

A word from OLAW and USDA

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

The Public Health Service *Policy on Humane Care and Use of Laboratory Animals* (PHS Policy) and the Animal Welfare Act and Regulations (AWARs) specifically require a convened meeting of a quorum of the IACUC to carry out full committee review and approval of a protocol and to review and vote to suspend an activity^{1,2}. The PHS Policy and the AWARs are silent on the steps required to approve IACUC meeting minutes. The PHS Policy and the AWARs state that the research facility shall maintain minutes of IACUC meetings, including records of attendance, activities of the committee and committee deliberations^{1,2}. OLAW and USDA expect IACUC members to be involved in assuring the accuracy of these documents, to correct identified errors and to certify that the records factually reference the discussions and outcomes regarding the proposals reviewed and the business conducted. IACUCs have latitude as to the steps taken to approve the final version of the meeting minutes. Some possible options include discussion at a convened meeting of a quorum, distribution by hard copy or electronically for concurrence or obtaining verbal concurrence by telephone after distribution of the document.

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* (US Department of Health and Human Services, Washington, DC, 1986; amended 2002).
2. Code of Federal Regulations, Title 9, Chapter 1, Subchapter A - Animal Welfare: Part 2 Regulations. (§2.31, 2.35).

Patricia Brown, VMD, MS, DACLAM

Director
OLAW, OER, OD, NIH, HHS

Chester Gipson, DVM

Deputy Administrator
USDA, APHIS, AC

result of ‘full committee’ action” and “[t]hus, endorsement of final reports issued under the IACUC aegis should include the opportunity for full participation and the opportunity for minority views to be expressed and recorded. This function should normally occur at a meeting of a convened quorum of the IACUC”³. Therefore, although this is not specifically addressed in the PHS Policy, it is clear that the Office of Laboratory Animal Welfare has interpreted that it is important that all members have a chance to participate in the deliberative process for the final vote on committee reports, such as meeting minutes, so that accurate descriptions of the discussions and votes are reflected in the permanent record.

Therefore, in this case, it is my opinion that the IACUC administrator, Phillipe, is correct that activities by the committee that require a vote by a quorum must be done at a convened meeting and cannot be done by polling. As such, the minutes, because they are the official record of these activities, must also be approved at a convened meeting and not by e-mail polling.

1. Animal Welfare Act Regulations, 9 CFR (Chapter 1).
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. Garnett, N. & Potkay, S. Use of electronic communication for IACUC functions. *ILAR J.* **37**, 190–192 (1995).

Leszczynski is University Veterinarian and Director, Office of Laboratory Animal Resources at University of Colorado Denver, Aurora, CO.

the requirement for a deliberative process. Garnett and Potkay, both formerly of the Office of Laboratory Animal Welfare, co-wrote an article on this subject in which they stated that the preferred method for meetings is to have all members present in the same room so that a full discussion could be conducted³. With the advent of technology, however, methods such as telephone or audio-visual conferencing may

be appropriate, provided that the institution’s Assurance allowed for this and that all members participating in the meeting are able to hear and interact with one another at the same time. What Covelli is suggesting, e-mail polling, is appropriate only for activities such as distributing and reviewing drafts of meeting minutes or reports. In addition, Garnett and Potkay also state that “all official IACUC reports are considered to be the