



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) 480-3387

December 1, 2021

Re: Animal Welfare Assurance  
A3084-01 [OLAW Case 3G]

Dr. Randy Katz  
Vice Chancellor for Research  
University of California, Berkeley  
(b) (4) California Hall, MC 1500  
Berkeley, CA 94720-1500

Dear Dr. Katz,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your November 29, 2021 response to my November 22, 2021 request for additional information regarding the deaths of research birds at the University of California- Berkeley. According to the information provided, OLAW understands the following:

- 1) The 16 Zebra finches died from lack of food caused by miscommunication between research staff and husbandry staff as to who would feed the birds over a weekend. Research staff had failed to remove signs from the door indicating the birds were on study, implying that investigators would feed them. Necropsy confirmed lack of food in the ventriculus of some birds.
- 2) The number of deaths was attributed to the lack of food and high metabolic rate of the birds.
- 3) While the birds are on study, the Principal Investigator's (PI) staff cares for them. When not on study, the central animal husbandry staff is responsible.
- 4) Federal funding is not used to support this study.
- 5) - The revised standard operating procedures state that if the PI and staff provide animal care, a Special Service Request must be made to the husbandry office. A supervisor will confirm weekend staffing changes.
  - The PI or staff will post signs indicating when a study is in progress.
  - While under PI care, research staff must sign the daily husbandry log. Husbandry staff will check the room later that day.
  - Husbandry staff will check the logs and provide care if not performed. This will then be reported to the supervisor and PI.
- 6) No further problems have occurred following implementation of the corrective measures.
- 7) The actions put in place have been effective in preventing a recurrence.

Based on its assessment of this additional information, 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. Thank you for keeping OLAW apprised on this matter.

Sincerely,

(b) (6)

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

cc: IACUC Chair



OFFICE OF THE VICE CHANCELLOR FOR RESEARCH  
119 CALIFORNIA HALL #1500

BERKELEY, CALIFORNIA 94720-1500

November 29, 2021

Axel V. Wolff, M.S., D.V.M.  
DIVISION OF COMPLIANCE OVERSIGHT  
Office of Laboratory Animal Welfare, National Institutes of Health  
RKL1, Suite 360, MSC 7982  
6705 Rockledge Drive  
Bethesda, MD 20892-7982  
[WolffA@OD.NIH.GOV](mailto:WolffA@OD.NIH.GOV)  
[OLAWDCP@OD.NIH.GOV](mailto:OLAWDCP@OD.NIH.GOV)

Dear Dr. Wolff:

RE: Interim Response OLAW Case A3084-3G

This is to address the questions you had regarding the final report you received via email dated November 12, 2021 regarding the deaths of multiple finches.

1. What actually occurred that caused the deaths of the birds?

This situation occurred due to a confluence of mistakes on the part of the PI's lab and miscommunication with and within OLAC.

*As it relates to OLAC:*

1. An OLAC staff member made a request on 9/21/21 to take off work on 9/26/21 which was subsequently approved.
2. The direct supervisor received the request and made a Slack communication entry (note – Slack is a business communication platform used by OLAC) some time during the week of September 21<sup>st</sup> to let the newly assigned animal technician (AT- another OLAC staff member) know to cover this aviary facility for the vacationing OLAC staff member on 9/26.
3. The assigned AT did not see the Slack entry for this new assignment for 9/26 amongst all the other Slack messages.
4. The field station was checked on Saturday 9/25 by an AT and there were signs on the doors of the aviaries that experiments were in progress and not to enter. So the AT checked through the windows and everything appeared to be fine on Saturday. Since the technician thought the lab was handling care, he did not mark the daily log sheet as he felt the lab would take care of it.
5. However, the assigned technician never saw the Slack request to cover the area on Sunday, so the aviary facility in question was not checked by OLAC staff on Sunday, 9/26.

*As it relates to the PI and his lab personnel:*

The ACUC has approved PI care for these birds when they are in a study. The PI's lab had posted signs that stated the birds were on study. At the completion of the experiment, the PI (or his lab staff) failed to remove the signs from the two aviaries containing the birds, thus the birds did not receive food replenishment for the entire weekend.

Neither room's daily log sheet had been signed off on Saturday, 9/25/21 or Sunday, 9/26/21. Both rooms had signs on the door indicating experiments were in process with PI care, but Slack communication the week before indicated that experiments would be completed on Friday, 9/24/21.

