



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare
6700B Rockledge Drive, Suite 2500, MSC 6910
Bethesda, Maryland 20892-6910
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare
6700B Rockledge Drive, Suite 2500
Bethesda, Maryland 20817
Telephone: (301) 496-7163
Facsimile: (301) 402-7065

August 16, 2019

Re: Animal Welfare Assurance
A3094-01 [OLAW Case F]

Drs. Joseph Moerschbaecher and Jennifer Pepping
Louisiana State University Health Sciences Center
433 Bolivar Street
New Orleans, LA 70112-2223

Dear Drs. Moerschbaecher and Pepping

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your August 14, 2019 letter regarding suspension of a PHS funded animal activity, which had not been preceded by a preliminary report to OLAW. According to the information provided, our office understands that on August 1, 2019, an unapproved transport method was used for birds. The Principle Investigator (PI) had ordered birds and transported them using a personally owned vehicle, despite being a discouraged practice according to the *Guide for the Care and Use of Laboratory Animals* and prohibited by institutional policies. In addition, the IACUC was told these birds were procured for use on one protocol but were actually used on another.

The Institutional Animal Care and Use Committee (IACUC) evaluated the incident on August 8, 2019 and voted to suspend two of the PI's animal use protocols. The committee required corrective actions consisting of retraining, and a letter from the PI to the IACUC confirming understanding of the severity of these issues and outlining proposed actions to prevent recurrence.

The IACUC plans to reassess the suspensions after eight weeks and successful completion of the corrections outlined above.

OLAW concurs with the actions taken by your institution to comply with the PHS Policy on Humane Care and Use of Laboratory Animals. We appreciate having been informed of this matter and at this time find no cause for further action by this office. Please note that suspensions of animal activities on PHS-supported studies must be reported to the funding component. In addition, please contact our office if the corrective actions are not carried out as described.

Sincerely;

(b) (6)

Nicolette Petervary, VMD, DACAW
Veterinary Medical Officer
Office of Laboratory Animal Welfare

cc: IACUC Contact

A3094 - F



Health Sciences Center

NEW ORLEANS

School of Medicine
School of Dentistry
School of Nursing
School of Allied Health Professions
School of Graduate Studies
School of Public Health

Institutional Animal Care and Use Committee

August 12th, 2019

Dear (b) (6)

On July 29th, 2019, a space request was made for birds to be ordered and placed on protocol 3482. The Division of Animal Care responded that the birds were not to be ordered that week due to scheduled transport of other animals. It was also explicitly stated that the birds could not be transported in a non-IACUC inspected and approved vehicle. Despite being informed of this, the birds were ordered and arrived on August 1st. The birds were then transported to LSUHSC in a taxi, which is not an IACUC approved vehicle. In addition to our policy, in the Guide For The Care and Use of Laboratory Animals (8th edition, 2011), it states that 'transportation of animals in private vehicles is discouraged because of potential animal biosecurity, safety, health, and liability risks for the animals, personnel, and institution.'

Additionally, the space request stated that the birds were to be used on protocol 3482, but instead they were placed on protocol B3669.

At an IACUC convened meeting on August 8th, 2019, these infractions were reviewed and discussed. It was decided by majority vote to suspend all activities on protocols 3482 and B3669. This suspension will be effective immediately and will remain in place for at least eight weeks. A letter must be sent to the IACUC stating your explanation and understanding of the severity of these issues. It must also include an explanation of actions that will be taken to prevent these problems from occurring again in the future. Additionally, training will be implemented as a means to prevent the infractions from reoccurring.

After eight weeks and successful completion of the above criteria, the IACUC will reevaluate the matter and determine if the actions taken are sufficient to warrant reinstatement of the research activities on protocols 3482 and B3669.

Sincerely,

(b) (6)

Joseph Moerschbaecher, PhD
Institutional Official and Vice Chancellor for Academic Affairs

(b) (6)

Jennifer Peppering, DVM, MS
Chairperson, Institutional Animal Care and Use Committee

(b) (6)

Jawed Alam, PhD, MBA
Executive Director, Office of Research Services

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Regarding animal transportation, this was what happened:

We ordered animals from a vendor in California in July (we had used the same vendor since I came to LSU in 2008). Transporting animals in summer time is a little complicated because animals could not tolerate extreme weather conditions. We postponed shipping several times in July, first due to the hurricane/storm in New Orleans, then the heat wave in California. We lost several weeks of research time. In addition, we have a visiting scientist who will be working on a project using these animals, she is here only for several months. The vendor ships animals once a week. As no one could predict future weather conditions, we watched forecast on daily basis. Once there was a short time window with permissible weather, the vendor shipped our order.

Once our animals arrived at the MSY airport, in the past, my postdoc ^{(b) (6)} and I went to the airport many times picking them using personal vehicles. More recently, animals were picked up by lab personnel accompanied by animal care staff with their vehicle. This time, I heard that animal care could not pick our animals, because they had to transport monkeys to the dental school on that day. Trying to help by not giving them more stress, I myself went to the airport and brought animals back using Uber and paid out of my own pocket.

