



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 - 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) 402-7065

April 4, 2017

Re: Animal Welfare Assurance  
A3084-01 [OLAW Case 2V]

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

Dear Dr. Alivisatos,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your March 17, 2017 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at the University of California, Berkeley. Your letter supplements information in the prompt email report received on December 22, 2016. According to the information provided, OLAW understands that on December 19, 2016 a plastic bag containing 30 dead adult mice and 20 live infant mice was found in a cold room. Apparently the live pups were the result of a failed CO2 euthanasia procedure. No required confirmatory method of euthanasia was performed on any of the animals. It was not possible to identify the responsible party and therefore it was not determined if any of the possibly related animal activities were funded by awards from the PHS.

Corrective actions consisted of retraining 25 PIs and their staff working in the affected area. Shortly after this a staff member from one of the labs failed to properly euthanize animals and was suspended from the vivarium until counseled by the AV, the ACUC Vice Chair, and the OACU Director.

The prompt consideration of this matter by the University of California, Berkeley was consistent with the philosophy of institutional self-regulation. Similarly, the actions taken to resolve the issue and prevent recurrence were appropriate. We support your commitment to the imposition of escalating sanctions for repeat violations. 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  
Animal Welfare Program Specialist  
Division of Compliance Oversight  
Office of Laboratory Animal Welfare

cc: IACUC Contact

# UNIVERSITY OF CALIFORNIA, BERKELEY

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

BERKELEY, CALIFORNIA 94720-1500

March 17, 2017

Axel V. Wolff, M.S., D.V.M., Director  
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  
OLAWDCO@MAIL.NIH.GOV

Dear Dr. Wolff:

RE: Animal Welfare Assurance #A3084-01

This is to follow up on the preliminary report you received via email on December 22, 2016 from Dr. Rebecca Armstrong, Director of the Office for Animal Care and Use (OACU) on behalf of the Animal Care and Use Committee (ACUC) regarding an animal welfare incident with 20 newborn mice and 30 adult mice that occurred at our institution.

The incident involved a one gallon plastic bag full of mice that was discovered in a cold room in one of our animal facility buildings. The mice had apparently been euthanized by exposure to carbon dioxide. Although the adults in the bag were dead, the infants were not. Additionally, a confirmatory method of euthanasia (as required by our IACUC) was not conducted on any of the mice. Upon discovery, the Office of Laboratory Animal Care (OLAC) took immediate actions and euthanized the mice.

Because no identification was found on the bag or on any of the mice, we were unable to determine if any federal funding supported the mice in this incident. The Attending Veterinarian (AV) required that all 25 of the Principal Investigators (Pis) and their staff working in the affected area be retrained on euthanasia procedures for mice per ACUC Guidelines.

ACUC determined that this was a serious noncompliance with PHS Policy on Humane Care and Use of Laboratory Animals and fully supported the Attending Veterinarian's retraining requirement. Given that this incident occurred over the winter break, it was not possible to begin this retraining immediately but we can now confirm that everyone who was required to do so has completed the necessary re-training and re-certification to perform euthanasia on mice.

In a related incident, shortly after being "re-trained and re-certified", a staff member in one of the affected laboratories was discovered by an OLAC supervisor to be engaged in behavior inconsistent with the training and failing to perform the confirmatory euthanasia. The OLAC supervisor directed that the confirmatory euthanasia be performed, then waited and observed the process. The supervisor then reported this incident to the AV. The AV suspended the

negligent staff member's access to the vivarium and notified that individual's PI of this incident. The staff member was required to meet with the AV, the ACUC Vice Chair, and the OACU Director before being permitted back into the animal facility. During that counseling meeting, the staff member was warned that if such an incident occurred again in the future, the ACUC could permanently bar him from working with animals at our institution.

As Institutional Official, I am disappointed that another incident involving mice occurred after the extensive training efforts. Clear counseling action was immediately taken with the individual following this most recent incident. We are committed to the imposition of escalating sanctions if there are similar events in the future, and I am satisfied that the campus has now taken the appropriate steps toward fulfilling its commitment to maintaining the highest standards of animal welfare, as described in our Animal Welfare Assurance.

Sincerely yours,

(b) (6)

A. Paul Alivisatos, Vice Chancellor for Research  
Institutional Official

cc: William Sha, ACUC Chair  
Greg Lawson, AV and Director of OLAC  
ACUC/OACU

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

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**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Monday, March 20, 2017 7:44 AM  
**To:** 'Rebecca ARMSTRONG'  
**Subject:** RE: Animal Welfare Incident with Mice

Thank you for this report, Dr. Armstrong. We will respond soon.

