



NIH Regional Seminar on Program Funding and Grants Administration Research Involving. . . Animals (OLAW)



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Director, Division of Assurances
NIH/OER/OLAW
April 18, 2012





OLAW Mission Statement

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
- Webinars
- IACUC 101 / 201-Plus training programs
- IACUC Guidebook, 2nd edition
- Web-based tutorial, resources
- Published articles, FAQs, commentary
- Policy interpretations published in 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.”

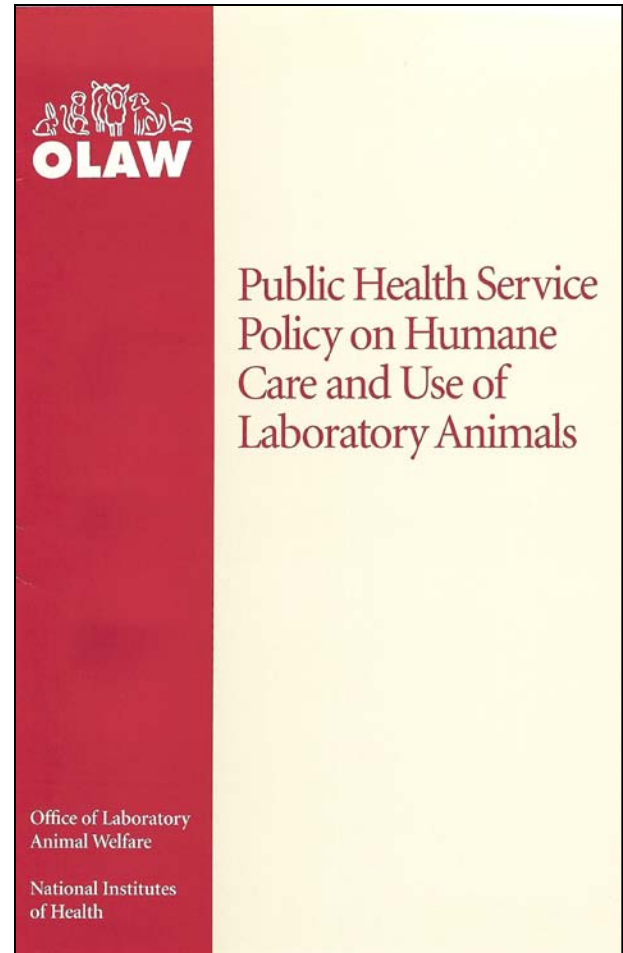
Congressional committee report accompanying
the 1985 Health Research Extension Act





PHS Policy

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



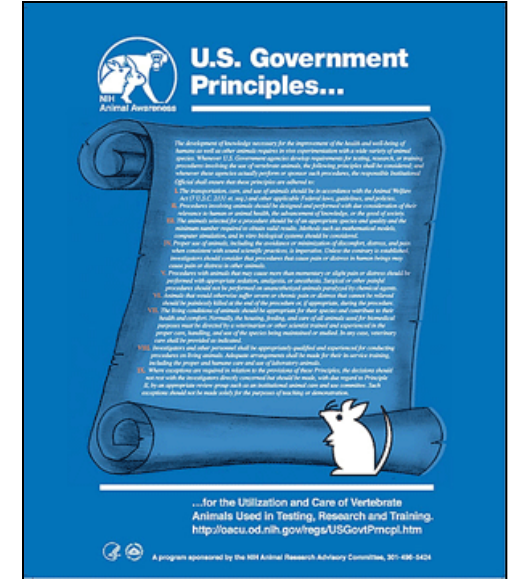
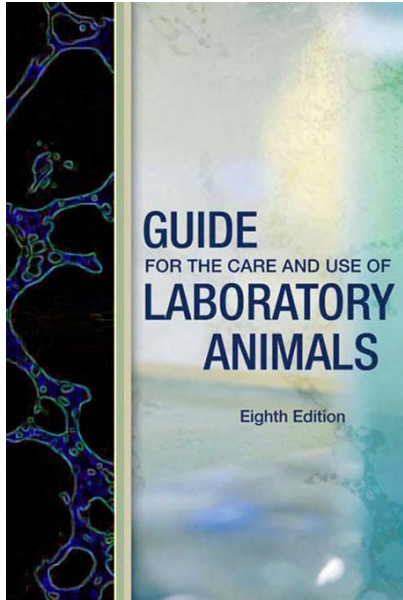


PHS Policy Applicability

- 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



PHS Policy: Standards for Animal Care and Use



**AVMA Guidelines on Euthanasia
(Formerly Report of the AVMA Panel on
Euthanasia)**

June 2007





Animal Welfare Assurance

- Contract with Federal Government
- Documents institutional commitment
- Description of institutional programs, procedures
- Principle 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

- Control their own animal facilities
- Have a complete animal care and use program
 - Institutional Official (IO)
 - IACUC
 - Veterinarian
- Remain in effect for up to 4 years
- Assurance signed by IO
- Can be renewed
- PHS funding
- Requested by grant management personnel



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



Inter-institutional 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 grantee is foreign institute
 - Domestic grantee conducting animal work at foreign site
 - Domestic grantee's IACUC approves animal activities performed at foreign site
- Guided by International Guiding Principles for Biomedical Research Involving Animals (developed by CIOMS)
- Requires list of titles of governing laws, regulations and policies from the country of origin (in English)
- 5 year approval period
- Requires 1 signature from a representative from the foreign organization plus 2 additional points of contact



