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April 28, 2004

Ms. Mary Beth Sweetland
Director – Research, Investigations and Rescue Department
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Dear Ms. Sweetland:

Enclosed is a copy of the *Report on Investigation of Allegations of Noncompliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals at the University of North Carolina at Chapel Hill*, prepared by the Office of Laboratory Animal Welfare (OLAW), and conducted in response to allegations of the People for the Ethical Treatment of Animals' April 29, 2002 and subsequent letters. I have reviewed the Report and am in full agreement with the findings. Based on the results of the Report, OLAW considers this matter closed.

Sincerely,

Nelson L. Garnett, DVM

Director

Office of Laboratory Animal Welfare

Enclosures: Report
Exhibits 55-64

Summary

UNC-CH conducted an investigation of the institutional animal care and use program with particular emphasis on concerns identified by OLAW. Based on the findings of the ACUC and UNC-CH management, OLAW concluded that there were instances of noncompliance with the PHS Policy and deviations from the *Guide*. These included failures to: ensure qualifications and training of personnel to conduct certain procedures such as gavage and the collection of blood and other tissues; follow procedures to minimize pain and distress (e.g., retro-orbital blood collection without anesthesia and blanket approval for toe-clipping in rodents 10 days of age or older); document feeding and watering animals on a study involving water restriction; implement timely treatment (e.g., animals with *Proteus* infections, malocclusion, mouse #79033); conduct a semiannual facility inspection in accordance with provisions of the PHS Policy; obtain ACUC approval prior to implementing significant, unauthorized change in an ongoing approved study (e.g., use of death as an end point, adding nicotine as a test agent); report unauthorized animal work (i.e., nicotine administration, observations of seizures/tremors in mice); report serious deviations from provisions of the *Guide* (e.g., deaths from cage flooding and other accidental deaths); and comply with policies requiring confirmation of surgical competency prior to initiating surgery. Additional instances included deviations from the *Guide*-recommended cage sizes for mice resulting in their overcrowding, failures to ensure the deaths of animals following intended euthanasia with CO₂, and improper positioning of cages on racks (potentially depriving animals of water).

Neither UNC-CH nor OLAW was able to sustain allegations that: neonatal rodents were killed inappropriately; inappropriate transfers of animals between investigators occurred; overcrowding of animals was intentional, in an attempt to avoid costs and "hold space;" sick animals were intentionally hidden from DLAM to avoid treating them or having them euthanized. In addition, there was no evidence to support contentions of failures to: exercise appropriate veterinary judgement by not promptly euthanizing a paralyzed rat and a mouse; provide care for certain sentinel animals; handle problems involving a liquid diet in an alcohol study appropriately; handle problems involving mortality in a dopamine study appropriately; and adhere to the provisions of a study involving adrenalectomized rats.

Over the course of the investigation, OLAW provided several recommendations to UNC-CH which included: ensuring appropriate supervisory and management oversight of facility and program operations; enhancing record keeping in breeding colonies to improve their effectiveness and efficiency of colony management; improving record keeping in laboratories to keep investigators advised of deliveries, housing and use of animals; reviewing the institutional practice of allowing certain stressful procedures to be conducted in rooms where animals are housed; ensuring that participants on animal-related protocols fully understand them; and bringing any animal losing 10% or more of its body weight to the attention of the veterinary staff.

UNC-CH recognized the deficiencies cited in this report and implemented appropriate corrective

measures to comply fully with the provisions of the PHS Policy and the requirements of the *Guide*. OLAW acknowledged the actions taken by the UNC-CH to consider OLAW's concerns about allegations from PETA, to correct noncompliances identified during the course of this investigation, and to implement UNC-CH recommendations for improvements in the animal care and use program. As a consequence, OLAW considers this case to have come to closure.