



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

January 23, 2019

Re: Animal Welfare Assurance  
A4730-01 [OLAW Case A]

Dr. Parwinder Grewal  
Executive Vice President for Research &  
New Program Development  
University of Texas Rio Grande Valley  
1201 West University Drive  
Edinburg, TX 78539

Dear Dr. Grewal,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your January 10, 2019 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at The University of Texas Rio Grande Valley. Your letter supplements the information contained in the initial prompt October 24, 2018 email report. According to the information provided, OLAW understands that a PI was keeping and breeding Angelfish at the Science Building without review and approval by the IACUC. There was also concern for the welfare of the fish due to a lack of husbandry care from the PI. It was stated that this activity did not receive PHS or NSF funding.

Corrective actions included the IACUC Chair contacting the PI on several occasions regarding the need for IACUC oversight of the activity and to cease breeding until IACUC approval was obtained. The PI was also contacted by the Director of Research Compliance and instructed to cease all breeding, submit a protocol, and provide adequate care for the Angelfish. Subsequently the tanks were cleaned and breeding activities were ceased. In October 2018 the fish were removed from campus by the PI.

The consideration of this matter by The University of Texas Rio Grande Valley was consistent with the philosophy of institutional self-identification and self-regulation. Similarly, the actions taken to resolve the issue were appropriate. You are correct that this lack of attention by the PI is of concern to the NIH. We recommend that he be given training on the proper use of animals in research and the expectation of the NIH regarding the care of animals used in NIH-sponsored research and the care of all animals at an Assured institution. Please note that OLAW would not recognize the validity of a protocol that is retroactively approved by the IACUC. Please feel free to contact our office if we can ever be of assistance to your program. We appreciate being informed of this matter and find no cause for further action by this office at this time.

Sincerely,

(b) (6)

Brent C. Morse, DVM  
Director  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare

cc: IACUC Contact

January 10, 2019

Brent Morse, DVM  
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. Morse

The following is the final report from The University of Texas Rio Grande Valley (Assurance A4730-1) of a non-compliance previously reported in a preliminary report concerning the reportable situation of "conduct of animal-related activities without appropriate IACUC review and approval". The non-funded research is functional and programmatic whereby the health of the animal was inadequate due to lack of husbandry care from the Principal Investigator. This incident may affect future PHS-funded activities.

Upon learning of the existence of animals at the Science Building, the Chair of the IACUC, Dr. Christopher Vitek, sent an initial email on January 16, 2018, and a second email to the Principal Investigator, Dr. Matthew Terry on May 24, 2018, reminding the PI of the following: *This is a reminder of the need to submit an IACUC animal use protocol (AUP) for any use of animals at UTRGV. IACUC protocols must be submitted for any use of animals, including for teaching, research, outreach, and breeding/maintenance. We contacted you previously on January 16, 2018 regarding the need for an IACUC protocol for fish that were under your care in the ESCNE building and have not received anything. Please be aware that if a submission is not received, we will need to report an issue of non-compliance.*

When Dr. Terry did not comply with the second notice, Dr. Vitek contacted the IACUC Administration in September 2018 to make the IACUC aware of the non-compliance. The IACUC Administration submitted an Incident Report to the Institutional Officer and signer of this letter, Dr. Parwinder Grewal. The investigation of non-compliance was delegated to the Interim Director of Research Compliance, Ms. Glorimar Colon, who sent final notification to Dr. Terry as the Principal Investigator on September 26, 2018.

Office of the Executive VP for Research, Graduate Studies & New Program Development

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Dr. Terry was instructed to cease all breeding, submit a protocol and provide adequate care for the Angelfish that he had. The investigation found the following:

- The Angelfish belong to Dr. Terry in his personal capacity.
- Dr. Terry brought the fish to the university as pets on or around July 2017.
- The fish began to reproduce reaching to the hundreds.
- Dr. Terry then began to give fish away.
- According to Dr. Terry, he was approached by a fellow faculty member in the Chemistry Department, (b) (6) and expressing interest in using some of Dr. Terry's Angelfish for a lab in her aquaculture class.
- Dr. Terry then stopped giving the fish away and allowed the fish to continue to reproduce with the intent to facilitate the fish to (b) (6)
- Dr. Terry did not submit a breeding protocol to the IACUC.
- According to Dr. Terry, other than expressing an intent of interest, no actions were taken by (b) (6) to materialize the plan of using the fish in her classroom and the fish seem to be no longer needed.
- After the initiation of the investigation on September 2018, Dr. Terry and his research students have since cleaned the tanks where the Angelfish were being housed.

