NIH Regional Seminar on Program Funding and Grants Administration

Research Involving Animals
Office of Laboratory Animal Welfare (OLAW)

Doreen H. Bartlett
Senior Assurance Officer, Division of Assurances
Office of Laboratory Animal Welfare
National Institutes of Health

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OLAW Mission

OLAW provides guidance and interpretation of PHS Policy, supports educational programs, and monitors compliance with the Policy by Assured institutions and PHS funding components to ensure the humane care and use of animals in PHS-supported research, testing, and training and thereby contributing to the quality of research.
OLAW Responsibilities

- Oversee implementation of PHS Policy
- Provide interpretation and guidance
- Negotiate Animal Welfare Assurances
- Evaluate compliance
  - Institutional self reporting
  - Third party allegations
- Educational activities
  - Workshops
  - Resources
  - Training sessions
  - Webinars
OLAW Educational Programs

- Partnerships with organizations and institutions
- Workshops, meetings, conferences
- On-line courses, webinars
- IACUC 101 training program
- Web-based tutorial, resources
- Published articles, FAQs, commentary
- Policy interpretations published in the NIH Guide for Grants and Contracts
Authorizing Legislation
Public Law 99-158 (11/20/85)
Health Research Extension Act

- NIH Director to establish guidelines for research funded by NIH and other PHS agencies
- Animal Welfare Assurance mechanism
- Institutional Animal Care and Use Committee (IACUC) with oversight authority
- Institutional opportunity to correct deficiencies
OLAW’s Philosophy

“It is far preferable to place primary responsibility for assuring compliance with NIH guidelines on committees within institutions rather than relying on intrusive Federal inspections.”

- Congressional committee report accompanying the 1985 Health Research Extension Act
Key Elements of the PHS Policy

- All vertebrate animals
- Animal Welfare Assurance
- Institutional program of animal care and use
- Institutional Animal Care and Use Committee
- Self-monitoring by institution
- Requirements
  - Record keeping – program and IACUC records
  - Reporting – annual and non-compliance
PHS Policy Applicability

- Applicable to all PHS-conducted OR supported activities involving animals
- Animal - any live vertebrate animal used OR intended for use in research, training, experimentation, biological testing
- PHS agencies- CDC, FDA, NIH
Animal is defined as:

“any live vertebrate animal used or intended for use in research, research training, experimentation, or biological testing or for related purposes”.

PHS Policy
Animal Welfare Assurance

- Contract with Federal Government
- Description of the institutional program of animal care and use
- Documents institutional commitment
- Principal method for compliance oversight
Animal Welfare Assurance

• No activity involving animals may be conducted or supported until an Assurance is in place

• Assurance sets forth compliance with Policy

• Animal program must be based on Guide

• No Assurance= No PHS support for animal work
Types of Animal Welfare Assurances

- Domestic Assurance
- Inter-Institutional Assurance
- Foreign Assurance
Domestic Animal Welfare Assurance

- Institution controls their own animal facilities
- Has a complete animal care and use program
  - Institutional Official (IO)
  - IACUC
  - Veterinarian
- Remains in effect for up to 4 years
- Assurance signed by IO
- Requires PHS funding
- Requested by grant management personnel
- Renewed if PHS/NSF......funded
Domestic Animal Welfare Assurance

- Describes animal care and use program
- Lines of authority and responsibility
- Institutional Animal Care and Use Committee
- Procedures to implement the PHS Policy
- Program of veterinary care
- Occupational safety and health program for personnel
- Training of personnel (investigators, technicians, IACUC)
- Facilities
- Species
IACUC Responsibilities

- Oversight of animal care and use program
- Review animal use protocols and procedures
- Review concerns
- Review program/and inspect facilities semi-annually and report to Institutional Official
- Advise Institutional Official
- Suspend PHS-supported activity if necessary
- Prompt reporting by Institution to OLAW
Reporting Requirements

• Annual Report
• Reporting of Non-compliance
  • Serious or continuing noncompliance with the PHS Policy
  • Serious deviations from the *Guide*
  • Any suspension of an activity by the IACUC
Interinstitutional Assurance

- Grantee organization does not have animal care and use program
- Animal work conducted at Assured Institution
- Good for life of grant (project specific)
- Requested by grants management personnel
Foreign Animal Welfare Assurance

- Negotiated when
  - Prime awardee is foreign institution
  - Domestic awardee conducting animal work at foreign site
  - Domestic awardee’s IACUC approves animal activities performed at foreign site

- Guided by International Guiding Principles for Biomedical Research Involving Animals (CIOMS)

- Requires list of titles of governing laws, regulations and policies from the country of origin (in English)
Consortium Agreements: Sub-awards

• Prime awardee is accountable and must confirm:
  • Assurance
  • IACUC approval (dated within 3 years)
  • Approval only required from one Assured entity
• Animal welfare requirements apply to all consortium participants and sub-projects
Which Study Should Be Checked “Yes” for Vertebrate Animal?

