



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH

FOR US POSTAL SERVICE DELIVERY:

Office of Laboratory Animal Welfare
Rockledge One, Suite 360
6705 Rockledge Drive B MSC 7982
Bethesda, Maryland 20892-7982
Home Page: <http://grants.nih.gov/grants/olaw/olaw.htm>

FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare
Rockledge One, Suite 360
6705 Rockledge Drive
Bethesda, Maryland 20817
Telephone: (301) 496-7163
Facsimile: (301) 480-3387

September 14, 2021

Re: Animal Welfare Assurance
#A3100-01 [OLAW Case 1N]

Ms. Nancy L. Lewis
Assistant Vice President for Research Compliance
State University of New York - Binghamton
P.O. Box 6000
Binghamton, NY 13902-6000

Dear Ms. Lewis,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your August 5, 2021 final letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the State University of New York- Binghamton. According to the information provided, OLAW understands that adult frogs and tadpoles are exposed to an experimental contaminant and euthanized per AVMA Guidelines. Animals that are not exposed are returned to nature however in this incident, a tadpole in approved captivity metamorphosed to a juvenile frog before being tested or released. The study was supported with NSF funding.

As a corrective measure, the principal investigator euthanized the wood frog using MS-222 overdose within 24 hours of discovery and has since submitted an amendment to cover newly metamorphosed animals which was approved by the IACUC.

OLAW appreciates the prompt consideration of this matter by the State University of New York- Binghamton, which is consistent with the philosophy of institutional self-regulation. OLAW expects continuing post-approval monitoring to prevent recurrence of a similar non-compliance and potential associated animal welfare concerns. Based on the information provided, OLAW is satisfied that appropriate steps have been taken to investigate this incident and to attempt to prevent recurrence.

We appreciate being informed of this matter and please contact us with any further questions or concerns.

Sincerely,

(b) (6)

Nicole Lukovsky-Akhsanov, DVM, MPH, DACLAM
Division of Compliance Oversight
Office of Laboratory Animal Welfare

CC: IACUC contact

A3100 - 1N



THE OFFICE OF RESEARCH COMPLIANCE
ASSISTANT VICE PRESIDENT FOR RESEARCH COMPLIANCE
Po Box 6000
BINGHAMTON, NEW YORK 13902-6000
NLEWIS@BINGHAMTON.EDU
TELE: (607) 777-3532

August 5, 2021

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 Director,

Binghamton University, in accordance with **PHS Assurance # D16-00063** and PHS Policy IV.F3, is reporting an incident of noncompliance associated with NSF funding award number 1655190. This incident involved one metamorphosed wood frog that was not covered on an approved protocol.

In this protocol, the PI looks at the effects of anthropogenic contaminants on complex ecological interactions using tadpoles and adult frogs. Adult frogs and tadpoles (from Gosner stage 25-46) that are exposed to a contaminant are euthanized per AVMA Guidelines, and those not exposed are returned back to nature. In this incident, a tadpole in approved captivity metamorphosed to a juvenile frog before being tested or released.

Within 24 hours of being discovered, the PI euthanized the wood frog using an appropriate MS-222 overdose. The PI has since submitted an amendment to cover newly metamorphosed animals, and the amendment was approved by the IACUC on 7/6/21. In short, as now approved, recently metamorphosed animals will be held for three weeks post exposures, and the maximum number of animals held will be 200. These animals are provided environmental enrichment via habitat complexity (sphagnum moss) and live cricket prey.

Please contact me if you have any questions or would like additional information. We appreciate your guidance in preventing future similar instances.

Sincerely,

Digitally signed by Nancy Lewis
Date: 2021.08.05 08:26:58 -04'00'
Adobe Acrobat DC version: 2015.006.30527

Nancy L. Lewis

cc: Dr. C. Bishop, IAUC Chair
Dr. K. Kal-Downs, Attending Veterinarian

Wolff, Axel (NIH/OD) [E]

From: OLAW Division of Compliance Oversight (NIH/OD)
Sent: Friday, August 6, 2021 7:43 AM
To: Nancy L Lewis
Cc: OLAW Division of Compliance Oversight (NIH/OD)
Subject: RE: Binghamton University-Report of Non-Compliance

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

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

From: Nancy L Lewis <nlewis@binghamton.edu>
Sent: Thursday, August 5, 2021 8:30 AM
To: OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>
Cc: Kimberly A Kal-Downs <kkal@binghamton.edu>; Christopher R Bishop <cbishop@binghamton.edu>
Subject: Binghamton University-Report of Non-Compliance

Director,

Binghamton University, in accordance with PHS Assurance #D16-00063 and PHS Policy IV.F3, is reporting an incident of noncompliance associated with NSF award #1655190. Included in this report are the mitigations that were implemented addressing the disclosed incident.

Please do not hesitate to contact me should you have any questions.

Respectfully,

Nancy Lewis, CRA, CIP
Assistant Vice President for Research Compliance
Binghamton University
Ph. (b) (6)
nlewis@binghamton.edu
<https://www.binghamton.edu/research/compliance/>
pronouns: she, her, hers