Although the birds had water throughout the weekend, they most likely died from a lack of nutrition. They have a very high metabolic rate and require daily intake. Necropsies were performed by an OLAC veterinarian. Body conditions ranged from good to lean. Stool was present to varying degrees in the colon of all birds, seeds were absent from the ventriculus of 6 birds. Some normal post mortem autolysis of the digestive tract was present in most birds; there were no other significant gross findings.

Findings indicate probable increased competition for food and no gross indication of any disease. Stress associated with the increased competition could also have played a role.

2. Why did so many birds die in a short time?

The birds eat the seeds and leave the hull. Eventually, they have to forage through the hulls to find the available seed. They have a high metabolic rate and the amount of food left for them is not meant to last through more than a day or two at the most. In this case they were fed on Friday and the deaths were discovered on Monday.

The aviary in which 14 finches died out of 38 housed, they did not have any food left on Monday, 9/27/2021. However, the aviary in which 2 finches died out of 44, there was a little food left on that Monday.

3. Are the birds in an investigator managed space or are they cared for by OLAC?

The birds are cared for by OLAC as long as the birds are not on study. When on study, the PI posts a sign that states the birds are under PI care. In this incident, the PI (or his lab staff) failed to remove the sign at the end of the experiment and thus OLAC staff did not care for the birds over the weekend.

4. Please reconfirm that this study is not supported by NIH, FDA, CDC, NSF, NASA, VA or BARDA directly or via a collaboration.

This study (and incident) was not supported by any federal funding.

5. Provide additional information regarding the content of the revised SOP's.

The SOP revision reads as follows:

1) PI provided care requires that the PI submit a Special Service Request to OLAC using OLAC's form (from their website) which asks for the time frame for the study (and PI care); and, any time a weekend OLAC staffing change is made, a solid confirmation that everyone understands the instructions will be confirmed by the supervisor involved in the change.

2) The PI or lab personnel will post a sign on all pertinent rooms/aviaries to designate when a study is in progress.

3) When under PI care, the PI and/or his staff are required to sign off on the daily husbandry log that all animal care has been completed. This daily care and sign-off MUST be accomplished by 11 am daily. OLAC staff enter the facility every day after 11 am.

4) Every day, OLAC staff will check the daily husbandry sign-off sheets and will resume animal care if the sheets are not signed off on timely and properly *regardless of study in progress signage or service requests for PI care.*

5) If OLAC staff performs the husbandry under a PI care situation, a notification will be sent by the OLAC staff member to the OLAC supervisor, the facility manager and the OLAC Director/AV telling them what was found and what was done. The OLAC Director/AV will then contact the PI directly to report the incident and let them know OLAC's response.

6. Have any additional problems occurred following the implementation of the corrective measures?

No.

7. Provide any additional relevant information involving the original problem and the corrective/preventive measures.

All has been fine since the incident. Corrective measures implemented are a good check and balance to ensure this does not happen again.

As Institutional Official, I am satisfied that the campus has spared no resources in resolving this unfortunate incident and thereby has fulfilled its commitment to maintaining the highest standards of animal welfare, as described in our Animal Welfare Assurance.

Sincerely yours,

(b) (6)

Randy H. Katz, Vice Chancellor for Research  
Institutional Official

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

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**From:** Wolff, Axel (NIH/OD) [E]  
**Sent:** Tuesday, November 30, 2021 1:18 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** FW: OLAW Case A3084-3G

**From:** Wolff, Axel (NIH/OD) [E]  
**Sent:** Tuesday, November 30, 2021 1:15 PM  
**To:** Randy Howard Katz <[vcr@berkeley.edu](mailto:vcr@berkeley.edu)>  
**Subject:** RE: OLAW Case A3084-3G

Thank you for this response, Dr. Katz. Best wishes on your upcoming retirement and your kind words.  
Axel Wolff

**From:** Randy Howard Katz <[vcr@berkeley.edu](mailto:vcr@berkeley.edu)>  
**Sent:** Tuesday, November 30, 2021 12:23 PM  
**To:** Walker, Keri (NIH/OD) [E] <[keri.walker@nih.gov](mailto:keri.walker@nih.gov)>; Wolff, Axel (NIH/OD) [E] <[wolffa@od.nih.gov](mailto:wolffa@od.nih.gov)>; OLAW Division of Compliance Oversight (NIH/OD) <[olawdco@od.nih.gov](mailto:olawdco@od.nih.gov)>  
**Cc:** [REDACTED] (b) (6)  
**Subject:** Re: OLAW Case A3084-3G

I am resending because I had a typo in the OLAW email address and received an invalid address bounce. I am copying the correct address here. My apologies.