- Embryonated egg
- Tadpole
- Zebrafish
- Cow spleen from slaughterhouse
- Antibodies from goat
- Chimpanzee behavior study
- Octopus nerve study
- Mosquito malaria study
NIH Grants Policy Requirements

• Animal Welfare Assurance for the applicant organization and all performance sites.

• Verification that the IACUC has reviewed and approved those sections of the application that involve the use of vertebrate animals.

• A complete Vertebrate Animal Section (VAS)
Grant Applicant to Address Vertebrate Animal Use (electronic submission)

- **SF 424 ~ Research & Related Application**
  - Project / Performance Site Location(s)
  - Other Project Information (Section 2 & 2a)

- **PHS 398 ~ Research Plan**
  - Research Plan Attachments
    - Other Research Plan Sections (10. Vertebrate Animals)
    - PDF format
    - Four Points of Vertebrate Animal Section (VAS) addressed (as of October 13, 2015, NOT-OD-16-006) (more on this later....).
# Application for Federal Assistance

## SF 424 (R&R)

### 1. Type of Submission
- [ ] Pre-application
- [ ] Application
- [X] Changed/Corrected Application

### 2. Date Submitted

#### Applicant Identifier

### 3. Date Received by State

#### State Application Identifier

### 4. a. Federal Identifier

### 4. b. Agency Routing Identifier

### 4. c. Previous Grants.gov Tracking ID

### 5. Applicant Information

#### Legal Name:

#### Department:

#### Street1:

#### Street2:

#### City:

#### County / Parish:

#### State:

#### Province:

#### Country:

#### USA: UNITED STATES

#### ZIP / Postal Code:
RESEARCH & RELATED Other Project Information

1. Are Human Subjects Involved? □ Yes □ No
   1.a. If YES to Human Subjects
        Is the Project Exempt from Federal regulations? □ Yes □ No
        If yes, check appropriate exemption number. □ 1 □ 2 □ 3 □ 4 □ 5 □ 6
        If no, is the IRB review Pending? □ Yes □ No

   IRB Approval Date: ____________________________
   Human Subject Assurance Number: ____________________________

2. Are Vertebrate Animals Used? □ Yes □ No
   2.a. If YES to Vertebrate Animals
        Is the IACUC review Pending? □ Yes □ No

        IACUC Approval Date: ____________________________
        Animal Welfare Assurance Number: ____________________________

3. Is proprietary/privileged information included in the application? □ Yes □ No

4.a. Does this Project Have an Actual or Potential Impact - positive or negative - on the environment? □ Yes □ No
# PHS 398 Research Plan

**Expiry Date:** 10/31/2018

**CMB Number:** 0926-0001

## Introduction

1. Introduction to Application (Resubmission and Revision)

## Research Plan Section

2. Specific Aims

3. Research Strategy (Highlighted)

4. Progress Report Publication List

## Human Subjects Section

5. Protection of Human Subjects

6. Data Safety Monitoring Plan

7. Inclusion of Women and Minorities

8. Inclusion of Children

## Other Research Plan Section

9. Vertebrate Animals

10. Select Agent Research

11. Multiple PD/PI Leadership Plan
Simplification of the Vertebrate Animals Section of Applications and Proposals

When?
• Effective for applications & proposals due on or after May 25, 2016

Why?
• Remove redundancy with IACUC review
• Meet PHS Policy requirements
• Simplify criteria and reduce burden

What are the changes?
• Description of veterinary care no longer required
• Justification for number of animals eliminated
• Justify and describe the method of euthanasia only if not consistent with AVMA guidelines
Vertebrate Animals Section Criteria

1. **Description of Procedures.** Provide a concise description of the proposed procedures to be used that involve vertebrate animals. Identify the species, strains, ages, sex and total number of animals by species to be used in the proposed work. If dogs or cats are proposed, provide the source of the animals.

2. **Justifications.** Provide justification that the species are appropriate for the proposed research. Explain why the research goals cannot be accomplished using an alternative model (e.g., computational, human, invertebrate, in vitro).
Vertebrate Animals Section Criteria cont.

3. **Minimization of Pain and Distress.** Describe the interventions including analgesia, anesthesia, sedation, palliative care and humane endpoints to minimize discomfort, distress, pain and injury.

