

Maslo was sincere and made an honest mistake, acknowledging his responsibility and exonerating the technicians at the same time.

The real problem lies with Schiller. As is often the case with administrators far from the reaches of reality, Schiller makes much ado about nothing. He clearly has no clue about the rigors of biomedical research using animals and does not appear particularly supportive of Maslo's efforts. The Public Health Service *Policy on Humane Care and Use of Laboratory Animals* (PHS *Policy*) states, "The IACUC, through the Institutional Official, shall promptly provide OLAW with a full explanation of the circumstances and actions taken with respect to: (a) any serious or continuing noncompliance with this *Policy*; (b) any serious deviation from the provisions of the Guide or (c) any suspension of an activity by the IACUC<sup>1</sup>." This wording makes clear that any reporting of suspended activity begins with the IACUC and that the IACUC must initiate the suspension. At Great Eastern, the IACUC did not suspend the activity, so there is no mandate to report to the OLAW. Schiller should lighten up and let the research proceed.

**Reference**

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* IV.F.3 (US Department of Health and Human Services, Washington, DC, 1986).

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## Inappropriate IO Action

**James Cox, BS, MLAS, RLATG and Lisa Portnoy, DVM, DACLAM**

The situation that Jenkins and the Great Eastern IACUC confronted about Maslo's protocol is not all that uncommon. Many of us can recall a time when the lab technicians and even the PIs don't remember or don't even know what is exactly on each protocol. Nevertheless, it is important for

the IACUC and the AV to ensure that the research is conducted according to the protocol as submitted.

Jenkins was justified in temporarily suspending the protocol. She had the IACUC's authority, and the technicians did not heed her request to wait until she verified the species listed in the protocol. The IACUC was also justified in rescinding the temporary suspension in light of the facts presented at the emergency meeting. Maslo admitted to the error, the procedure was done correctly, animals did not suffer and were not wasted, and the research was still valid. As long as an amendment would be submitted to add mice to the protocol, the suspension should be rescinded. The IACUC should have also instructed Maslo that his technicians should be aware of the protocols on which they are working and listen to instructions given by the AV about the use of laboratory animals. Since the suspension was not enforced by the IACUC, they are not required to inform OLAW, at this point.

The larger problem with this scenario comes from the decision made by the IO. It is not appropriate for the IO to overturn a decision by the IACUC. The IO, through the authority of the CEO, has appointed the members of the IACUC to serve as an agent of the institution<sup>1</sup>. The reason for the Committee's existence is to provide a group of knowledgeable individuals, not a single person, who can make the appropriate decisions about the use of laboratory animals in research for the institution. If the IO was not happy with Maslo and the ignorance of his technicians, then he should have addressed it with Maslo and his department chair.

The only scenario in which it would have been appropriate for the IO to override the decision of the IACUC would be if this had not been Maslo's first offense. If Maslo had committed similar offenses and the IACUC failed to take action, then the IO would be correct in overriding the IACUC, but he would also need to address the IACUC on how they handle investigators who are consistent violators of policies covering the use of animals in research.

For this scenario though, the IO should not have upheld the suspension after the IACUC had made their decision. The IACUC is not responsible for informing OLAW, because the suspension was not instituted or enforced by the IACUC. In the future, the IACUC should place an assurance statement on the protocol form indicating that all individuals listed on the protocol have read and understand the procedures described for each species.

**Reference**

1. Public Health Service. *Policy on Humane Care and Use of Laboratory Animals* IV.F.3 (US Department of Health and Human Services, Washington, DC, 1986).

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## A Question of Authority

**Earl W. Morgan, DVM, DACVPM, DABT**

This situation raises a number of issues regarding authority. Clearly Jenkins, as the AV, has the authority to suspend research projects for animal welfare reasons, and we are told that the Great Eastern IACUC has granted her the authority to suspend a protocol pending review by a quorum of the full Committee.

However, did Schiller have the authority to suspend the research after the IACUC had approved continued research pending the prompt submission of an amendment changing the species from rats to mice? The PHS Policy states, "Applications and proposals that have been approved by the IACUC may be subjected to further appropriate review and approval by officials of the institution. However, those officials may not approve an activity involving the care and use of animals if it has not been approved by the IACUC<sup>1</sup>", whereas the Animal Welfare Act Regulations (AWAR) state that the IO "may subject protocols that have been approved by the IACUC to