A word from OLAW and USDA

In response to the questions posed 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:

Although this scenario involves rodents, which are not USDA-covered species, it is important to consider how the USDA/APHIS/AC requirements would apply to a similar scenario involving USDA-covered species.

There are three questions asked at the conclusion of the scenario that we will address. May the IACUC allow work to start on a protocol while portions of the study are pending IBC approval? The Animal Welfare Act and Regulations and the Public Health Service *Policy on Humane Care and Use of Laboratory Animals* do not allow IACUCs to grant conditional approval for animal use protocols. Committees may only approve, require modification (to secure approval) or withhold approval of a protocol[1,2]. We highly recommend using this unambiguous language when communicating with the principal investigator (PI)[3,4]. The phrase 'approved pending modifications' is confusing, and IACUCs should avoid using it[4].

Is the addition of another species to the protocol considered a minor amendment? We consider the addition of a second species of animals to the protocol to be a significant change[5]. A significant change must be reviewed and approved by the IACUC by either full committee or designated member review.

Is there a different approach for the IACUC to consider? One option is to include the work that requires IBC approval in the protocol and delay notification to the PI of IACUC approval until after the IBC has conducted its review and approval. The approval date of the protocol should be on or after the date of the IBC approval as determined by the IACUC's operating procedures[6]. Another option is to submit the work that requires IBC approval as an amendment to the protocol after IBC review and approval has been obtained. A third option is for the PI to submit one protocol for the mouse study and another for the rat study. After review and approval by the IACUC, the research on the mouse protocol may then proceed without delay, while the rat protocol awaits IBC approval of the safety issues.

In our experience, many IACUCs conduct protocol review in parallel with IBC review. This expedites the process as long as both committees effectively communicate their actions and decisions. If the safety committee reviews and approves the work without modifications, the IACUC may document this approval administratively without further IACUC review. IBC approval may be indicated by, for example, a check box, an IBC protocol approval number or a safety committee representative's signature. Any of these methods are acceptable for documentation of IBC approval.

1. Code of Federal Regulations, Title 9, Chapter 1, Subchapter A - Animal Welfare: Part 2 Regulations (§2.31).
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.L. & DeHaven, W.R. So much work, so little time. OPRR and USDA commentary. *Lab Anim. (NY)* **27**, 18 (1998).
4. Wolff, A., Garnett, N., Potkay, S., Wigglesworth, C., Doyle, D. & Thornton, V. Frequently asked questions about the Public Health Service Policy on Humane Care and Use of Laboratory Animals. *Lab Anim. (NY)* **32**, 33–36 (2003).
5. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals –Frequently Asked Questions.* Protocol Review, Question No. D-9. (US Department of Health and Human Services, Washington, DC, 2006; revised 2010). <http://grants.nih.gov/grants/olaw/faqs.htm#d9>
6. Office of Laboratory Animal Welfare. Guidance to Reduce Regulatory Burden for IACUC Administration Regarding Alternate Members and Approval Dates. Notice NOT-OD-11-053. (National Institutes of Health, Washington, DC, 18 March 2011). <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-11-053.html>

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approval of proposed activities related to the care and use of animals[1,2]. If the IACUC determines that a protocol is approvable contingent upon receipt of a very specific administrative modification or clarification, then it may handle the issue as an administrative detail that is verifiable. IACUCs should avoid using the term 'conditional approval' of a protocol, even when they determine that no major revisions or clarifications are required, because use of the term may cause confusion[3]. Because IBC approval may not be considered a major revision or clarification, the IACUC can approve Francis' protocol with the contingency that the IBC must review and approve the biocontainment work on the rats. This modification is an administrative detail that an individual, such as the IACUC Chair or IACUC Administrator can verify[3]. Once the IBC approves Francis' biocontainment work and she updates her protocol to reflect the approval, the contingency can be lifted and she can begin the biocontainment research on rats. No substantive information (e.g., justification for withholding analgesics in a painful procedure), as required in the PHS *Policy on Humane Care and Use of Laboratory Animals*[1] or the *Guide for the Care and Use of Laboratory Animals*[4], is missing from Francis' protocol; therefore, the IACUC can make a judgment on the animal work. We disagree with Covelli's viewpoint that the IBC approval is a substantive piece of information missing from her protocol. The protocol contains all the required information and should be accepted and approved by the IACUC.

We believe that Covelli was incorrect in agreeing with Gordon that adding a species to the protocol can be considered a minor amendment, even though the IACUC has already discussed and approved the use of animals. The justification for the use of each species must be included in the protocol. Removal and subsequent addition of the rats would both need to be reviewed. This could