Consortium Agreements: Sub-awards

- Prime grantee is accountable to NIH and must confirm:
 - Assurance
 - IACUC approval (dated within 3 years)
 - Only required from one Assured entity
- Animal welfare requirements apply to all consortium participants and sub-projects
- For more information see NIH GPS, Part II, Terms and Conditions of NIH Grant Awards, Consortium Agreements



OMB Number: 4040-0001
Expiration Date: 06/30/2011

APPLICATION FOR FEDERAL ASSISTANCE
SF 424 (R&R)

3. DATE RECEIVED BY STATE

State Application Identifier

1. * TYPE OF SUBMISSION

Pre-application Application Changed/Corrected Application

4. a. Federal Identifier

b. Agency Routing Identifier

2. DATE SUBMITTED

Applicant Identifier

5. APPLICANT INFORMATION

* Organizational DUNS:

* Legal Name:

Department:

Division:

* Street1:

Street2:

* City:

County / Parish:

* State:

Province:

* Country:

USA: UNITED STATES

* ZIP / Postal Code:





OMB Number: 4040-0010
Expiration Date: 08/31/2011

Project/Performance Site Location(s)

Project/Performance Site Primary Location I am submitting an application as an individual, and not on behalf of a company, state, local or tribal government, academia, or other type of organization.

Organization Name: [Redacted]

DUNS Number: [Empty]

* Street1: [Redacted]

Street2: [Empty]

* City: [Redacted] County: [Empty]

* State: [Redacted]

Province: [Empty]

* Country: USA: UNITED STATES

* ZIP / Postal Code: [Redacted] * Project/ Performance Site Congressional District: [Redacted]





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.
- Completed 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 (11. Vertebrate Animals)
 - PDF format
 - Five Points of Vertebrate Animal Section (VAS) addressed

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 on the environment?

Yes No

**Grantee
Information needs
to be reflected**



PHS 398 Research Plan

1. Application Type:

From SF 424 (R&R) Cover Page. The response provided on that page, regarding the type of application being submitted, is repeated for your reference, as you attach the appropriate sections of the Research Plan.

*Type of Application:

New Resubmission Renewal Continuation Revision

2. Research Plan Attachments:

Please attach applicable sections of the research plan, below.

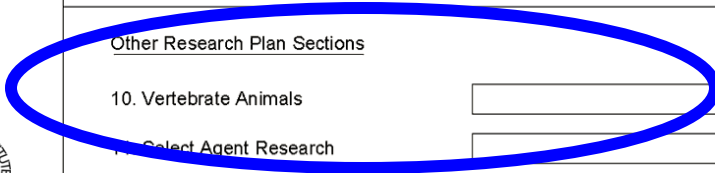
- | | | | | |
|-------------------------------------|----------------------|--------------------------------|-----------------------------------|---------------------------------|
| 1. Introduction to Application | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| (for RESUBMISSION or REVISION only) | | | | |
| 2. Specific Aims | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 3. *Research Strategy | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 4. Inclusion Enrollment Report | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 5. Progress Report Publication List | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |

Human Subjects Sections

- | | | | | |
|--------------------------------------|----------------------|--------------------------------|-----------------------------------|---------------------------------|
| 6. Protection of Human Subjects | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 7. Inclusion of Women and Minorities | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 8. Targeted/Planned Enrollment Table | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |
| 9. Inclusion of Children | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |

Other Research Plan Sections

- | | | | | |
|---------------------------|----------------------|-----------------------------------|-----------------------------------|---------------------------------|
| 10. Vertebrate Animals | <input type="text"/> | Delete Attachment | View Attachment | |
| 11. Select Agent Research | <input type="text"/> | Add Attachment | Delete Attachment | View Attachment |





Grant Applicant to Address Five Points

- Describe proposed use and list species, strains, ages, sex, and numbers of animals to be used
- Justify: use, species, and numbers
- Veterinary care to include Performance site (separate VAS required for each Performance site)
- Procedures to minimize pain and distress
 - Pain and distress will be limited to *that which is unavoidable*
 - Describe use of analgesics, anesthetics, etc.
- Describe method of euthanasia
 - Reasons for selection of method
 - If not consistent with AVMA Guidelines - provide justification.



Worksheet for Review of VAS

- Five bulleted items to match with 5 Elements
- Single page checklist
- Covers all required elements
- Highlights critical aspects of the VAS 5 points
- Readily see when item is incomplete
- Aid in review by reviewers
- Prompt discussion by SROs of problems they may see with VAS

<http://grants.nih.gov/grants/olaw/VASchecklist.pdf>





VAS Worksheet Purpose

- Help applicant to include needed information to address animal welfare
- Help reviewer determine if the applicant has appropriately addressed the required five points
- Ensure weaknesses identified during review are included in the summary statement and addressed prior to award
- Encourage consistency in review

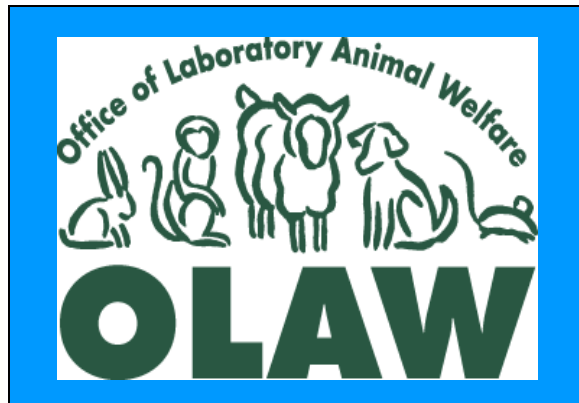


Funding Component (IC) and Peer Review Responsibilities

- Consideration of animal welfare during peer review (may affect score of application)
- If reviewers express concerns about animal care and use, the concerns must be resolved prior to funding ([Animal Welfare Concerns](#))
- Ensure that institution has an Assurance
- If no Assurance, [the IC](#) requests that OLAW negotiate Assurance
- Verify IACUC approval – valid date for 3 yrs.



