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A questionable citation and appeal

For many years, Happy Trails, a not-for-profit wildlife rehabilitation organization (WRO), occupied an otherwise unused building on the campus of Great Eastern University. There was no rent involved, and as far as anybody could remember, there was no formal relationship of any kind with the school. Students in Great Eastern's biology and other departments often volunteered at the WRO, and because the local newspapers always gave positive press to the WRO, Great Eastern saw no need to change the status quo. The Great Eastern IACUC also took a hands-off approach, rationalizing that because no research or teaching activities took place at Happy Trails, the WRO was not under its jurisdiction. Joanne Gusset, the attending veterinarian at Great Eastern, occasionally provided *pro bono* veterinary assistance to the WRO, and on occasion, the animal facility provided the WRO with dead,

culled mice to feed to its raptors. More often, to feed the raptors, the WRO purchased live rats and mice from a local source unrelated to Great Eastern.

The WRO eventually began looking for larger quarters, but before it moved, an incident occurred wherein a live rat being fed to a raptor was injured but not killed by the bird. The community volunteer feeding the animal should have, but did not, observe what happened, and it was not until later that afternoon that a student volunteer found the severely injured animal. She called Gusset, who immediately came, euthanized the rat and reported the incident to the Great Eastern IACUC. At first, the IACUC chairman was not sure if he should do anything, given the IACUC's perceived non-existent relationship with the WRO, but he decided to have an IACUC subcommittee investigate the incident. The subcommittee eventually

recommended to the full committee that the WRO's activities on campus should be suspended. This was a moot point because by that time, Happy Trails had already moved to its new location. When the IACUC chairman, the Institutional Official and Gusset met to discuss the incident, they decided to drop the issue because the WRO was no longer on the Great Eastern Campus.

Six months later, during a routine USDA/Animal Care inspection at Great Eastern, the inspecting veterinarian read the IACUC minutes of the incident and cited Great Eastern for inadequate veterinary care, conducting an animal activity without IACUC approval and failure to promptly report the incident.

Should Great Eastern have handled the entire situation any differently than it did? Do you think the inspecting veterinary officer should have cited Great Eastern? Should Great Eastern appeal the citation?

RESPONSE

Get engaged

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I will assume that the wildlife rehabilitation organization (WRO), Happy Trails, has regulated species on site, has the necessary wildlife permits and meets all local requirements. There does not seem to be any lease agreement spelling out the terms of performance of Great Eastern and Happy Trails. Therefore, several issues should be explored: Who owns the animals? If a tenant fails to comply with the law, is the landlord liable? Is the WRO required to have an IACUC or IACUC approval of its animal activities? Can Great Eastern's IACUC suspend animal activities wholly conducted by another entity at a facility managed by the 'external' entity?

Great Eastern should become more engaged in activities occurring on its campus. This is best achieved by developing an appropriate oversight mechanism. Neither micromanaging nor pretending these activities don't exist (while taking advantage of positive publicity) works. A lease agreement clarifying the roles, responsibilities and obligations of each entity should be instituted. Furthermore, a communications plan, chain of command and emergency management plan should be in place.

Given the earlier assumptions and the fact that most rehabilitation organizations display or exhibit their animals to the public in part to solicit donations and for educational purposes, Happy Trails should register with the United States Department of Agriculture (USDA) as an exhibitor¹. Happy Trails can seek clarification from the Regional Animal Care office for the most appropriate action. The Animal Welfare Act regulation is silent on the question of

having IACUCs other than for research institutions². It is therefore unlikely that Happy Trails needs an IACUC or IACUC approval for its animal activities, unless it is also conducting research. It is difficult to imagine how Great Eastern's IACUC could consider suspending an activity that occurs at another entity, especially when the activity involves individuals who do not represent Great Eastern in an official capacity (both USDA and the Office of Laboratory Animal Welfare have determined that an IACUC can suspend activities that it has not previously approved³). If Happy Trails were registered as a site under Great Eastern's registration or if there was a specific agreement to that effect, then the IACUC's action might have been more appropriate. It is even more difficult to imagine how Great Eastern can be cited for failing to report an incident when there is no regulatory requirement to report them to USDA. A suspension is reportable to USDA. A recommendation by