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April 28, 2006

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 #2 R01 AG13622-06, and #N538480.

The Chancellor's Animal Research Committee (ARC) was notified on March 16, 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, there had been six (6) separate occasions between February 3 and March 13, 2006, in which mice were euthanized by DLAM technicians due to the failure of the investigator's lab staff to carry out veterinary orders to either treat or euthanize the sick or injured animals.

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<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.*"

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.

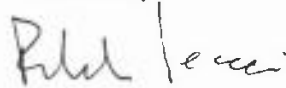
The investigator replied promptly to apologize for the oversight. In response to the noncompliance, the investigator held a training session in his lab in which staff reviewed the ARC Policy on *Notification of Investigators with Sick or Injured Animals*, and discussed standard procedures for animal care. The investigator imposed increased supervision of all lab staff for a minimum two month period to ensure that immediate attention is given to all animal care issues. Additionally, the lab adopted the following system to flag health cases: Urgent medical cases will be flagged with a green Post-It note. The animal's room, cage, rack and time of notice will also be noted on a dry erase board accessible to all vivarium staff. Non-urgent matters will be indicated on the animal's cage card and also noted on the vivarium dry erase board.

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  
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Bethesda, Maryland 20892-7982  
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

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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 3I]

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 research staff repeatedly failed to carry out veterinary orders to euthanize ill mice, having the veterinary technicians perform the procedure instead.

The Principal Investigator retrained the research staff, increased supervision, and instituted a notification system to assure that prompt attention is given to cages in need.

Based on its assessment of this explanation, OLAW understands that corrective measures have been implemented to prevent recurrence of the problem. OLAW concurs with the actions taken to comply with the PHS Policy. Thank you for notifying this Office about the matter.

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