I was not aware of a policy that one is not allowed to use non-LSU vehicle for animal transportation. This is not in our IACUC protocol. If such policy did exist, it is not viable, because transporting animals from California to LSU campus, involves several non-LSU commercial vehicles including Delta Cargo flight (we have been doing this for 10 years) There is simply no way that we can transport them from California to LSU using LSU vehicles. I could not see the rationale insisting using LSU vehicles in the last 15-20 miles of a journey of thousands of miles. In fact, many of my colleagues at other institutions use the same vendor/cargo shipping and it is common to personally pick up animals from the airport, some even drive directly to the vendor to buy animals using personal vehicles.

The letter I received cited (Guide for the Care and Use of Laboratory Animals, 2011/8th edition): "transporting animals in private vehicles is discouraged ...". I understand that once animals entered LSU facility and under experimental protocols, they are laboratory animals and they should be transported with LSU vehicles. But I would like to point out that literally speaking, the animals we shipped were not experimental or laboratory animals. They were not under any experimental protocols yet and they were not any different from animals sold in pet store. In addition, in my mind, discouraged does not mean not allowed.

In my understanding, animal care facility is supported by faculty research grant money, both direct and indirect cost. As a faculty member here, we expect to have adequate support from the facility. For a supportive and professional staff, it is not unreasonable or undoable to squeeze in a short trip to the airport (the entire trip takes about 45 minutes), even they had something else to do during that day. If they could not do it or did not want to do it, someone could come to me to explain or provide a constructive solution. Unfortunately none of these happened. Nobody spoke with me about this until this letter. As I said, since the weather condition is so unpredictable, we did not know for how long we had to wait. To scientists, time is our most precious commodity. I simply cannot afford to waste so much time.

In hindsight, I think several things happened that led to the current situation. These include weather conditions, adequate support from the animal care facility, miscommunications among involved people, and different interpretations of the guidelines.

I do not believe that I have violated any university policy.

Wolff, Axel (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Thursday, August 15, 2019 7:45 AM
To: Pepping, Jennifer K.
Cc: OLAW Division of Compliance Oversight (NIH/OD)
Subject: RE: LSUHSC Noncompliance

Thank you for this report, Dr. Pepping. We will respond soon.

Axel Wolff, M.S., D.V.M.
Deputy Director, OLAW

From: Pepping, Jennifer K. <jpeppi@lsuhsc.edu>
Sent: Wednesday, August 14, 2019 7:33 PM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Cc: IACUC Office <IACUCoffice@lsuhsc.edu>
Subject: LSUHSC Noncompliance
Importance: High

August 14th, 2019

Brent Morse, DVM, DACLAM
Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
Rockledge 1, Suite 360
6705 Rockledge Drive
Bethesda, MD 20892

RE: Noncompliance in an NIH-Funded Study
Assurance number: #D16-00058

Dear Dr. Morse,

On July 29th, 2019, at Louisiana State University Health Sciences Center, a space request was made by a PI for birds to be ordered and placed on protocol 3482. The Division of Animal Care responded that the birds were not to be ordered that week due to scheduled transport of other animals. It was also explicitly stated that the birds could not be transported in a non-IACUC inspected and approved vehicle. Despite being informed of this, the birds were ordered and arrived on August 1st. The birds were then transported to LSUHSC in a taxi, which is not an IACUC approved vehicle.

Additionally, the space request stated that the birds were to be used on protocol 3482, but instead they were placed on protocol B3669.

At an IACUC convened emergency meeting on August 8th, 2019, these infractions were reviewed and discussed. It was decided by majority vote to suspend all activities on protocols 3482 and B3669. This suspension was to be effective immediately and would remain in place for at least eight weeks. The PI was asked to send a letter to the IACUC stating her explanation and understanding of the severity of these

issues. It was also to include an explanation of actions that would be taken to prevent these problems from occurring again in the future. Additionally, training was to be implemented as a means to prevent the infractions from reoccurring.

This letter was sent to the PI on August 12th. The letter included most of what is stated here. It is also attached. The PI called me and was insistent that her explanation be considered before suspension of her protocols. This seemed like a fair argument, and it was decided to hold off on suspension until receiving her letter and discussing it at the next IACUC meeting. I've attached that letter as well.

The IACUC plans to meet for its regularly scheduled monthly IACUC meeting on Monday, August 19th. This matter will be discussed at the meeting, and hopefully a final decision will be made.

Apologies for not reporting this incident sooner. I wanted to wait until all the facts were received. As it is, there is still uncertainty on whether or not the PI was informed to not transport the birds. It may be that it was her student that was informed and the message did not get relayed to the PI. She claims she has no knowledge of this policy. Her arguments and the discussion at the meeting will determine what is finally decided along with the actions that will be taken to resolve this matter and prevent it from happening again in the future.

Thank you for your consideration and input on this matter.

Sincerely,

Jennifer Pepping, DVM, MS
IACUC Chairperson