Axel Wolff

**From:** Rebecca ARMSTRONG [mailto:rda@berkeley.edu]  
**Sent:** Friday, March 17, 2017 5:31 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>  
**Cc:** Paul Alivisatos <paul.alivisatos@berkeley.edu>; Gregory Lawson <glawson@berkeley.edu>; Bill SHA <bsha@berkeley.edu>  
**Subject:** Re: Animal Welfare Incident with Mice

Dear Drs. Morse and Wolff:  
Attached is the final report from our IO regarding the Incident with mice discovered in a cold room and reported on 12/22/2016. If you have any questions, please do not hesitate to contact us.  
Sincerely,  
Dr. Becky Armstrong

On Thu, Dec 22, 2016 at 11:49 AM, OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov> wrote:

Hello Dr. Armstrong,

Thank you for this preliminary report. Your timeline for submission of the final report is fine. We understand that it may not be possible to link specific NIH funding with this incident. We will open a case file and await the final report.

Sincerely, Brent Morse

Brent C. Morse, DVM, DACLAM

Animal Welfare Program Specialist

Division of Compliance Oversight

Office of Laboratory Animal Welfare

National Institutes of Health

Please note that this message and any of its attachments are intended for the named recipient(s) only and may contain confidential, protected or privileged information that should not be distributed to unauthorized individuals. If you have received this message in error, please contact the sender.

**From:** Rebecca ARMSTRONG [<mailto:rdia@berkeley.edu>]

**Sent:** Thursday, December 22, 2016 1:56 PM

**To:** OLAW Division of Compliance Oversight (NIH/OD) <[olawdco@od.nih.gov](mailto:olawdco@od.nih.gov)>

**Cc:** Paul Alivisatos <[paul.alivisatos@berkeley.edu](mailto:paul.alivisatos@berkeley.edu)>; Gregory Lawson <[glawson@berkeley.edu](mailto:glawson@berkeley.edu)>; Bill SHA <[bsha@berkeley.edu](mailto:bsha@berkeley.edu)>

**Subject:** Animal Welfare Incident with Mice

Hello Dr. Wolff:

This is a preliminary notification to report an animal welfare incident involving 20 newborn mice and 30 adult mice that occurred at UC Berkeley on Monday, December 19, 2016.

The incident involved a one gallon plastic bag full of mice that was discovered in a cold room in one of our animal facility buildings. The mice were euthanized by exposure to carbon dioxide. The adults in the bag were dead, however the infants were not. Additionally, a secondary form of euthanasia (as required by our IACUC) was not conducted on any of the mice. Office of Laboratory Animal Care (OLAC) veterinary staff immediately euthanized the animals per appropriate measures.

No identification was found on the bag or on any of the mice and no one has come forward to accept responsibility for this incident. As a result, the Attending Veterinarian (AV) has notified the 25 PIs who have animals in this facility and who utilize that cold room that **ALL** members of their labs **MUST** be re-trained on proper euthanasia procedures for mice.

Given that the University is now on its winter break, the AV - in consultation with the IACUC Chair and Vice Chair - is mandating that said re-training be completed on or before January 31, 2017. PIs that do not meet this deadline will not be permitted to conduct euthanasia on their research animals. The IACUC does not meet again until mid-January 2017, at which time they will be briefed on the incident, the proposed plan for corrective action, and which PIs have complied with the retraining as of the date of that meeting. The IACUC will then decide if further action is necessary to ensure animal welfare and regulatory compliance.

A large number of the PIs in this facility have NIH funding but, at this time we are unable to link this incident to a specific PI and NIH award.

A final report will be forthcoming from our IO once the ACUC has discussed this incident and determined if any additional action is necessary.

Sincerely,

Becky Armstrong

Rebecca D. Armstrong, DVM, PhD

Director, Research Subject Protection

Office for Protection of Human Subjects

Office for Animal Care and Use

UC Berkeley

\*\*\*\*Please note I telecommute on Mondays so please email me for a quick response!\*\*\*\*

Rebecca D. Armstrong, DVM, PhD

Director, Research Subject Protection

Office for Protection of Human Subjects

Office for Animal Care and Use

UC Berkeley

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