Randy

--  
Randy Howard Katz  
Vice Chancellor for Research and  
United Microelectronics Corporation Distinguished Professor in  
Electrical Engineering and Computer Sciences  
University of California, Berkeley  
[REDACTED] (b) (6)  
[vcr@berkeley.edu](mailto:vcr@berkeley.edu)  
Executive Assistant: Joel Moldenhauer <[joelmold@berkeley.edu](mailto:joelmold@berkeley.edu)>

On Tue, Nov 30, 2021 at 6:30 AM Randy Howard Katz <[vcr@berkeley.edu](mailto:vcr@berkeley.edu)> wrote:

Dear Dr. Wolf:

Thank you for your letter dated November 22. I am attaching our response here. Please let me know if you have any questions or need further clarification.

I also wanted to let you know that I am retiring effective December 31, 2021. [REDACTED] (b) (6) will be following up with your team regarding the transition to my successor who will start officially on January 1, 2022 and who will use this same email address ([vcr@berkeley.edu](mailto:vcr@berkeley.edu)) for official correspondence. In the meantime, I sincerely appreciate all your efforts on behalf of the research community.

Best regards,  
Randy

Randy Howard Katz  
Vice Chancellor for Research and  
United Microelectronics Corporation Distinguished Professor in  
Electrical Engineering and Computer Sciences  
University of California, Berkeley  
(b) (6)  
[ycr@berkeley.edu](mailto:ycr@berkeley.edu)  
Executive Assistant: Joel Moldenbauer <[joelmold@berkeley.edu](mailto:joelmold@berkeley.edu)>

On Mon, Nov 22, 2021 at 6:15 AM Walker, Keri (NIH/OD) [E] <[keri.walker@nih.gov](mailto:keri.walker@nih.gov)> wrote:

Dear Dr. Katz,

Attached please find Dr. Wolff's *interim* response to OLAW Case A3084-3G.

Please do not hesitate to reach out with any further questions.

Best,

Keri

*Keri Walker*

*Program Analyst*

*Division of Compliance Oversight*

*Office of Laboratory Animal Welfare*

*National Institutes of Health*

*6700B Rockledge Dr., Suite 2500*

*Bethesda, MD 20892*

*301-435-2390*

*[keri.walker@nih.gov](mailto:keri.walker@nih.gov)*





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Telephone: (301) 496-7163  
Facsimile: (301) 480-3387

November 22, 2021

Re: Animal Welfare Assurance  
A3084-01 [OLAW Case 3G]

Dr. Randy Katz  
Vice Chancellor for Research  
University of California, Berkeley  
(b) (4) California Hall, MC 1500  
Berkeley, CA 94720-1500

Dear Dr. Katz,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your November 18, 2021 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the University of California- Berkeley, following up on an initial report on September 30, 2021. According to the information provided, OLAW understands that 16 Zebra finches died during a weekend.

The corrective actions consisted of revising standard operating procedures (SOP) covering weekend care and observations.

In order for OLAW to determine whether the proposed corrective action is sufficient to prevent a recurrence, it is necessary to expand on the actual nature of the incident. Please provide additional information as follows:

- 1) What actually occurred that caused the deaths of the birds?
- 2) Why did so many birds die in a short time?
- 3) Are the birds in an investigator managed space or are they cared for by central facility staff?
- 4) Please reconfirm that this study is not supported by NIH, FDA, CDC, NSF, NASA, VA, or BARDA directly or via a collaboration.
- 5) Provide additional information regarding the content of the revised SOPs.
- 6) Have any additional problems occurred following the implementation of the corrective measures?
- 7) Provide any additional relevant information involving the original problem and the corrective/preventive measures.

Please provide the requested information by **December 10, 2021**.