4. **Euthanasia.** State whether the method of euthanasia is consistent with the recommendations of the American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals. If not, describe the method and provide a scientific justification.
VAS Review by OLAW

- Assurance Officer reviews VAS for grants and contracts submitted to OLAW with request for:
  - Assurance
  - or resolution of animal welfare concerns.
- Assurance Officer reviews and accepts VAS or requests additional information be provided.
- OLAW administrative personnel send Specialist questions to provide to PI for response.
- Specialist gets PO or Grants Officer approval for updated VAS and sends to OLAW Division of Assurance email box for review and acceptance.
Funding Component (IC) and Peer Review Responsibilities

• Consideration of animal welfare in the grant proposal should be evaluated (Review of VAS)
• If evaluation identifies concerns with animal care and use, the concerns must be resolved prior to funding (Animal Welfare Concerns)
• Ensure that institution has an Assurance
• If no Assurance, Grants Management requests that OLAW negotiate Assurance
• Verify IACUC approval – valid date for 3 yrs.
PHS Policy IV.F.3.

The IACUC, through the IO, shall promptly provide OLAW with a full explanation of the circumstances and actions taken with respect to:

• Any serious or continuing noncompliance with PHS Policy
• Any serious deviation from the Guide
• Any suspension of an activity by the IACUC
Health Research Extension Act

If the Director of NIH determines that:

- Animal care conditions at PHS funded site do not meet applicable guidelines
- The entity has been informed of this and given a reasonable opportunity to take corrective action, and
- If no corrective action has been taken NIH shall suspend or revoke the grant or contract
OLAW’s Authority

- May request, negotiate, approve or disapprove assurance
- May limit the effective period of approval
- May restrict, condition, or withdraw approval
- May review, approve, disapprove waivers to the PHS Policy
- OLAW is responsible for administration and coordination of PHS Policy
IACUC Authority

- The IACUC may suspend an activity that it previously approved if not in accordance with Animal Welfare Act, Guide, Assurance, PHS Policy
- IACUC must review matter at convened meeting of quorum, suspension vote of majority of quorum present
- Suspension cannot be overturned by IO or other officials
Institutional Accountability

The institution is accountable for:
• Financial, administrative aspects of award
• The animal care and use program, IACUC

The investigator is accountable for:
• The research
• Compliance with animal care and use program

The IACUC, together with the IO, exercises oversight over institutional animal care and use
Institutional Official

- Designated representative of grantee organization in matters related to the award and administration of PHS grants
- Accountable for appropriate use of funds and performance of activities resulting from application
- Signs Assurance- commits institution to meet requirements of PHS Policy
Principal Investigator

• Designated by grantee as responsible for scientific and technical aspects of project

• Member of grantee team responsible for ensuring compliance with financial and administrative aspects of award
Institutions are not permitted to charge for animal activities when terms and conditions are not upheld:

- Absence of a valid Assurance on file with OLAW
- Absence of valid IACUC approval
  - Failure to obtain IACUC approval for animal activity
  - Failure to obtain IACUC approval for significant changes prior to implementing
  - Continuing animal activities after IACUC approval has expired
  - Continuing animal activities after suspension of IACUC approval
Policy on Allowable Costs for Grants Activity Involving Animals

- Institutions are required to report noncompliant situations
- OLAW (olawdco@mail.nih.gov or 301-594-2061)
- Institute/Center (IC) supporting the award
- NIH expects grantees to continue to maintain and care for animals during periods of noncompliance
- Funding components may allow expenditure of NIH grant funds for maintenance and care of animals on a case-by-case basis
- NIH Policy on Allowable Costs for Activities with Animals when Terms and Conditions are not Upheld

Sources of Reportable Issues

- Institutional self-reports
- Allegations from employees
- Reports from other oversight agencies
- OLAW review of Assurance, Annual Report
- Reports from funding components
- Allegations from other sources
Institutional Corrective Action

• Retrain personnel
• Counsel, reprimand, terminate employment
• Modify institutional policies
• Repair or modify facility
• Enhance PI and study oversight, probation
• Modify, suspend, or terminate animal study protocol
Institutional Reporting Guidance

• Guidance on Prompt Reporting to OLAW under the PHS Policy on Humane Care and Use of Laboratory Animals
  NOT-OD-05-034 Feb 24, 2005

• OLAW Online Seminar:
  Reporting Noncompliant Events to OLAW

  https://webmeeting.nih.gov/p31061868/
Contact OLAW for Advice or Help

- Not sure if an issue is reportable? It is better to ask:
  - **Division of Compliance Oversight**
  - 301-594-2061 or 301-594-2921
  - olawdco@mail.nih.gov