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Axel Wolff, DVM
Director, Division of Compliance Oversight
NIH/OER/OLAW





Enforced Self-regulation

- Performance standards
- Flexibility
- Self-monitoring
- Self-correcting
- Self-reporting
- OLAW oversight



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



- 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 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



Language from face page of 398/SF 424

Signature and Assurance of Principal Investigator/Program Director Assurance:

I certify that the statements herein are true, complete and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to **criminal, civil, or administrative penalties**. I agree to accept responsibility for the scientific conduct of the project and to provide the required progress reports if a grant is awarded as a result of this application.



Policy on Allowable Costs for Grants Activity Involving Animals

- Office of Management and Budget Cost Principles and NIH Grants Policy Statement do not permit charges to grant awards for animal activities during periods of time that terms and conditions are not upheld
- If work is conducted under noncompliant conditions, the expended grant funds may need to be refunded



Policy on Allowable Costs for Grants Activity Involving Animals

- 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 \(olawdco@mail.nih.gov or 301-594-2061\)](mailto:olawdco@mail.nih.gov)
 - [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

[\[http://grants.nih.gov/grants/guide/notice-files/NOT-OD-07-044.html\]](http://grants.nih.gov/grants/guide/notice-files/NOT-OD-07-044.html)



Reportable Issues Data Analysis

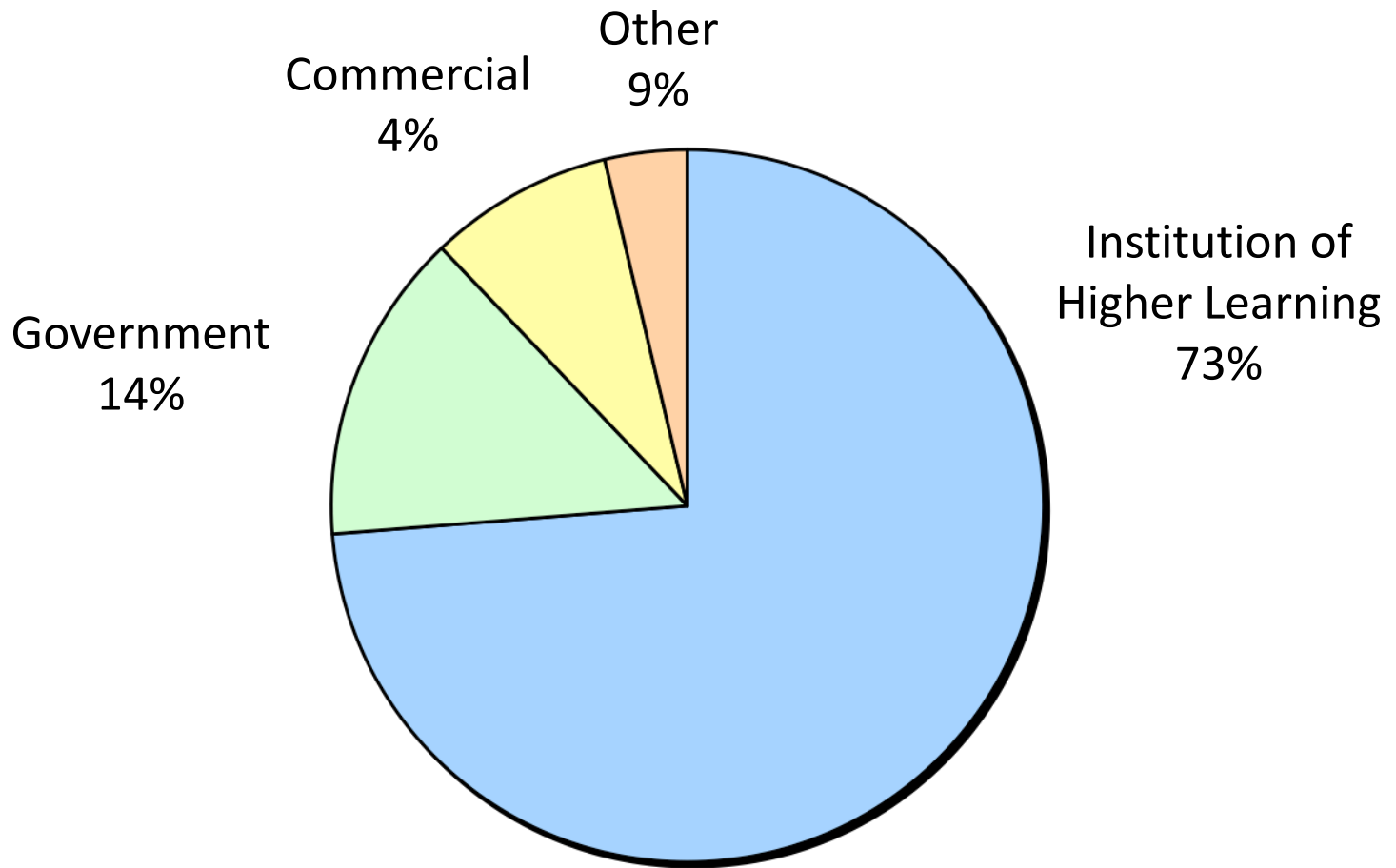
OLAW opened 4,694 cases from 2000 – 2010

- 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
- OLAW opened 769 cases in 2010



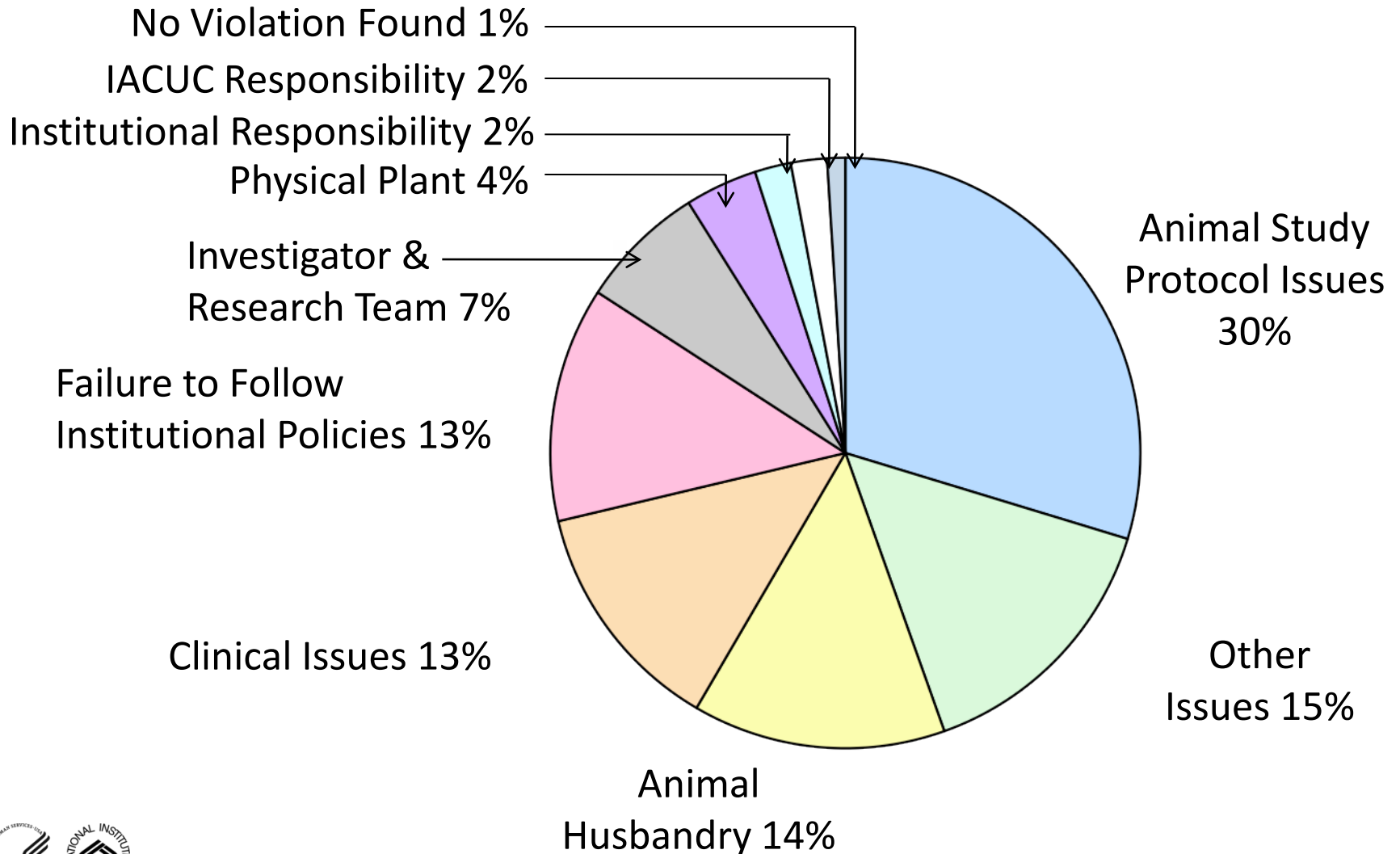


Reportable Issues by Institution Type



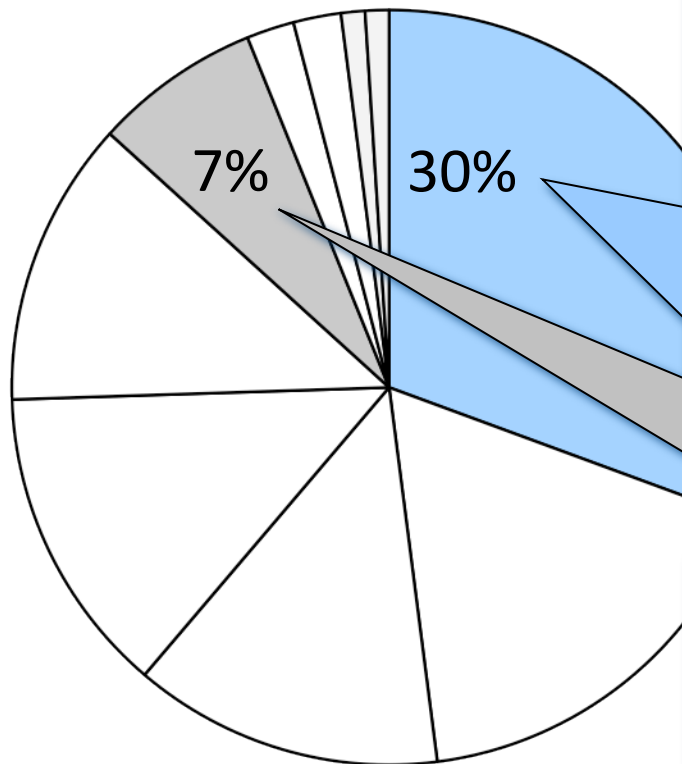


Types of Reportable Issues





Reportable Issues 1



Animal Study Protocol Issues

- 43% Failure to follow protocol
- 19% Unapproved significant change
- 16% Work before protocol approval
- 10% Inadequate oversight
- 8% Work on expired protocol

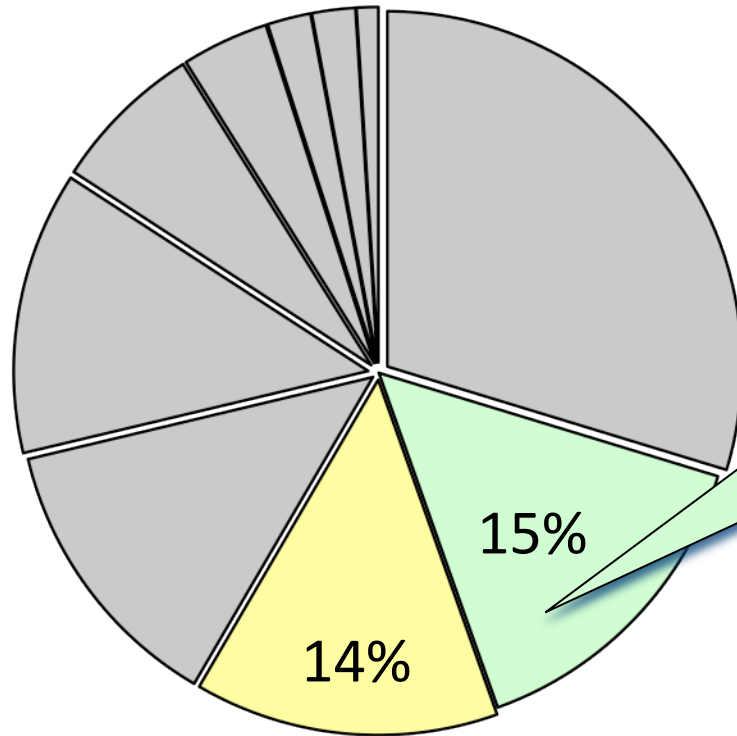
Investigator & Research Team Issues

- Unauthorized laboratory or animal housing
- Unauthorized or unqualified personnel
- Food and water restriction issues





Reportable Issues 2



Other

- Human error, accident
- Natural disaster
- Equipment failure
- Training failure
- Crime, neglect, abuse