As a corrective action, Dr. Terry ceased all breeding activities. He also removed the fish from campus during the month of October 2018. Moreover, on October 22, 2018, and even though Dr. Terry has no plans to continue with a breeding process or bring in new fish to campus, a retroactive breeding protocol application was submitted by him to the IACUC. The application describes the breeding plan Dr. Terry had in place in addition to a description on how the fish was disposed of. The IACUC Administration has been working with Dr. Terry to address pending items in his protocol application.

As of today, the IACUC Committee is in the process of reviewing his protocol.

The IACUC continues to monitor allegations of non-compliance concerning the use of animals without proper protocol in place and prompt investigations are conducted to correct actions.

Sincerely,

(b) (6)

Parwinder S. Grewal, PhD  
Executive Vice President  
Institutional Officer

C: Dr. Christopher Vitek, IACUC Chair

Dr. Matthew Terry, Principal Investigator

(b) (6)

Ms. Glorimar Colón, Interim Director Research Compliance

(b) (6)

**Wolff, Axel (NIH/OD) [E]**

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Thursday, January 17, 2019 8:29 AM  
**To:** Institutional Animal Care and Use Committee  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: Final Report for UTRGV Non-compliance

Thank you for this report. We will send a response soon.

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

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**From:** Institutional Animal Care and Use Committee <iacuc@utrgv.edu>  
**Sent:** Wednesday, January 16, 2019 12:08 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>  
**Cc:** Parwinder Grewal <parwinder.grewal@utrgv.edu>; Christopher Vitek <christopher.vitek@utrgv.edu>; Matthew Terry <matthew.terry@utrgv.edu>; (b) (6) Glorimar Colon <glorimar.colon@utrgv.edu>  
**Subject:** Final Report for UTRGV Non-compliance

To the Division of Compliance Oversight-

Attached is the final report for the non-compliance previously submitted by the University of Texas Rio Grande Valley. A preliminary notice was sent as per regulations, an investigation was conducted and the final report (attached) was completed and is now being sent. If you should have any questions, please feel free to contact our (b) (6)

(b) (6) Thank you.

**UTRGV**  
The University of Texas  
Rio Grande Valley  
[UTRGV.edu](http://UTRGV.edu)



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**Ward, Joan (NIH/OD) [E]**

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**From:** Ward, Joan (NIH/OD) [E] on behalf of Laboratory Animal Welfare, Office of (NIH/OD)  
**Sent:** Wednesday, October 24, 2018 10:58 AM  
**To:** (b) (6)  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: Preliminary Report of Noncompliance

Thank you (b) (6)

We will open a case file and await your final report on corrective actions.

Regards,  
Joan

*Joan Ward  
Program Specialist  
Office of Laboratory Animal Welfare  
National Institutes of Health  
6705 Rockledge Dr., Suite 360  
Bethesda, MD 20892  
301-496-7163  
[wardjoa@od.nih.gov](mailto:wardjoa@od.nih.gov)*

**From:** (b) (6)  
**Sent:** Wednesday, October 24, 2018 9:39 AM  
**To:** Laboratory Animal Welfare, Office of (NIH/OD) <OLAW@OD.NIH.GOV>  
**Subject:** Preliminary Report of Noncompliance  
**Importance:** High

Director, Division of Compliance Oversight-

The University of Texas Rio Grande Valley (Assurance Number A4730-1) is sending a preliminary report to OLAW. The reportable situation is: ***conduct of animal-related activities without appropriate IACUC review and approval***. We will send the thorough report with the full explanation of the situation, including what happened, when and where, the species of animals involved and the category of individuals involved. Also, we will describe the steps taken by UTRGV and the corrective action plan and schedule to be carried out.

**Brief Overview:** Angelfish were being bred, research carried out, and animals in poor condition with no active IACUC protocol.

Please feel free to contact me if you have any questions prior to the thorough report. Thank you.

Lynne

**UTRGV**  
The University of Texas  
Rio Grande Valley  
[UTRGV.edu](http://UTRGV.edu)

(b) (6)