- Consequences are less desirable if reportable issue is withheld and discovered later

- OLAW needs information on serious reportable issues to represent institution to PHS, Congress, and the media
Reporting is a Cooperative Process

• OLAW will provide assistance and guidance

• Institution must demonstrate that corrective actions are being implemented

• OLAW will evaluate appropriateness of the actions in correcting and preventing the reportable issue

• Self-reporting is part of enforced self-regulation
Implications of Reportable Issues

- Corrective actions and improved systems
- Special terms and conditions of awards
- Enhanced reporting requirements
- Cost disallowance
- Suspension or termination of award
- Restriction or withdrawal of Assurance
- Criminal prosecution
Other Possible Ramifications

• Negative publicity for the institution
• Damage to reputation, assessment of peers
• Retract or withdraw scientific publication
• Institutional standing with alumni
• Institutional loss of personnel, inability to attract new staff
• Inquiries from Congress, other Federal regulators
NIH-Supported Research is a Partnership

- Collaborative relationship exists between BARDA and awardee institution

- The partners share a mutual need to assure compliance

- Each partner has responsibilities and obligations as stewards of public funds

- Institutional self-governance is the foundation of PHS Policy
Workshops and Conferences – 2016 & 2017

IACUC 101 Series Workshops
• March 19, 2017 – New Orleans, LA
• April 19 & 20, 2017 – Phoenix, AZ
• June 7 & 8, 2017 – Missoula, MT
• August 2 & 3, 2017 – Washington, DC
• September 15, 2017, NY

SCAW IACUC Workshops & Conferences
• December 5-6, 2016 – San Antonio, TX

USDA AWIC Workshops - Beltsville, MD
• February 22 & 23, 2017
• May 10 & 11, 2017

http://grants.nih.gov/grants/olaw/workshop.htm
OLAW Educational Outreach

FAQs:

OLAW online free quarterly webinars series:
- December 15 – Self Evaluation & Reporting: Always Let the Guide Be Your Conscience

Recordings of past webinars:

Webinars now sorted by Category, Date, and Name
SCENARIO 1: What Would You Do?

• **Bob’s Biotech** will be the prime grantee for an award involving animal research.

• **Bob’s Biotech** does not have their own animal facility but has made preliminary plans with Citywide University to conduct the animal studies in Citywide’s facility.

What are the requirements for the grant to allow the animal activities to proceed?
SCENARIO 1: Outcomes

What are the requirements for the grant to allow the animal activities to proceed?

A. Performance site to be listed as Citywide University
B. VAS to be completed for animal work at Citywide University
C. Assurances needed for both sites
   (Citywide University needs a domestic assurance; Bob’s Biotech needs an interinstitutional assurance with Citywide University and OLAW)
D. IACUC approval needed from Citywide University
E. All of the above!!!
Scenario 2: What Would You Do?

Anywhere University will be subcontracting some of its proposed animal activities to a foreign performance site at May-Oui Institute.

What are the requirements for the grant to allow the animal activities to proceed?
SCENARIO 2: Outcomes

What are the requirements for the grant to allow the animal activities to proceed?

A. Performance site to be listed as May-Oui Institute
B. VAS to be completed for animal work at both sites
C. Assurances needed for both sites
   (Anywhere University needs a domestic assurance; May-Oui Institute needs a foreign assurance)
D. IACUC approval from Anywhere University for work at both sites
E. All of the above
SCENARIO 3: What Would You Do??

The PI at Research University indicates that he will not be performing any animal activities but in the application he indicates he will be obtaining custom rabbit antibodies from Alpha Omega Enterprises.

What are the requirements for the grant to allow the animal activities to proceed?
SCENARIO 3: Outcomes

What are the requirements for the grant to allow the animal activities to proceed?

A. Performance site to be listed as Alpha Omega
B. VAS to be completed for animal work at Alpha Omega
C. Assurances needed for both sites
   (Alpha Omega needs a domestic assurance; Research University needs an interinstitutional assurance with Alpha Omega and OLAW)
D. IACUC approval from Alpha Omega OR Research University, IF Research University has its own animal program
E. All – of - the - above
Contacting OLAW

- OLAW: 301-496-7163
  olaw@od.nih.gov
- Division of Policy and Education
  olawdpe@mail.nih.gov
- Division of Assurances
  assurances.olaw@od.nih.gov
- Division of Compliance Oversight
  olawdco@mail.nih.gov
Questions? Please Ask!

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