

Department of Commerce · National Oceanic · Atmospheric Administration · National Marine Fisheries Service

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| <i>NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE PD 04-112</i> JULY 22, 2010 | |
| <i>Science and Technology</i> | |
| <i>NMFS ANIMAL CARE AND USE POLICY</i> | |
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Introduction

NOAA’s National Marine Fisheries Service (NMFS) conducts and supports activities that use live marine mammals and sea turtles. In 2007, the NMFS Science Board established a Task Team to develop a policy and an implementation plan in accordance with the Animal Welfare Act (AWA) and with the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training (USGP) OSTP CFR May 20, 1985, Vol.50, No. 97. The Task Team, composed of staff from each of the six NMFS Science Centers and the headquarters Office of Protected Resources, received input from the field and drafted the language for the policy and for the implementation plan. The Policy Directive 04-011 and Procedural Directive 04-011-01 are products of this deliberation.

Animal Welfare Act

The AWA charges the Secretary of Agriculture with promulgating regulations and standards for the humane handling, care, treatment, and transportation of “animals” by dealers, research facilities, and exhibitors. Requirements include annual reporting and establishing an animal care and use committee to review protocols and assure compliance with AWA. The AWA states that “Each Committee shall be appointed by the Institutional Official of each such research facility and shall be composed of not fewer than three members. Such members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility and shall represent society’s concerns regarding the welfare of animal subjects used at such facility.”

The AWA requires all Federal Research Facilities to comply with the AWA requirements, including annual reporting and establishing an institutional animal care and use committee to review and approve all use of animals. NMFS falls under the definition of a Federal Research Facility, which is defined as “...any school, institution, organization, or person that uses or

intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.”

The law does exempt “field studies” from full review and approval by an animal and use committee. *Field study* is defined as “...a study conducted on free-living wild animals in their natural habitat.” However, this term excludes any study that involves an invasive procedure or that harms or materially alters the behavior of an animal under study. Therefore, some NMFS projects that use animals, including those projects that solely involve observations of animals and noninvasive measurements, would be exempt from the AWA requirements. However, the exemption would be granted by the relevant NMFS animal care and use Chair.

U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training

In 1985, these principles were developed by the Interagency Research Animal Committee and promulgated by the Office of Science and Policy. Specifically, whenever U.S. Government agencies perform or sponsor testing, research, or training procedures, the responsible Institutional Official shall ensure adherence to these principles.

Objective

The Agency will carry out the requirements of the AWA - 7 U.S.C. §2131 et. seq. and implementing regulations (9 C.F.R. §2.37) and adhere to the principles of the USGP. This policy will apply to all NMFS marine mammal and sea turtle research that is conducted, authorized, or funded by NMFS, including staff of the three regional Science Centers, the Headquarters Office and contractors conducting research under NMFS research authorizations. Three regional NMFS Institutional Animal Care and Use Committees (IACUCs) will be established to review animal use programs and protocols implemented by the NMFS Science Centers, Office of Science and Technology, and Office of Protected Resources. Each regional NMFS IACUC will represent more than one NMFS Science Center. This approach fosters collaboration and consistency among the regional IACUCs. The Committees will follow the procedures outlined in the Procedural Directive 04-011-01 entitled *NMFS Animal Care and Use Committee Standards*. The three regional NMFS IACUCs are a) Northeast/Southeast, b) Pacific Islands/Southwest, and c) Northwest/Alaska.

Authorities and Responsibilities

In accordance with Animal Welfare Act Implementing Regulations (AWR) 9 C.F.R. §2.37, the head of the Federal agency (in this case the Assistant Administrator for Fisheries) is responsible for all research involving animals conducted or supported by the agency and assures compliance with AWA and USGP.

National direction and consistency will be established and maintained through coordination at NMFS headquarters (Office of Science and Technology, or any other entity as directed by the Assistant Administrator for Fisheries).

In accordance with the AWR, three regional NMFS IACUCs will be established to review animal use programs and protocols to carry out the agency's intent. Each regional committee will represent more than one NMFS Science Center and will have the same composition, duties, and responsibilities required of non-federal research facilities by 9 C.F.R. §2.37, with two exceptions:

- The committee will report protocol noncompliance or deficiencies to the NMFS Science Center Director overseeing the research rather than to the U.S. Department of Agriculture Animal and Plant Health Inspection Service;
- The NMFS Science Center Director overseeing the research will be responsible for all research activity as approved by the regional NMFS IACUC and for the granting of all exceptions to the animal care and use protocol (e.g., standard NMFS Animal Care and Use Assurance Form)

Measuring Effectiveness

This Policy will be reviewed and updated annually in accordance with the NMFS Policy Directive System. Implementation of this policy will be phased in over time as follows:

Phase I – 2009-2010:

- **October 2009** - Appointment of three IACUC chairs by the regional Science Center Directors, followed by a kick-off meeting and training.
- **December 2009** - Appointment of the three regional NMFS IACUCs by the Science Center Directors. These IACUCs will begin to review and approve all new activity involving marine mammals and sea turtles.

Phase II - by December 31, 2010:

- NMFS will review progress of the new program and make necessary modifications to this policy.
- NMFS will review and approve new and existing research involving marine mammals and sea turtles.
- Also at this time, NMFS will determine if and when the inclusion of other taxa will be made.
- NMFS will begin to make recommendations regarding extramural funded research using marine mammals and sea turtles.

Supported by the references

This policy directive is supported by the reference listed in Procedural Directive 04-011-01.

Signed

Eric C. Schwaab /s/

Assistant Administrator for Fisheries