



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

March 26, 2020

Re: Animal Welfare Assurance  
#A3728-01 (OLAW Case F)

Dr. Stephen C. Welter  
Vice President for Research  
San Diego State University  
5250 Campanile Drive  
San Diego, CA 92182-1933

Dear Dr. Welter,

The Office of Laboratory Animal Welfare (OLAW) acknowledges receipt of your March 10, 2020 letter reporting an instance of noncompliance with the PHS Policy on Humane Care and Use of Laboratory Animals at San Diego State University. According to the information provided, OLAW understands that on February 28, 2020 an investigator self-reported that he had purchased 10 Rhode Island Red chicks from a vendor. The protocol only allowed for housing adult chickens in an outdoor enclosure. The chicks were being held in an indoor area. No PHS funds were used in this incident.

The following corrective and preventive actions were implemented: The investigator submitted a protocol amendment allowing the purchase of chicks and the indoor housing. The indoor housing was found to be adequate for the chicks until they reached the age when they could be housed outdoors. No procedures were performed on the chicks until they reached the approved age. The research personnel were trained in proper care of the chicks and the researcher was trained in submitting amendments and proper approval required before use of animals. The indoor housing area was added to the IACUC semiannual facility inspection list.

The prompt consideration of this matter by San Diego State University was consistent with the philosophy of institutional self-regulation. Similarly, the actions taken to resolve the issue and prevent recurrence were appropriate. Although this activity was not PHS funded, the application of the expectations of the PHS Policy across the animal care and use program reduces any potential appearance of a double standard. 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



SAN DIEGO STATE  
UNIVERSITY

Research Support Services  
Research Affairs  
San Diego State University  
5250 Campanile Drive  
San Diego, CA 92182 1933  
Phone: 619 · 594 5938  
DRA@sdsu.edu

March 10, 2020

Dr. Brent Morse  
Director  
Division of Compliance Oversight  
6700B Rockledge Drive  
Suite 2500  
Bethesda, MD 20892-6910

RE: Report of Protocol Deviation/Noncompliance

Dear Dr. Morse,

We are writing to provide you with a report of an incident of noncompliance involving a non-USDA-covered species (chickens) used in a study conducted by a San Diego State University investigator. This incident involves noncompliance with the *Guide for the Care and Use of Laboratory Animals*, and funded by the USDA. Therefore, a report is being submitted to the Office of Laboratory Animal Welfare as required under Section IV.F.3.b of the Public Health Service Policy on Humane Care and Use of Laboratory Animals.

**Incident Summary:** In the afternoon of February 28 an investigator self-reported a purchase of Rhode Island Red chicks, 6 days old, from a local vendor had occurred. These chicks were being housed in a space adjacent to the investigator's laboratory in a temperature controlled room.

Review of the Investigator's approved protocol described only adult chickens 20 weeks of age would be purchased and housed in an outdoor enclosure (chicken coop). The IACUC Chair was informed the next day and the investigator was contacted to provide additional information regarding the circumstances for the protocol deviation. In brief, the investigator explained that when an inquiry was made to purchase chickens for their approved project, they were informed that there is a shortage of chickens in California due to a Newcastle Disease Virus (NDV) outbreak and it might be several weeks before they would be available. A few days later the vendor called and said that some chicks were available and were free from NDV. The investigator, anxious due to the grant ending in August 2020, decided to purchase the chicks and set up an area for care and feeding of 10 chicks, a number less than the approved number on the protocol (12). A convened meeting of the IACUC took place on March 9 to discuss the issue. After the meeting, a small group of IACUC members and the Attending Veterinarian inspected the space where the chicks were housed. The IACUC team found the chicks in excellent health in large enclosures with appropriate bedding and enrichment. The details of husbandry are that the chicks are checked a minimum of 3 times a day 7 days a week with food and water given ad libitum. The room is temperature controlled with temperatures logged and 12-hour light/dark cycles

maintained. A log book is maintained and observations are recorded a minimum 3 times per day with many days having 5-7 observations documented. All members of the investigator's research team have completed training for the care and use of chickens in research.

**Conclusions:** The investigator purchased chicks/chickens that were not approved on an IACUC protocol due to anxiety regarding the end of grant funding. The investigator, realizing this mistake, self-reported to the IACUC. The chicks are in excellent health and are being monitored and cared for by attentive staff. The chicks will be housed in the access controlled space until approximately 10-12 weeks of age when they will be transported to the outdoor chicken coop. There are no research procedures being performed on the chicks and will not take place until the time specified in the approved IACUC protocol.

**Remedial Actions:** As in most matters of non-compliance, the IACUC conducted re-training with the investigator. This investigator is new to animal care and use and this is the first protocol approved. The IACUC inspection team covered the regulations and requirements for submitting amendments as necessary and obtaining approval before any activities involving animals are conducted. The investigator will call the Attending Veterinarian with any concerns regarding the health of the chickens. The investigator will be required to submit an amendment describing the new activity for the purchase and care of chicks to be reviewed by the IACUC. Additionally, the location will be added to the semi-annual inspection schedule until the chickens are transported to the outdoor coop.

(b) (6)



Stephen Welter  
Vice President for Research  
Dean Graduate Affairs  
Institutional Official

## **Morse, Brent (NIH/OD) [E]**

---

**From:** OLAW Division of Compliance Oversight (NIH/OD)  
**Sent:** Tuesday, March 10, 2020 4:13 PM  
**To:** (b) (6) OLAW Division of Compliance Oversight (NIH/OD)  
**Cc:** Stephen Welter; (b) (6)  
**Subject:** RE: OLAW Letter March 2020 San Diego State University

Thank you for providing this report. We will send an official response soon.

Best regards, Brent Morse

Brent C. Morse, DVM, DACLAM  
Director  
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:** (b) (6)  
**Sent:** Tuesday, March 10, 2020 3:43 PM  
**To:** OLAW Division of Compliance Oversight (NIH/OD) <olawdco@od.nih.gov>  
**Cc:** Stephen Welter <swelter@sdsu.edu>; (b) (6)  
**Subject:** OLAW Letter March 2020 San Diego State University

Dear Dr. Morse,

Please find a letter describing a recent issue at San Diego State University.

I will be happy to provide more information if needed.

Thanks,

(b) (6)

