



DEPARTMENT OF HEALTH & HUMAN SERVICES

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Office of Laboratory Animal Welfare  
6700B Rockledge Drive, Suite 2500 – MSC 6910  
Bethesda, Maryland 20892-7982  
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FOR EXPRESS MAIL:

Office of Laboratory Animal Welfare  
6700B Rockledge Drive, Suite 2500  
Bethesda, Maryland 20817  
Telephone: (301) 496-7163  
Facsimile: (301) 480-3387

DATE: June 24, 2022

TO: Michael M. Gottesman, M.D.  
Deputy Director for Intramural Research, NIH

FROM: Director  
Division of Compliance Oversight, OLAW

SUBJECT: Animal Welfare Investigation (NIAID-DIR #23-22) - Animal Welfare Assurance  
A4149-01 [Case 16Z]

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your June 9, 2022 memo regarding an incident of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the National Institute of Allergy and Infectious Diseases Division of Intramural Research (NIAID-DIR). According to the information provided, OLAW understands that on March 2, 2022, it was reported that a marmoset infected with *Mycobacterium tuberculosis* had escaped its isolator cage during a procedure and crawled up the containment caging exhaust tubing and into the HVAC system located in the building interstitial space. The marmoset was contained in the HVAC system which consists of welded stainless steel and a HEPA filter housing before being discharged from the building. An attempt was made to capture the escaped marmoset by removing all other animals from the room except for the cage mate and providing favored enrichment food treats. The room was secured, and the area left overnight in an attempt to lure the animal out of the HVAC system. Proving unsuccessful in luring the animal out, it was decided that the animal must be humanely euthanized. This was accomplished by sealing up the room exhaust ports and flooding the HVAC exhaust system with CO<sub>2</sub>. Subsequently, the HVAC HEPA filter housing was deconned, opened up, and the carcass retrieved. All actions to retrieve the marmoset following its escape into the caging exhaust tubing were coordinated with the approval of the ABSL-3 Suite Safety Officer and OOHS.

Corrective and preventive actions:

In response, screens have been installed at the room exhaust connections to prevent any animals from getting into the HVAC system.

The actions taken to resolve the issue and prevent recurrence were appropriate, as far as described, and accepted by OLAW. OLAW expects that personnel involved during the animal escape have been appropriately retrained and that a veterinarian was consulted as to the appropriateness of the attempted recapture and the non-standard euthanasia method. We appreciate being informed of this matter and find no cause for further action by this office.

Sincerely,

**Brent C. Morse -S**

Digitally signed by Brent C. Morse

Date: 2022.06.27 10:28:51 -04'00'

Brent C. Morse, DVM, DACLAM

Director

Division of Compliance Oversight

Office of Laboratory Animal Welfare

*Page 2 – Dr. Gottesman*  
*June 24, 2022*  
*OLAW Case A4149-16Z*

**cc: Dr. Stephen Denny**  
**Dr. Richard Wyatt**  
**Kirk A. Cunningham, Ph.D., NIAID-DIR ACUC Chair**

**McCoy, Devora (NIH/OD) [E]**

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**From:** McCoy, Devora (NIH/OD) [E]  
**Sent:** Monday, June 27, 2022 11:25 AM  
**To:** Gottesman, Michael (NIH/OD) [E]  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD); Denny, Stephen (NIH/OD) [E]; Wyatt, Richard G (NIH/OD) [E]; Cunningham, Kirk (NIH/NIAID) [E]  
**Subject:** OLAW Case A4149-16Z  
**Attachments:** Gottesman NIH 4149-16Z.pdf

Good morning Dr. Gottesman,

Attached please find the final response to OLAW Case A4149-16Z. If you have any questions, feel free to contact us by phone or by e-mail.

Best,  
Devora

Devora McCoy, BS, MBA  
Program Analyst  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare  
National Institutes of Health  
301-435-2390



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health  
Bethesda, Maryland 20892  
[www.nih.gov](http://www.nih.gov)

June 9, 2022

TO: Brent C. Morse, D.V.M.  
Director, Division of Compliance Oversight  
Office of Laboratory Animal Welfare

FROM: Deputy Director for Intramural Research, NIH

SUBJECT: Animal Welfare Investigations - Assurance D16-00602 (NIAID-DIR 23-22)

This correspondence conveys the results of an animal incident investigation by the NIH National Institute of Allergy and Infectious Diseases-Division of Intramural Research (NIAID-DIR) ACUC in accordance with Assurance D16-00602 and PHS Policy IV.F.3. The incident involved the escape of a marmoset from its cage and into the room's secondary, interstitial space. The failure of attempts to lure the marmoset back to its cage from this space which was too small for human access, led to the marmoset's humane euthanasia.