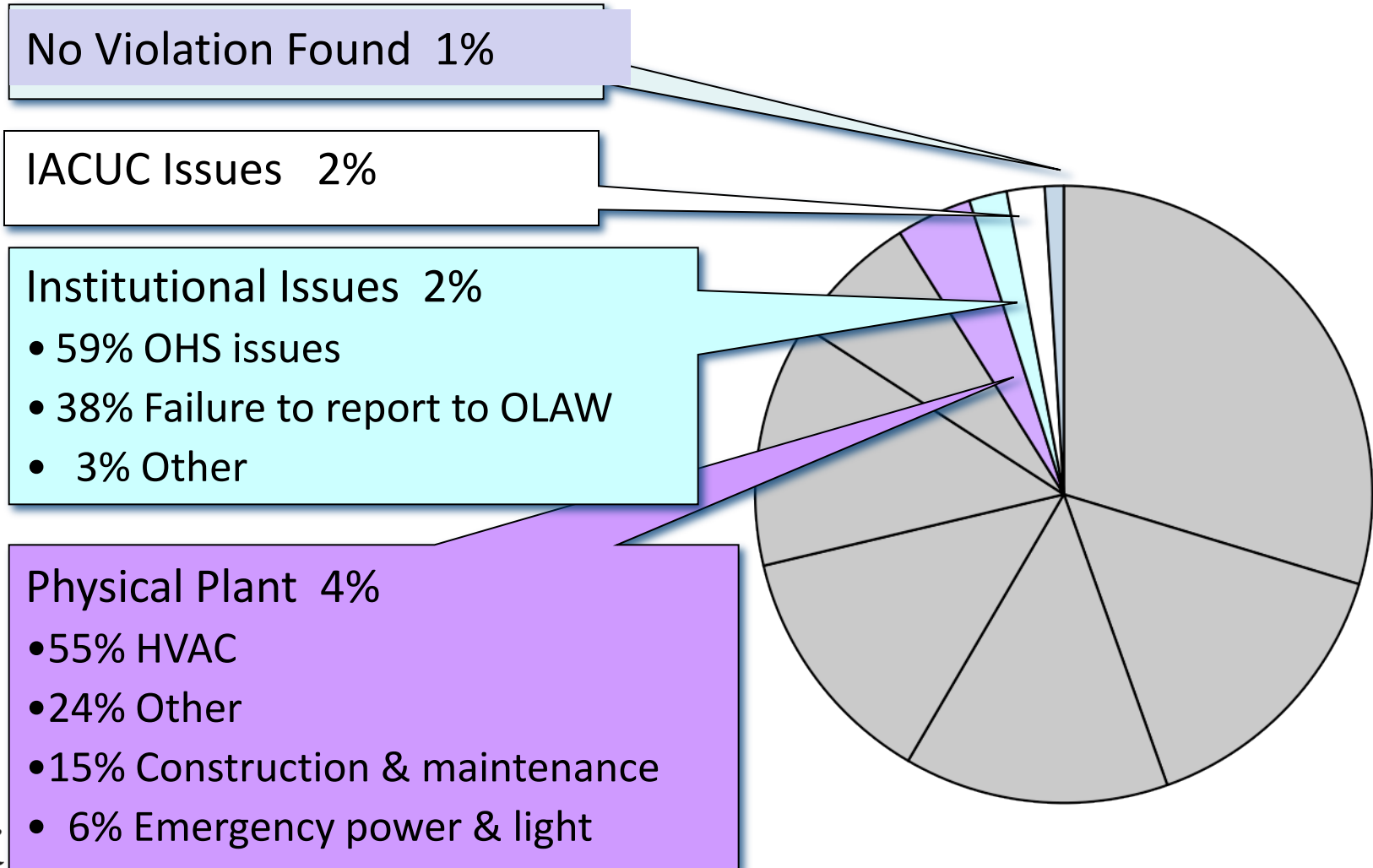
Animal Husbandry Issues

- 32% Food and water issues
- 27% Inadequate records or ID
- 21% Other husbandry
- 7% Sanitation failure
- 7% Space issue
- 4% Escaped animal(s)
- 2% Enrichment or social issue



