



USDA, APHIS, Animal Care



ANIMAL WELFARE COMPLAINT

Complaint No. E11-051	Date Entered 10 December 2010	Received By T Tubia
Referred To WRO - 9Mar11	Reply Due 9Apr11	

Facility or Person Complaint Filed Against

Name Tier 1 Group LLC		Customer/License/Registration No. 41479 / 71-R-0111	
Address 3100 Angelletti Rd			
City Crawfordsville	State AR	Zip 72327	Phone No 9103982966

Complainant

Name		Organization PETA	
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address

How was complaint received? Email

Forward response to FOIA: Yes No

Details of Complaint: The complainant has concerns about possible AWA violations in use of live animals in trauma training.

Results: Inspection dated May 13, 2010 stated 'no non-compliant items'. Facility protocols will be monitored during future inspections

Application packet provided? Yes No

INSPECTOR

DATE

REVIEWED BY
David Sabala, DVM

DATE
1-Apr-11

David L. Sabala

USDA, APHIS, Animal Care
Eastern Region

920 Main Campus Drive, Suite 200

Raleigh, NC 27606

Phone: (919) 855-7111

(919) 387-1623

FAX: (919) 855-7123

email: ellen.j.magid@aphis.usda.gov

Memorandum

To: File: Tier 1 Group LLC, 71-R-0111, (55-R-0131 cancelled)

From: Ellen J. Magid, DVM

cc:

Date: 7 March 2011

Subject: Complaint E11-051

This complaint was received in the Eastern Regional Office in December of 2010, and was based on a reading of the investigation report of case # NC09008-AC.

The investigative case contained a copy of an approved protocol (animal care and use proposal) from March 2008. PETA identified what they believe to be some deficiencies with the protocol concerning alternative use and animal numbers and usage.

I reviewed the investigative report and any other documentation I could locate in the Eastern Region office, but as the facility had moved to another state in 2009, I was not able to obtain enough documentation to adequately review the protocol in relation to the complaint.

I also reviewed as much as I could about the Advanced Trauma Life Support courses, and found that they did allow the use of several specific alternatives to animal use, but also allowed for anesthetized animal use. The military protocol also allowed live anesthetized animal use as well as the use of alternatives.

Since the search for alternatives is mandated by regulation, but not the use of any particular alternatives even if found, I did conclude that the protocol was compliant with the alternative regulations.

I also contacted the inspector, Dr. Miava Binkley, to determine if she remembered any specifics of the protocol. She did not remember any specifics, but when I asked her about any reference material that might have accompanied the protocol, she thought there had been additional documentation beyond what was in the investigative report, but as the facility is no longer in the Eastern Region, I could not verify that.

I then contacted Dr. David Sabala, Supervisory Animal Care Specialist for the area in which Tier 1 now is located and discussed the complaint with him. We decided that I

would send a copy of the complaint to him and to the inspector who had conducted the most recent inspection of the facility in 2010.

I sent the information after the Holidays were over and then later discussed the situation with Dr. Sabala again. He had discussed the protocol and complaint with the inspector, Jeff Baker. Dr. Baker could not remember any specifics of the protocol, but believed that the items mentioned in the complaint were things he normally checked during a protocol review. As it is now 2011, we both felt that there is a good chance the 2008 protocol is no longer in effect and that the only way to determine whether the circumstances in the complaint were still at issue was to conduct an inspection. As the facility is now a Western Region licensee, we agreed that the complaint should be forwarded to the Western Region, along with a copy of this memo to indicate what had been reviewed so far.



Inspection Report

TIER 1 GROUP L L C

Customer ID: **41479**

Certificate: **71-R-0111**

Site: 002

TIER 1 GROUP L L C

3100 Angelletti Rd

Type: ATTEMPTED INSPECTION

CRAWFORDSVILLE, AR 72327

Date: May-18-2010

2.38 (b)

MISCELLANEOUS.

Section 2.38(b) - Access and inspection of records and property: Each research facility shall, during business hours, allow APHIS officials: (1) To enter its place of business.

A facility representative was not available to allow access at 1230 on 05/18/2010.

Facility representative was reached by cell phone, but was out of state.

Prepared By:

F MIAVA BINKLEY, D V M USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 1020

May-20-2010

Received By:



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

Date:

Title:

May-20-2010



Inspection Report

TIER 1 GROUP L L C

Customer ID: **41479**

Certificate: **71-R-0111**

Site: 001

TIER 1 GROUP LLC

3100 Angelletti Rd

Type: ROUTINE INSPECTION

Date: May-13-2010

CRAWFORDSVILLE, AR 72327

No non-compliant items identified during this inspection.

No animals were present during the inspection.

An exit briefing was conducted with the facility representative and Jeff Baker, Veterinary Medical Officer.

Prepared By:

JEFFREY T BAKER, D.V.M. USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 4052

May-13-2010

Received By:

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

Date:

Title:

May-13-2010

FOIA 11-375. 000005



Inspection Report

TIER 1 GROUP LLC

Customer ID: **41479**

180 COASTAL LANE UNIT A

Certificate: **55-R-0131**

Site: 001

TIER 1 GROUP LLC

Type: ROUTINE INSPECTION

JACKSONVILLE, NC 28546

Date: Apr-28-2009

2.31 (a) REPEAT
INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE (IACUC).

) IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:

- (1) Review, at least once every six months, the research facility's program for humane care and use of animals, using title 9, chapter I, subchapter A--Animal Welfare, as a basis for evaluation;
- (2) Inspect, at least once every six months, all of the research facility's animal facilities, including animal study areas, using title 9, chapter I, subchapter A-Animal Welfare, as a basis for evaluation; Provided, however, That animal areas containing free-living wild animals in their natural habitat need not be included in such inspection;
- (3) Prepare reports of its evaluations conducted as required by paragraphs (c)(1) and (2) of this section, and submit the reports to the Institutional Official of the research facility; Provided, however, That the IACUC may determine the best means of conducting evaluations of the research facility's programs and facilities; The reports shall be reviewed and signed by a majority of the IACUC members and must include any minority views. The reports shall be updated at least once every six months upon completion of the required semiannual evaluations and shall be maintained by the research facility and made available to APHIS and to officials of funding Federal agencies for inspection and copying upon request. The reports must contain a description of the nature and extent of the research facility's adherence to this subchapter, must identify specifically any departures from the provisions of title 9, chapter I, subchapter A--Animal Welfare, and must state the reasons for each departure.

***The last semiannual evaluation and report was dated June 3, 2008. No other semiannual report has been done since then. These evaluations and reports must be done at least every six months, signed by a majority of IACUC members, and sent to the Institutional Official. This is a repeat noncompliance.

This inspection was of paperwork only, as no animal facilities or animals are present. Office in Jacksonville, NC has closed and notification has been sent to Regional Office that main office has moved to Arkansas. This inspection was done in Aberdeen, NC at mobile operations office. Under Section 2.38(a) a formal request is made at this time that this registrant provide ample notification to USDA, APHIS, AC of the time and location of all training courses using live animals so that they may be inspected as needed.

Prepared By:

F MIAVA BINKLEY, D V M USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 1020

Apr-28-2009

Received By:

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

Date:

Title:

Apr-28-2009

FOIA 11-375. 00006



Inspection Report

TIER 1 GROUP LLC

Customer ID: **41479**

180 COASTAL LANE UNIT A

Certificate: **55-R-0131**

Site: 001

TIER 1 GROUP LLC

JACKSONVILLE, NC 28546

Type: ROUTINE INSPECTION

Date: May-07-2008

2.31 (a)

INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE (IACUC).

IACUC Functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:

- (1) Review, at least once every six months, the research facility's program for humane care and use of animals, using title 9, chapter I, subchapter A--Animal Welfare, as a basis for evaluation;
- (2) Inspect, at least once every six months, all of the research facility's animal facilities, including animal study areas, using title 9, chapter I, subchapter A-Animal Welfare, as a basis for evaluation; Provided, however, That animal areas containing free-living wild animals in their natural habitat need not be included in such inspection;
- (3) Prepare reports of its evaluations conducted as required by paragraphs (c)(1) and (2) of this section, and submit the reports to the Institutional Official of the research facility; Provided, however, That the IACUC may determine the best means of conducting evaluations of the research facility's programs and facilities; and Provided, further, That no Committee member wishing to participate in any evaluation conducted under this subpart may be excluded. The IACUC may use subcommittees composed of at least two Committee members and may invite ad hoc consultants to assist in conducting the evaluations, however, the IACUC remains responsible for the evaluations and reports as required by the Act and regulations. The reports shall be reviewed and signed by a majority of the IACUC members and must include any minority views. The reports shall be updated at least once every six months upon completion of the required semiannual evaluations and shall be maintained by the research facility and made available to APHIS and to officials of funding Federal agencies for inspection and copying upon request. The reports must contain a description of the nature and extent of the research facility's adherence to this subchapter, must identify specifically any departures from the provisions of title 9, chapter I, subchapter A--Animal Welfare, and must state the reasons for each departure. The reports must distinguish significant deficiencies from minor deficiencies. A significant deficiency is one which, with reference to Subchapter A, and, in the judgment of the IACUC and the Institutional Official, is or may be a threat to the health or safety of the animals. If program or facility deficiencies are noted, the reports must contain a reasonable and specific plan and schedule with dates for correcting each deficiency. Any failure to adhere to the plan and schedule that results in a significant deficiency remaining uncorrected shall be reported in writing within 15 business days by the IACUC, through the Institutional Official, to APHIS and any Federal agency funding that activity;

***No semiannual evaluation or report by the IACUC has been done as required above. Need to complete this

Prepared By:

F MIAVA BINKLEY, D V M USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 1020

May-07-2008

Received By:

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

Date:

Title:

May-07-2008

FOIA 11-375. 00007



Inspection Report

evaluation and report. Correct by June 1, 2008.

This inspection was of paperwork only, as no animal facilities or animals are present. All procedures are mobile and done at various locations.

Prepared By:

F MIAVA BINKLEY, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER Inspector 1020

Date:

May-07-2008

Received By:

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

Date:

May-07-2008

Title:

FOIA 11-375. 00008