



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

February 28, 2019

Re: Animal Welfare Assurance
A3207-01 [OLAW Case G]

Mary Berry, Ph.D.
Vice President for Research
University of South Dakota
414 East Clark Street
Vermillion, SD 57069-2390

Dear Dr. Berry,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your February 22, 2019 letter reporting a serious deviation from the provisions of the *Guide for the Care and Use of Laboratory Animals* at the University of South Dakota, following up on an initial report on February 8, 2019. According to the information provided, OLAW understands that one lizard died due to overheating of the room caused by a failure of the heating, ventilation, air conditioning system. The Principal Investigator noted that the animal room temperature had exceeded the acceptable parameters on three separate occasions, without harm to the lizards, but the Institutional Animal Care and Use Committee (IACUC) had not been informed.

The corrective actions consisted of replacing the exhaust fan control that had failed and alarming the fan and temperature monitoring system.

Based on its assessment of this explanation, OLAW understands that measures have been implemented to correct and reduce the likelihood of a recurrence of this problem. OLAW concurs with the actions taken by the institution to comply with the PHS Policy on Humane Care and Use of Laboratory Animals and recommends that the lizard investigator as well as all animal users are informed to promptly report all animal concerns to the IACUC. Thank you for keeping OLAW apprised on this matter.

Sincerely,

(b) (6)

Axel V. Wolff, M.S., D.V.M.
Deputy Director
Office of Laboratory Animal Welfare

cc: IACUC Contact



UNIVERSITY OF
SOUTH DAKOTA

February 22, 2019

Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
Rockledge 1, Suite 360
6705 Rockledge Drive
Bethesda, MD 20892-7982

RE: Final Report on Non-Compliance

Dear Sir or Madam,

On February 8, 2019 we informed your office of an incidence of non-compliance at the University of South Dakota (USD), in accordance with Assurance #A3207-01 and PHS Policy IV.F.3. A copy of that letter is attached. This final report explains the corrective actions we have put in place to prevent a reoccurrence.

- We have determined that the cause of the temperature excursion that resulted in the death of an anole lizard was due to the failure of an exhaust fan control mechanism. That control device has been replaced.
- We have added an alarm to the exhaust fan which will notify us in the event of a future failure of this critical piece of equipment.
- We have added alarms to the temperature monitoring system to notify us in the event a temperature excursion in the future.

Should you have any questions regarding this final report, please contact (b) (6)

(b) (6)

, at (b) (6)

Sincerely,

(b) (6)

Mary Berry, PhD.
Vice President for Research, and Institutional Official

cc:

(b) (6)

OFFICE OF RESEARCH & SPONSORED PROGRAMS

Slagle Hall 107 • 414 East Clark Street • Vermillion, SD 57069 • 605-677-5370 • 605-677-6387 fax
orsp@usd.edu • www.usd.edu/research

Obtained by Rise for Animals. Uploaded 07/04/2020

Morse, Brent (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Tuesday, February 26, 2019 12:19 PM
To: (b) (6); OLAW Division of Compliance Oversight (NIH/OD)
Subject: RE: Noncompliance Report

Thank you for supplying this final report. We will send an official response soon.

Best regards, Brent Morse

Brent C. Morse, DVM, DACLAM
Director
Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health

Please note that this message and any of its attachments are intended for the named recipient(s) only and may contain confidential, protected or privileged information that should not be distributed to unauthorized individuals. If you have received this message in error, please contact the sender.

From: (b) (6)
Sent: Tuesday, February 26, 2019 10:45 AM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Subject: RE: Noncompliance Report

Good morning. I am pleased to report that we have learned the cause of our recent non-compliance, and have implemented corrective actions that we feel confident will prevent a reoccurrence. Please feel free to reach out to me if you have any follow-up questions or concerns. (I have attached our original report of 2/8 for reference purposes.)

Cordially,

(b) (6)

(b) (6)

How are we doing? Please consider giving us suggestions for improvement. <http://www.usd.edu/research/feedback>





UNIVERSITY OF
SOUTH DAKOTA

February 8, 2019

Director, Division of Compliance Oversight
Office of Laboratory Animal Welfare
National Institutes of Health
Rockledge 1, Suite 360
6705 Rockledge Drive
Bethesda, MD 20892-7982

Preliminary Report on Non-Compliance

Dear Sir or Madam,

The University of South Dakota (USD), in accordance with Assurance #D16-00130 (A3207-01) and PHS Policy IV.F.3, provides this report of noncompliance regarding the death of a research animal due to a failure of our Heating, Ventilation & Air Conditioning (HVAC) system.

(b) (6) conducts research on Anolis lizards under the IACUC-approved protocol #16-35. (b) (6) animals are housed in the (b) (4). The animals are housed in individual aquaria, in a room with a temperature maintained at 70 F +/- 2.

On November 11, 2018 a ventilation failure in the HVAC system in the (b) (4) resulted in aquarium temperatures above 90 F, resulting in the death of an Anolis Capito specimen. The Principal Investigator was unaware of his responsibility to notify the IACUC of this adverse event.

Subsequent to this equipment failure, (b) (6) reports that the temperature has exceeded desirable parameters on three separate occasions, resulting in discomfort (although not fatality) to his animals.

We will submit a final report once our investigation is complete and corrective actions have been determined. Should you have any questions regarding this preliminary report, please contact William Percy, PhD, IACUC Chair.

(b) (6)

Mary Berry, Ph.D.
Vice President for Research & Institutional Official

Cc:

(b) (6)

William Percy, Ph.D., IACUC Chair

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Wolff, Axel (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Monday, February 11, 2019 7:54 AM
To: (b)(6)
Cc: OLAW Division of Compliance Oversight (NIH/OD)
Subject: RE: Noncompliance Report

Thank you for this report, (b)(6). We will open a new case file and look forward to receiving the final after the problem has been corrected.

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

From: (b)(6)
Sent: Friday, February 8, 2019 5:49 PM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Subject: Noncompliance Report

Good afternoon. Attached is a report of non-compliance for the University of South Dakota. We will follow up after our investigation is complete and corrective action plan developed. Please feel free to call me if you have any questions at this time.

Thank you,

(b)(6)

(b)(6)

How are we doing? Please consider giving us suggestions for improvement. <http://www.usd.edu/research/feedback>