



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

December 20, 2019

Re: Animal Welfare Assurance
A3208-01 [OLAW Case 1G]

Dr. G. Don Taylor
Interim Vice President for Research
Virginia Polytechnic Institute and
State University – Blacksburg
(b) (4) Burruss Hall, (Mail Code 0244)
Blacksburg, VA 24061-0244

Dear Dr. Taylor,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your November 4, 2019 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at Virginia Polytechnic Institute and State University, following up on an initial telephone report on November 1, 2019. According to the information provided, OLAW understands that a “flying snake” was on an approved protocol whereby the animal is observed gliding in an outdoor space, but in this case the snake escaped and was not recovered. It was determined that unapproved changes had been made to the protocol which may have contributed to the escape. Specifically, only three individuals responsible for catching the snake were involved rather than four as per protocol. Also, the boom from which the snake glides was not covered in cloth or plastic as stated in the protocol and the snake escaped under the boom.

The corrective actions consisted of the Principal Investigator (PI) stopping the outdoor procedure, notifying campus security and senior officials, and notifying the Virginia Department of Game and Inland Fisheries and state herpetologist. It was determined that the escape of the non-native snake was not a risk because it is non-venomous and this tropical species would not survive the winter. The PI was issued a minor protocol noncompliance letter, was counseled to follow the protocol, amended the protocol, and was directed to use a weighted drape on the boom. The activity is supported by NSF grant LOG-PHY-1351322.

Based on its assessment of this explanation, OLAW understands that measures have been implemented to correct and prevent recurrence of this problem. OLAW concurs with the actions taken by the institution to comply with the PHS Policy.

Sincerely,

(b) (6)

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

cc: IACUC Chair



Division of Scholarly Integrity and
Research Compliance
Institutional Animal Care and Use
Committee (IACUC)
North End Center
300 Turner St NW, Suite 4120
Blacksburg, Virginia 24061
P: (540) 231-0931 F: (540) 231-0959
Email: IACUCadmin@vt.edu
www.research.vt.edu/iacuc

November 4, 2019

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

Final report regarding protocol noncompliance at Virginia Tech [Assurance #A-3208-01]

Dear Dr. Morse:

Virginia Tech, in accordance with Assurance A-3208-01 and PHS Policy IV.F.3., provides this report of minor noncompliance regarding an incident of the escape of a wild-caught snake on an IACUC-approved protocol. This incident was initially reported to Dr. Axel Wolff on November 1, 2019 after verification of NSF funding.

On September 24, 2019, the Office of the University Veterinarian (OUV) and IACUC office were notified that a non-native subtropical snake had escaped following an IACUC-approved outdoor protocol procedure where the snake glides from a boom to a designated landing spot and then is captured. However, the snake was not recaptured due to disappearing under the boom; staff were unable to locate the snake. The IACUC discussed the incident at the October 17, 2019 convened meeting, approved corrective steps taken, and requested additional corrective actions from the PI:

1. Per the approved protocol's biosecurity description, the PI immediately shut down the outdoor experiment. This will give the lab time to reconsider current procedures and develop plans to minimize the risk of a similar event occurring in the future. The research team will submit and receive approval of an amendment updating procedures before initiating further outdoor work. Prior to this incident the PI had 22 years of never losing a snake.
2. Per Virginia Tech Policy #5610, Policy on Animal Escape Notification, the Attending Veterinarian notified the Virginia Tech Chief of Police/Director of Security, the Associate

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
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Vice Provost for Communications, and the Interim Vice President of Research and Innovation. The PI notified his Department Head.

3. The Virginia Department of Game and Inland Fisheries (VDGIF) was notified and VDGIF requested the PI informally notified the state herpetologist about the escape via a courtesy call. The state herpetologist thanked the PI for the alert and stated there was no concern on VDGIF's part because the snake is effectively non-venomous and as a tropical species, it would not survive the winter. Additionally, the specimen was a male, so there is no chance of propagation. VDGIF did not require further action.
4. The IACUC issued a minor protocol non-compliance letter for not adhering to the protocol and reminded the PI in the future any changes of approved procedure must be submitted through an amendment and approved before initiation. Specifically:
 - a. At the time of the event, there were three trained catchers present on the ground to recapture the snake upon landing. However, the protocol stated that a minimum of four personnel would be present. The PI had believed three would be sufficient as they were working from a height of approximately 20 feet compared with previous sessions that worked from a height of approximately 50 feet. One of the catchers was able to place a hand on the snake as it escaped, but was unable to make the final grasp to re-secure the specimen.
 - b. At the time of the event, the base of the boom lift was not covered although the protocol stated that it would be "draped in cloth or plastic." The PI had believed not using a drape was the safer alternative, as they had previously had a snake get under the drape before it was recaptured. However, moving forward he now plans to use a properly weighted drape.

The funding source for this snake is the National Science Foundation (LOG-PHY-1351322). Per PHS requirement, the PI has been informed that he must work with his grant administrator to determine any funding related actions that must be taken.

Virginia Tech is committed to protecting the welfare of animals used in research and appreciates the guidance and assistance provided by OLAW in this regard. Should you have any questions regarding this report, please contact (b) (6)

Thank you for your consideration of this matter.

Sincerely,

(b) (6)

Dr. G. Don Taylor
Interim Vice President for Research and Innovation
Institutional Official
Virginia Tech

Morse, Brent (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Thursday, December 19, 2019 3:53 PM
To: (b) (6) OLAW Division of Compliance Oversight (NIH/OD)
Cc: (b) (6)
Subject: RE: Final Reports

Thank you for providing this report (b) (6) 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

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From: (b) (6)
Sent: Thursday, December 19, 2019 3:12 PM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Cc: (b) (6)
Subject: Final Reports

To Whom It May Concern,

Attached, please find a final noncompliance report.

If you have any questions, please feel free to call (b) (6)

Thanks,

(b) (6)

(b) (6)



Initial Report of Noncompliance

By: *aw*

Date: *11/1/19*

Time: *1:15*

Name of Person reporting: (b) (6)

Telephone #: (b) (6)

Fax #:

Email:

Name of Institution: *VIRGINIA Tech*

Assurance number: *A3208*

Did incident involve PHS funded activity? *No NSF*

Funding component: _____

Was funding component contacted (if necessary): _____

What happened? *Snake escaped from handler, got into wind
Didn't follow SOP*

Species involved: *Subtropical snake, flying snake*

Personnel involved:

Dates and times:

Animal deaths:

Projected plan and schedule for correction/prevention (if known): _____

*Reported to Natural Resources, not concerned because
Too cold outside to survive. Will change SOP*

Projected submission to OLAW of final report from Institutional Official: *Tell them to give
NSF grant number*

OFFICE USE ONLY

Case # _____