from the provisions of the *Guide for the Care and Use of Laboratory Animals*.

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

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<sup>2</sup> "In every investigation, the person(s) against whom the complaint has been raised shall be given notice of the concern and provided an opportunity to address the allegations in writing."



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE  
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare  
Rockledge One, Suite 360  
6705 Rockledge Drive - MSC 7982  
Bethesda, Maryland 20892-7982  
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare  
Rockledge One, Suite 360  
6705 Rockledge Drive  
Bethesda, Maryland 20817  
Telephone: (301) 496-7163  
Facsimile: (301) 402-2803

May 17, 2006

Re: Animal Welfare Assurance  
A3196-01 [OLAW Case 3H]

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 April 28, 2006 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. According to the information provided, OLAW understands that on several occasions research staff failed to carry out veterinary orders to euthanize ill mice, having the veterinary technicians perform the procedure instead.

The Principal Investigator counseled the staff on the necessity to follow veterinary orders or contact the veterinarian if there are any questions regarding orders.

Based on its assessment of this explanation, OLAW understands that appropriate corrective measures have been implemented to correct and prevent recurrences of this problem. We appreciate having been informed about this matter and find no cause for further action by this Office.

Sincerely,

Axel Wolff, M.S., D.V.M.  
Director  
Division of Compliance Oversight

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