The incident was first reported to the NIH Office of Animal Care and Use by the NIAID-DIR ACUC Chairman on March 2, 2022.

Please contact me or Dr. Stephen Denny, Director, Office of Animal Care and Use, if additional information or clarifications are required.

Richard G. Wyatt -S Digitally signed by Richard G. Wyatt -S  
Date: 2022.06.13 09:53:34 -0400

Michael M. Gottesman, M.D.

Attachment

cc: Dr. Wyatt  
Dr. Cunningham  
Dr. Denny



National Institute of  
Allergy and  
Infectious Diseases

DATE: 6/1/2022

TO: Michael M. Gottesman, M.D.  
Deputy Director for Intramural Research, NIH

FROM: Kirk A. Cunningham, Ph.D.  
Chairman, NIAID DIR ACUC

SUBJECT: NIAID DIR ACUC Incident Investigation

Per the requirements of PHS Policy and NIH Policy Manual 3040-2, I am reporting an incident that occurred within the National Institute of Allergy and Infectious Diseases (NIAID) involving the care and use of animals in biomedical research.

INCIDENT:

On 3/2/22, the Animal Program Director's office, reported to the NIAID DIR ACUC Chair that a marmoset infected with *Mycobacterium tuberculosis* in the Bldg. 33 ABSL-3 suite had escaped its isolator cage during a procedure and crawled up the containment caging exhaust tubing and into the HVAC system located in the building interstitial space. The marmoset was contained in the HVAC system which consists of welded stainless steel and a HEPA filter housing before being discharged from the building. An attempt was made to capture the escaped marmoset by removing all other animals from the room except for the cage mate and providing favored enrichment food treats. The room was secured, and the area left overnight in an attempt to lure the animal out of the HVAC system. Proving unsuccessful in luring the animal out, it was decided that the animal must be humanely euthanized. This was accomplished by sealing up the room exhaust ports and flooding the HVAC exhaust system with CO2. Subsequently, the HVAC HEPA filter housing was deconned, opened up, and the carcass retrieved. All actions to retrieve the marmoset following its escape into the caging exhaust tubing were coordinated with the approval of the ABSL-3 Suite Safety Officer and DOHS.

ACTIONS:

After an investigation, it was determined that after the initial escape by the marmoset the containment cage exhaust tubing became disconnected as the staff attempted to catch it. Thus, the marmoset had access to the interstitial space. It was also determined that the marmoset and the bacteria remained safely contained within the ABSL-3 area and servicing HVAC system.

In response, screens have been installed at the room exhaust connections to prevent any animals from getting into the HVAC system.

After discussion at a convened meeting on 3/22/22, the ACUC concluded that this was a reportable incident due to lack of compliance with SOP leading to animal mortality.

The ACUC felt that the actions described above should ensure a similar incident will not be repeated.

Kirk A.  
Cunningham -S

Digitally signed by Kirk A.  
Cunningham -S  
Date: 2022.06.03  
15:45:02 -04'00'

Kirk A. Cunningham, Ph.D.  
OSD/DIR/NIAID/NIH

CC: Stephen L. Denny, D.V.M., Director, NIH OACU  
Steven M. Holland, Ph.D., Scientific Director, NIAID DIR

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

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Thursday, June 16, 2022 6:57 AM  
**To:** Denny, Stephen (NIH/OD) [E]  
**Cc:** OLAW Division of Compliance Oversight (NIH/OD)  
**Subject:** RE: D16-00602 NIH Animal Incident Report (NIAID-DIR 23-22) (CORRECTED MESSAGE)

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

**From:** Denny, Stephen (NIH/OD) [E] <stephen.denny@nih.gov>  
**Sent:** Wednesday, June 15, 2022 5:24 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>  
**Subject:** D16-00602 NIH Animal Incident Report (NIAID-DIR 23-22) (CORRECTED MESSAGE)

Dear OLAW/DCO,

The attached documents from the NIH Institutional Official and the NIH National Institute for Allergies and Infectious Diseases (NIAID-DIR) ACUC address an animal incident involving the escape of a marmoset from its cage and into the room's secondary, interstitial space. The event was first reported to the NIH Office of Animal Care and Use by the NIAID-DIR ACUC Chair on March 2, 2022.

If you have any questions please contact me via email or at the phone number listed below. Thank you, Steve

STEPHEN DENNY, DVM, MS, DACLAM, DACVPM | Director, Office of Animal Care and Use | NIH Bethesda Campus, Building 31/Room B1C37 |  
Phone: (301) 435-2188 | *NIH . . . Turning Discovery Into Health* |