Sincerely,

(b) (6)

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

cc: IACUC Chair

A3084

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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE VICE CHANCELLOR FOR RESEARCH  
119 CALIFORNIA HALL #1500

BERKELEY, CALIFORNIA 94720-1500

November 18, 2021

Axel V. Wolff, M.S., D.V.M.  
DIVISION OF COMPLIANCE OVERSIGHT  
Office of Laboratory Animal Welfare, National Institutes of Health  
RKL1, Suite 360, MSC 7982  
6705 Rockledge Drive  
Bethesda, MD 20892-7982  
[WolffA@OD.NIH.GOV](mailto:WolffA@OD.NIH.GOV)  
[OLAWDCP@OD.NIH.GOV](mailto:OLAWDCP@OD.NIH.GOV)

Dear Dr. Wolff:

RE: Animal Welfare Assurance # D16-00050

This is to follow up on the preliminary report you received via email on September 27, 2021 from (b) (6) on behalf of the Animal Care and Use Committee (ACUC) regarding the multiple finches having died.

As noted in the preliminary report, ACUC was informed about the deaths of 16 finches. The committee determined that this was a serious noncompliance with PHS Policy on Humane Care and Use of Laboratory Animals. The Office of Laboratory Animal Care have reviewed and revised their SOPs regarding weekend care and observation of animals even when PI care has been approved by ACUC. These procedures should eliminate any future incidents of this nature. The ACUC accepted this plan and reminded the PI that signage on the aviaries must clearly describe when experimental testing is occurring or not. ACUC determined that no further action was deemed necessary.

The PI has informed the ACUC that no federal funding supported this research.

As Institutional Official, I am satisfied that the campus has spared no resources in resolving this unfortunate incident and thereby has fulfilled its commitment to maintaining the highest standards of animal welfare, as described in our Animal Welfare Assurance.

Sincerely yours,

(b) (6)

Randy H. Katz, Vice Chancellor for Research  
Institutional Official



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

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Friday, November 19, 2021 10:07 AM  
**To:** Randy Howard Katz  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: Final report - Finches (D16-00050)

Thank you for this report, Dr. Katz. We will send a response soon.  
Axel Wolff

**From:** Randy Howard Katz <[vcr@berkeley.edu](mailto:vcr@berkeley.edu)>  
**Sent:** Friday, November 19, 2021 9:56 AM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <[olawdco@od.nih.gov](mailto:olawdco@od.nih.gov)>; Wolff, Axel (NIH/OD) [E] <[wolffa@od.nih.gov](mailto:wolffa@od.nih.gov)>  
**Cc:** (b) (6)  
(b) (6) Acuc Departmental <[acuc@berkeley.edu](mailto:acuc@berkeley.edu)>  
**Subject:** Final report - Finches (D16-00050)

Dear Dr. Wolff:

I am writing to follow up on the preliminary report (forwarded below) you received via email on September 30, 2021 from (b) (6). Our final report is attached.

Best wishes,  
Randy

Randy Howard Katz  
Vice Chancellor for Research and  
United Microelectronics Corporation Distinguished Professor in  
Electrical Engineering and Computer Sciences  
University of California, Berkeley  
(b) (6)  
[vcr@berkeley.edu](mailto:vcr@berkeley.edu)  
Executive Assistant: Joel Moldenhauer <[joelmold@berkeley.edu](mailto:joelmold@berkeley.edu)>

On Thu, Sep 30, 2021 at 11:55 AM (b) (6) wrote:

To Whom It May Concern:

On behalf of the IO at UCB, I am submitting this preliminary report.

On Monday, 9/27/2021 16 Zebra finch birds were found dead in two aviaries. The Office of Laboratory Animal Care and ACUC/OACU are investigating the circumstances around this unfortunate loss and once the ACUC has completed their review, our IO will send OLAW a final report.

If you have any questions, please let me know.  
Sincerely,



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

A 3084-36

**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Friday, October 1, 2021 7:55 AM  
**To:** (b) (6)  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: Preliminary incident report-Finches

Thank you for this preliminary report, (b) (6) We will start a new case file.  
Axel Wolff

**From:** (b) (6)  
**Sent:** Thursday, September 30, 2021 2:55 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>  
**Cc:** Wolff, Axel (NIH/OD) [E] <wolffa@od.nih.gov>; VC Research <vcr@berkeley.edu>; (b) (6)  
(b) (6) Acuc Departmental <acuc@berkeley.edu>  
**Subject:** Preliminary incident report-Finches

To Whom It May Concern:

On behalf of the IO at UCB, I am submitting this preliminary report.

On Monday, 9/27/2021 16 Zebra finch birds were found dead in two aviaries. The Office of Laboratory Animal Care and ACUC/OACU are investigating the circumstances around this unfortunate loss and once the ACUC has completed their review, our IO will send OLAW a final report.

If you have any questions, please let me know.

Sincerely,

(b) (6)