is for anytime the "study protocol does not meet [the committee's] standards for approval."

The notice does suggest that protocol review by a designated member(s) may commence immediately after a meeting in which all members of the IACUC are present or, if the institution has a written policy in place allowing it, after a unanimous vote by the convened quorum. If OLAW was not intending to simplify the process of using DMR subsequent to FCR, there would be no need to distinguish between institutions with a policy for DMR after a meeting at which not all members of the IACUC are present and institutions that do not have such a policy.

The idea behind DMR subsequent to FCR is to expedite the protocol review process after a careful and well-documented FCR. OLAW states that "a DMR may be conducted only if all members of the committee have had the opportunity to request FCR and none have done so." At an IACUC meeting with all members present, all members of the committee are allowed that opportunity when they vote to send the protocol through DMR. At an institution with a written policy that allows a convened quorum to vote unanimously to use DMR, the committee members are aware that DMR of the protocol is a possibility and, if they have concerns, they may request that the protocol not undergo DMR after FCR. It is our belief that this is the reason the notice indefinitely extends the time frame in which a member can call for FCR of the revised protocol when DMR follows review of the protocol by a quorum of the committee.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* – Frequently Asked Questions. Protocol Review, Question No. 4. (US Department of Health and Human Services, Washington, DC, 2006; revised 2009). http://grants.nih.gov/grants/olaw/faqs.htm#proto_4.

Connaughton is Research Compliance Analyst, Office of Research Compliance; Foronda is Research Compliance Officer/Animal Facility and Biosafety Director, Office of Research Compliance; and Lobner is Associate Professor and IACUC Chair, Biomedical Science, Marquette University, Milwaukee, WI.

A word from OLAW and USDA

In response to the issues raised in this scenario, the Office of Laboratory Animal Welfare (OLAW) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Animal Care (USDA, APHIS, AC) offer the following clarification and guidance:

Guidance to IACUCs Regarding Use of Designated Member Review (DMR) for Animal Study Proposal Review Subsequent to Full Committee Review (FCR)[1] was published in response to questions from IACUCs regarding allowable procedures when a protocol that has been considered at a convened meeting cannot be approved as written. Their questions focused on ways that IACUCs could use DMR as a follow-up to FCR when a protocol lacks substantive information.

Regarding the term "substantive information" in the context of proposals involving animal-related activities, IACUCs are required to evaluate proposals to ensure that they meet the following criteria: (i) conform with the institution's Animal Welfare Assurance and meet the requirements specified in the Public Health Service (PHS) Policy at IV.C.1 (ref. 2); (ii) provide the information described in the Policy at IV.D.1 (ref. 2); (iii) adhere to provisions of the *Guide for the Care and Use of Laboratory Animals*[3]; and (iv) as appropriate, are consistent with the USDA's Animal Welfare Regulations[4].

Should a proposal fail to address any of these items to the IACUC's satisfaction, the Committee may determine that the proposal lacks substantive information and require modifications to secure its approval.

OLAW and USDA note that if a protocol 'requires modifications to secure approval', then investigators must consider IACUC concerns (some of which may be expressed as questions) and address them to the Committee's satisfaction. It does not mean that IACUCs are authorized to dictate specific research methods in a protocol; for example, an IACUC should not require an investigator to use a specific analgesic, but rather should work with the investigator to ensure the animals are provided adequate pain relief[5]. Also, there are no provisions in the PHS Policy or the Animal Welfare Act for approval of proposals based on investigator responses to IACUC "questions."

Therefore, although the example in the scenario about inadequate justification for the number of animals requested may raise serious questions, it also represents a lack of substantive information that must be resolved by requiring an appropriate modification to the protocol from the investigator. There are no PHS Policy or AWA provisions for administrative acceptance (i.e., approval) of proposals.

Regarding the kinds of procedures that are allowable when an IACUC wishes to follow up on issues raised in a FCR by using the DMR process, the guidance contained in NOT-OD-09-035 describes the three options that are available[1]. OLAW also has an expanded Frequently Asked Question on this topic[6].

1. Office of Laboratory Animal Welfare. Guidance to IACUCs Regarding Use of Designated Member Review (DMR) for Animal Study Proposal Review Subsequent to Full Committee Review (FCR). Notice NOT-OD-09-035. (National Institutes of Health, Washington, DC; 8 January 2009). http://grants.nih.gov/grants/guide/notice-files/NOT-OD-09-035.html
2. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
3. Institute for Laboratory Animal Research. *Guide for the Care and Use of Laboratory Animals* (National Academies Press, Washington, DC, 1996).
4. Code of Federal Regulations, Title 9, Chapter 1, Subchapter A - Animal Welfare: Part 2 Regulations. [§2.31(d)].
5. U.S. Public Law 99-198 (1985), The Improved Standards for Laboratory Animals Act, Food Security Act of 1985, Subtitle F – Animal Welfare, [7 U.S. Code, Section 2143(a)(6)].
6. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* –Frequently Asked Questions. Protocol Review, Question No. 19. (US Department of Health and Human Services, Washington, DC, 2006, revised 2009). http://grants.nih.gov/grants/olaw/faqs.htm#proto_19.

Patricia Brown, VMD, MS, DACLAM
Director
OLAW, OER, OD, NIH, HHS

Chester Gipson, DVM
Deputy Administrator
USDA, APHIS, AC