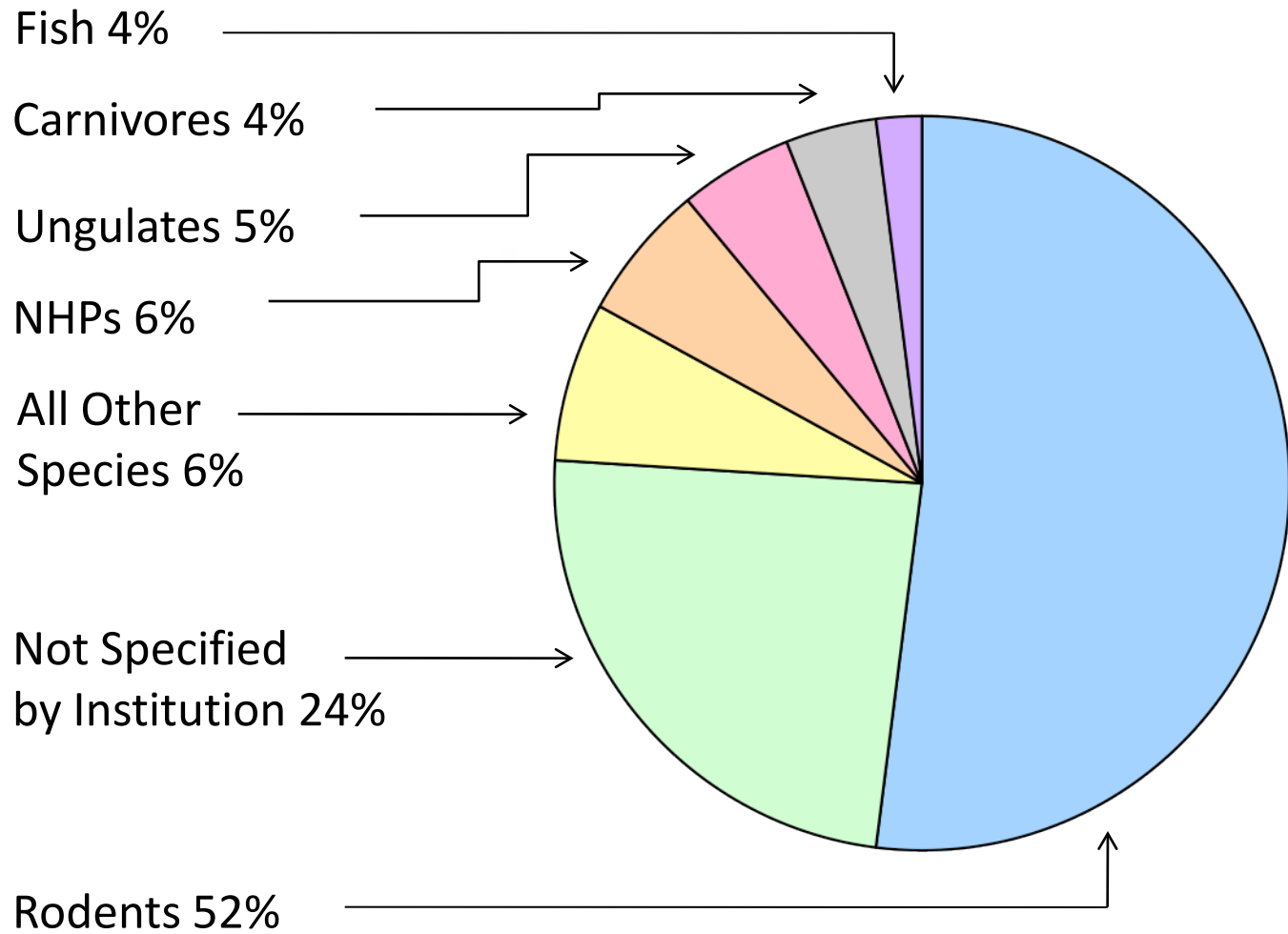


Reportable Issues 3



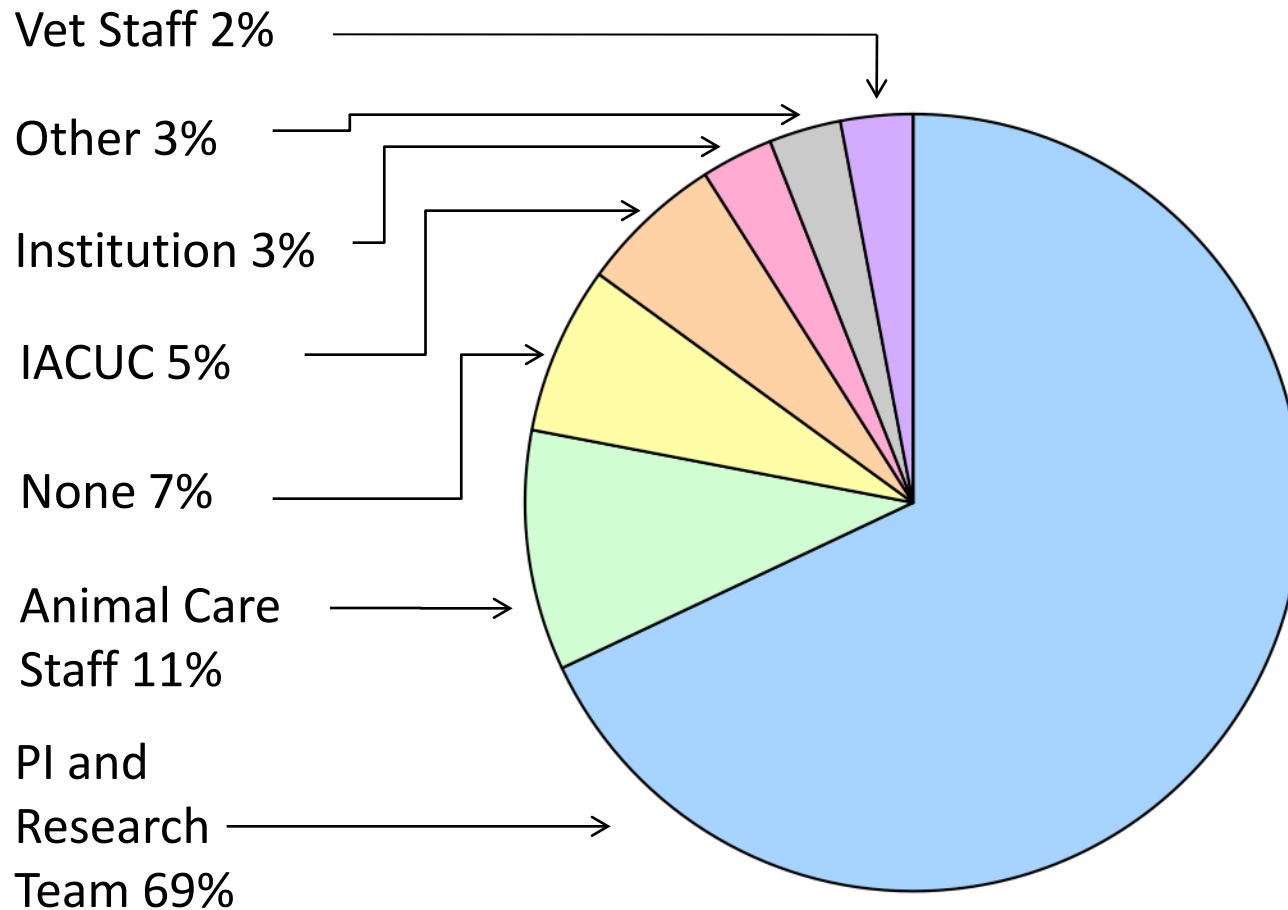


Types of Animals Involved





Individual Responsible for Reportable Issue





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





Contact OLAW for Advice or Help

- Not sure if an issue is reportable? It is better to ask or report than not.
 - **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 Noncompliance

- Corrective actions and improved systems
- Restrict/withdraw approval of Assurance
- Special terms/conditions of awards
- Enhanced reporting requirements
- Cost disallowance
- Suspension/termination of award
- Criminal prosecution



Other Possible Ramifications

- Negative publicity for the institution- media
- Inquiries from Congress, other Federal regulators
- Damage to reputation, assessment of peers
- Institutional standing with alumni
- Impact from journals- retractions, article withdrawal
- Institutional loss of personnel, inability to attract new staff



NIH-Supported Research is a Partnership

- Collaborative relationship exists between NIH and grantee 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





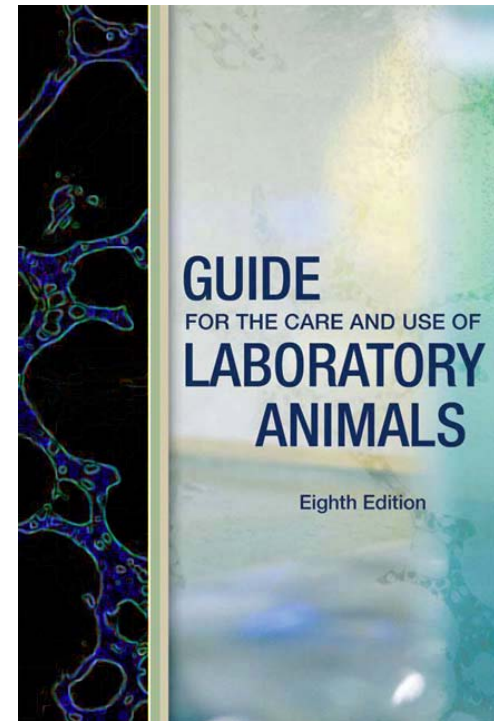
Guidance to Grantees



Guidance to Grantees

Adoption and Implementation of the *Guide for the Care and Use of Laboratory Animals: Eighth Edition*

- Federal Register Notice
FR Doc. 2011–30764
- NOT-OD-12-020
- December 1, 2011



<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-020.html>





Why Adopt?

- The 8th Edition of the Guide empowers continued advancement in the humane care and use of animals in research
- Using performance standards, IACUCs are able to meet their responsibility to ensure humane animal care and use while advancing quality scientific research



Guide Implementation

Assured institutions must:

- Base animal program on 8th Edition
- Complete at least one semi-annual program review using 8th Edition by December 31, 2012
- Develop reasonable plan and schedule by December 31, 2012
- All changes need not be completed, but plan and schedule must be in place by December 31, 2012
- Verify implementation in 2012 Annual Report to OLAW due January 2013



Position Statements

- OLAW developed Position Statements on areas of concern in public comments
- Explain how NIH expects institutions to implement the 8th Edition
- OLAW comments on performance and practice standards
- Comment period regarding understanding of the Position Statements ended February 3, 2012
- OLAW analyzing comments and may further clarify Position Statements



Educational Resources





Updated OLAW Web Resources

[VAS Factsheet](#) - 5 points of Vertebrate Animal Section

[OLAW WebPages:](#)

Obtaining an Assurance
Reporting Noncompliance

PHS Policy Tutorial

Training Materials

[Sample Documents:](#)

Interinstitutional Assurance

Semiannual Checklist

Semiannual Report to the Institutional Official

Animal Study Proposal





Workshops and Conferences - 2012

IACUC 101 or 101/201 Plus Workshops

June 13-14 - Virginia Beach, VA

September 19-20 - Little Rock, AR

SCAW IACUC Workshops & Conferences

April 30 - Baltimore, MD

October 4 - San Diego, CA

December 3-4 - San Antonio, TX

USDA AWIC Workshops - Beltsville, MD

May 9-10

October 3-4



Online Seminars and Podcast

Seminars now at 1pm ET on Thursdays

June 7, 2012

September 13, 2012

December 13, 2012

All About Grants Podcasts:

Writing Your Vertebrate Animal Section
(May 2011), 11 minute MP3 and transcript

http://grants.nih.gov/podcasts/All_About_Grants/index.htm





NIH Plan to Transition from the Use of USDA Class B Cats

- Notice NOT-OD-12-049
- Limit the expenditure of funds for the acquisition of cats for NIH-supported research to legal sources other than USDA Class B dealers
- After October 1, 2012 procurement of cats may only be from USDA Class A dealers or other approved legal sources



NIH Request for Information: Use of Chimpanzees in NIH-Supported Research

- Notice NOT-OD-12-052
- NIH Director accepted the IOM Committee's recommendations
- Working Group provide advice on the implementation of the recommendations
- 60-day public comment period until April 10, 2012



- *Frequently Asked Questions:*
 - Is social housing required for nonhuman primates when housed in a research setting?
 - Requirement of USDA regulations (9CFR Ch.1, Part 3, Subpart D, 3.81 (a))
 - Single housing is the exception
 - Exemptions based on strong scientific justification, specific veterinary or behavioral reason
 - Lack of caging not acceptable



Guidance for Grantees (con't)

- *Frequently Asked Questions:*
 - Should positive reinforcement training be used for nonhuman primates?
 - Use when safe and feasible
 - Aids in cooperative activities of research or husbandry
 - Reduces stress
 - Reduces need for chemical restraint



SCENARIO: 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 application and just-in-time approval to allow the animal activities to proceed?



SCENARIO: What Would You Do ??

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

What are the requirements for the grant application and just-in-time approval to allow the animal activities to proceed?



SCENARIO: What Would You Do ??

- **Bob's Biotech (BB)** will be the prime grantee on an award involving animal research. BB 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 application and just-in-time approval to allow the animal activities to proceed?



Questions? Please Ask!

OLAW: 301-496-7163

olaw@mail.nih.gov

OLAW Website: <http://olaw.nih.gov>

Division of Assurances

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Division of Compliance Oversight

olawdco@mail.nih.gov

Division of Policy and Education

olawdpe@mail.nih.gov

