



USDA, APHIS, Animal Care



ANIMAL WELFARE COMPLAINT

Complaint No. E11-032	Date Entered 16 November 2010	Received By T Tubia
--------------------------	----------------------------------	------------------------

Referred To Barksdale / Hovancsak	Reply Due 17 December 2010
--------------------------------------	-------------------------------

Facility or Person Complaint Filed Against

Name Medical College of Wisconsin	Customer/License/Registration No. 634 / 35-R-0029
--------------------------------------	--

Address
8701 WATERTOWN PLANK ROAD
P.O. BOX 26509

City Milwaukee	State WI	Zip 53226	Phone No 414.955.4209
-------------------	-------------	--------------	--------------------------

Complainant

Name	Organization PCRM
------	----------------------

Address

City	State	Zip	Phone No./Email address pcrm.org
------	-------	-----	-------------------------------------

How was complaint received? Email

Forward response to FOIA: Yes No

Details of Complaint: The complaint is concerned that this facility is not complying with research regulations with how they use live rabbits.

Results:

SEE ATTACHED MEMO AND INSPECTION REPORT

Application packet provided? Yes No

INSPECTOR
DAWN BARKSDALE, VMO
REVIEWED BY
Cathy Hovancsak, SACS

DATE
10-Dec-10
DATE
15-Dec-10

Memo

To: Dr. Cathy Hovancsak
From: Dr. Dawn Barksdale
Date: 12/15/2010
Re: Medical College Wisconsin: Complaint E11-032

On December 9, 2010 an inspection was conducted at the Medical College of Wisconsin in response to a complaint alleging that the facility was not complying with the regulations regarding alternative searches. The complaint alleged that the principal investigator did not research alternatives for the physiology course in which live rabbits are utilized.

During the inspection a review of records revealed the following:

- The protocol for the medical physiology lab does not utilize live rabbits as part of the lab. The rabbits are humanely euthanized according to AVMA recommendations prior to the lab by the vet techs.
- The principal investigator used several online resources to search for alternatives. In addition to the original alternative search that was performed when the protocol was approved by the IACUC, the principal investigator is asked annually if there have been any subsequent searches for alternatives and if so to list them accordingly. The principal investigator is aware of the alternatives but still wants to use live rabbits and this has been approved by the IACUC.

A thorough review of the records was conducted and the complaint was determined not to be valid.

Inspection Report

MEDICAL COLLEGE OF WISCONSIN

Customer ID: 634

Certificate: 35-R-0029

Site: 001

MEDICAL COLLEGE OF WI

OSCAR F PETERSON ANIMAL RESEARCH CTR
8701 WATERTOWN PLANK ROAD
P.O. BOX 26509
MILWAUKEE, WI 53226

Type: ROUTINE INSPECTION

Date: Dec-09-2010

3.41 (b)

HANDLING.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live guinea pig or hamster contained therein.....

**This inspection focused on a partial records review regarding guinea pigs. While reviewing records it was noted that on September 2, 2010, 4 guinea pigs were found dead in their enclosure. On September 1, 2010 the animal enclosure during a routine cage change was stacked among other enclosures without the animals being transferred to clean cages. It is the responsibility of the licensee to ensure that the animals are handled in such a manner to prevent physical harm and/or trauma to the animals. The IACUC has investigated the situation and has addressed the issue through disciplinary action and retraining of staff. Corrective measures have been instituted to prevent future incidents from taking place.

Prepared By:



DAWNE BARKSDALE, D V M USDA/APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER Inspector 1062

Date:

Dec-10-2010

Received By:

(b)(6), (b)(7)c

Title: SENT BY EMAIL

Date:

Dec-10-2010



To:
Cc:
Bcc:
Subject: Fw: Medical College of Wisconsin APHIS complaint

From:
To: betty.j.goldentyer@aphis.usda.gov
Subject: Medical College of Wisconsin APHIS complaint

November 15, 2010

Elizabeth Goldentyer, D.V.M.

Regional Director

USDA/APHIS/AC Eastern Region

920 Main Campus Dr., Suite 200

Raleigh, NC 27606

Submitted by e-mail (betty.j.goldentyer@aphis.usda.gov)

Request for investigation: Use of live rabbits, frogs, and rats for physiology education at the Medical College of Wisconsin

Dear Dr. Goldentyer:

I am writing on behalf of the Physicians Committee for Responsible Medicine (PCRM) and our membership of more than 10,000 physicians and more than 110,000 other medical professionals, scientists, educators, and supportive laypersons. PCRM requests that APHIS investigate the unlawful use of rabbits, frogs, and rats in the medical student physiology course at the Medical College of Wisconsin (MCW).

Under the Animal Welfare Act (AWA), MCW meets the statutory definition of a "research facility" and is therefore required to comply with the AWA. As part of this required compliance, any use of live animals for research, testing, or experimentation must be approved by the MCW Animal Care and Use Committee (ACUC).

PCRM alleges specific violations of the Animal Welfare Act (AWA) in the submission of the ATLS animal use protocol by the principal investigator (PI), and PCRM further alleges inadequate institutional oversight in the approval of the ATLS protocol by the MCW ACUC. The specific alleged regulatory violations are as follows:

1. Section 2143 of the AWA and CFR Title 9, Section 2.31(d)(1)(i, ii) of the AWA's implementing regulations require that the PI—including course instructors—consider alternatives to procedures that may cause more than momentary or slight pain or distress to any animal used for research or educational purposes.

We believe that this requirement was not met by the PI, as such consideration would have revealed excellent validated and widely implemented alternatives. Among these alternatives are human cadavers and two simulators (TraumaMan and Synman) endorsed to replace animal use by the ATLS accrediting organization, the American College of Surgeons (ACS).

2. Section 2143 of the AWA and CFR Title 9, Section 2.31(d)(1)(i, ii) of the AWA's implementing regulations require that the PI—including course instructors—provide a written narrative description of the methods and sources used to determine that alternatives were not available. The content of this narrative is detailed in the APHIS Animal Care Policy Manual (2007), which states in Policy 12: "If a database search or other source identifies a bona fide alternative method (one that could be used to accomplish the goals of the animal use proposal), the written narrative should justify why this alternative was not used."

We believe that this requirement was not met by the PI, because justification of animal use for ATLS courses is not possible in view of the validation, endorsement by ACS, and implementation of nonanimal training methods by 95 percent of ATLS programs in the United States and Canada (data and documentation available from PCRМ).

3. Section 2143 of the AWA and Title 9, Section 2.31(d)(1)(i, ii) of the AWA's implementing regulations require that the IACUC enforce the requirements described in above sections 1 and 2, and thereby determine that the proposed activities are in accordance with the AWA and CFR Title 9, Section 2.31(d).

We believe that this requirement was not met by the ACUC, because the ATLS animal use protocol was approved despite the violations described in sections 1 and 2, above. Thus, PCRМ alleges inadequate institutional oversight by the ACUC.

Accordingly, PCRМ requests that APHIS investigate this matter to find MCW in violation of the AWA and its implementing regulations as detailed above. Thank you for your attention.

Sincerely,

Senior Medical and Research Adviser

Phone and facsimile: (972) 407-9396

E-mail [@pcrm.org](mailto:pcrm@pcrm.org)



- image001.png - oledata.mso image001.png image002.jpg image003.jpg oledata.mso



16 November 2010

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Dea

Thank you for your email dated 15 November 2010 concerning Medical College of Wisconsin. Your concern has been issued number E11-032. If you wish to know the results of our findings, you can do so one of two ways:

1. Inspection reports for licensees are now available on our website after a 21 day mandatory holding period. You may view or retrieve the reports at:
http://www.aphis.usda.gov/animal_welfare/inspection_list.shtml.

2. If you wish to request more than inspection reports, or request the results of a complaint on a class Research Facility, you must submit a request, in writing, to our Freedom of Information Act office, using one of the following methods.

1. Email: foia.officer@aphis.usda.gov
2. Fax: 301-734-5941
3. US Mail: USDA, APHIS, FOIA
4700 River Road, Unit 50
Riverdale, MD 20723

Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly investigate your concerns.

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches for unlicensed facilities conducting regulated activities. We perform inspections and searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found, enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concerns and take appropriate action if necessary.

Thank you for your interest in the welfare of these animals.

Sincerely,

Elizabeth Goldentyer, D V M
Regional Director – Animal Care
Eastern Region



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer