21st Century Cures Act and Your Questions Answered

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NIH National Institutes of Health
Office of Laboratory Animal Welfare

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21st Century Cures Act: Updates from OLAW and Your Questions Answered

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Objectives:

1. Discuss history of 21st Century Cures Act (21st CCA) and where you can find guidance
2. Examine OLAW's updated guidance stemming from 21st CCA
3. Understand new opportunities for commenting on proposed guidance

Photo by Praneeth Koduru from Pexels

21st Century Cures Act Cliff Notes

- Comprehensive bipartisan legislation passed in 2016
- Intended to advance biomedical research from basic research to advanced clinical trials and streamline drug approval process
- Mandates federal efforts to reduce administrative burden for researchers
- Section 2034(d) assigns NIH as lead agency in cooperation with USDA and FDA to focus on animal care and use in research.

What Does 21st CCA Say?

The NIH, USDA, and the FDA, will complete a review of applicable regulations and policies for the care and use of laboratory animals and make revisions, as appropriate, to:

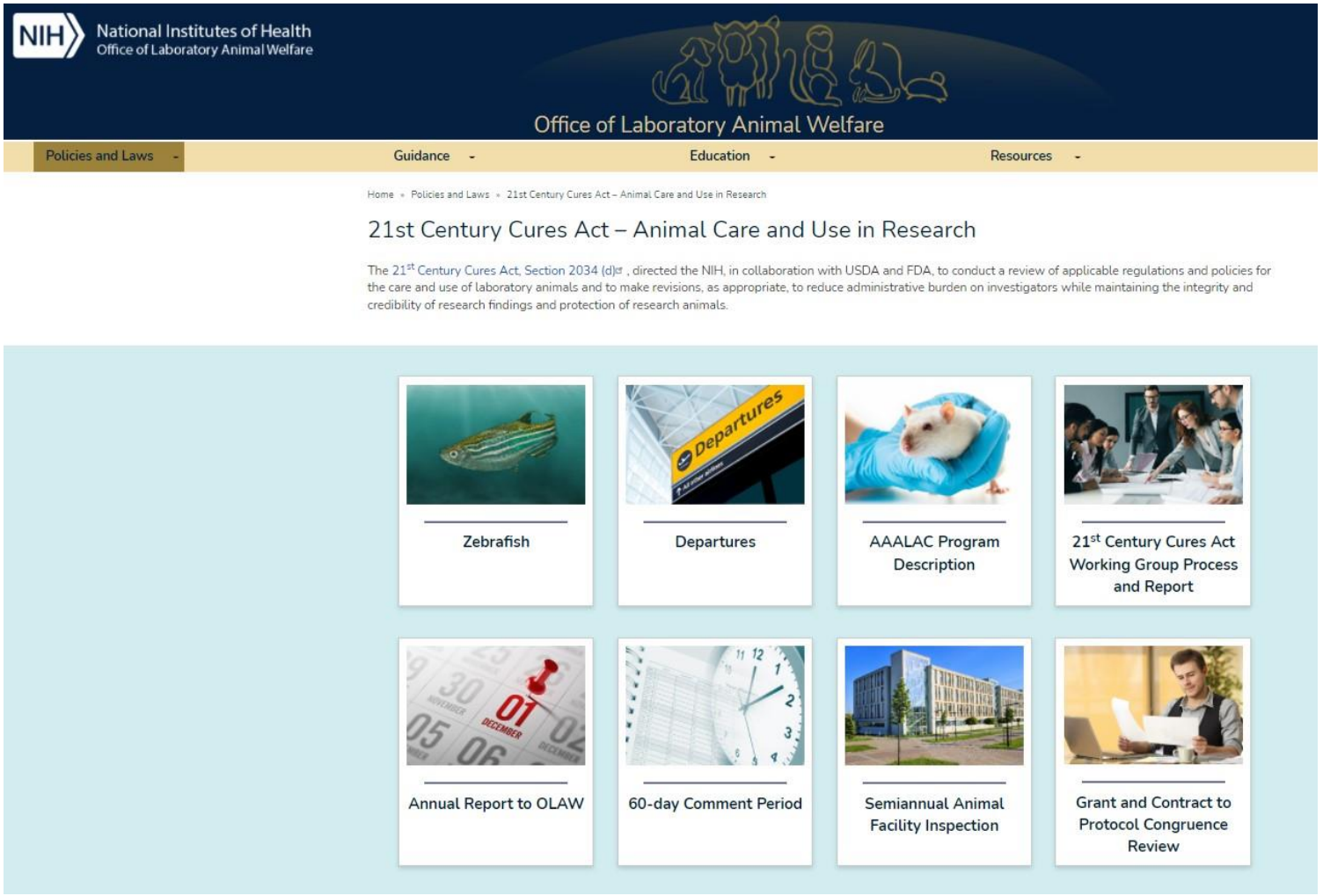
- reduce administrative burden on investigators
    - while maintaining the integrity and credibility of research findings
    - and protection of research animals.

Agency Actions Timeline

OLAW Home Page

https://olaw.nih.gov/home.htm

21st Century Cures Act Landing Page



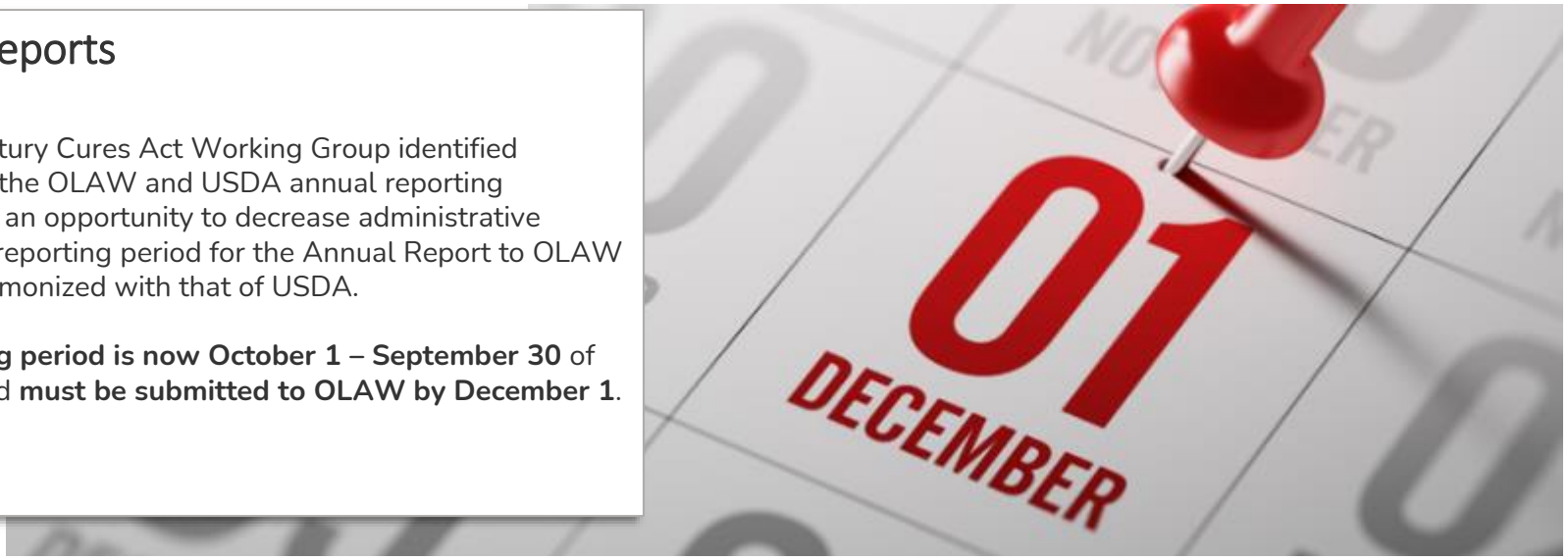
https://olaw.nih.gov/policies-laws/21st-century-cures-act

Annual Reports

Annual Reports

The 21st Century Cures Act Working Group identified harmonizing the OLAW and USDA annual reporting schedules as an opportunity to decrease administrative burden. The reporting period for the Annual Report to OLAW has been harmonized with that of USDA.

The **reporting period is now October 1 – September 30** of each year and **must be submitted to OLAW by December 1**.



On this page:

Policies and Laws | Guidance | Quick References | Instructions for the Annual Report | Resources

NOT-OD-20-109 https://grants.nih.gov/grants/guide/notice-files/NOT-OD-20-109.html

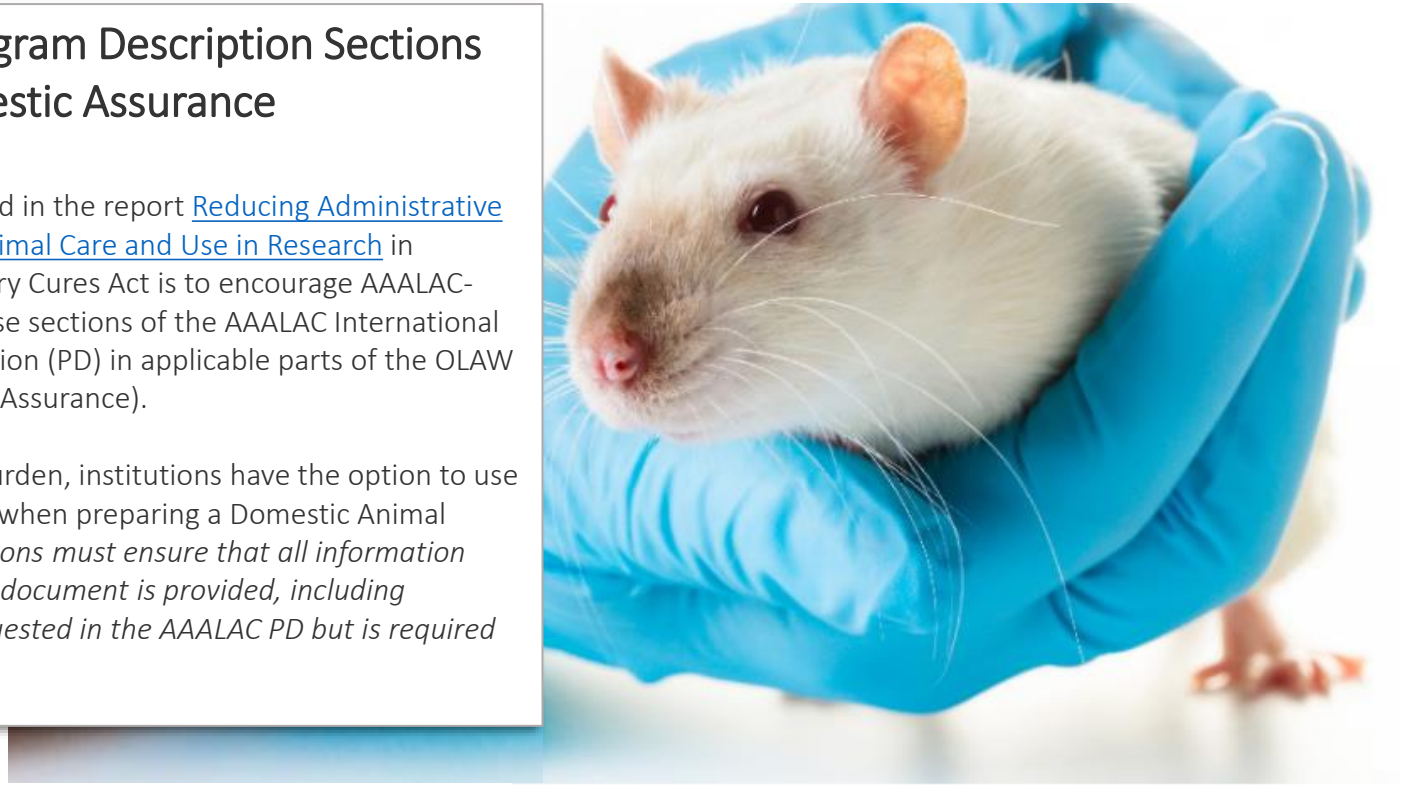
https://olaw.nih.gov/policies-laws/21st-century-cures-act/Annual-Reports

AAALAC Program Description

Using AAALAC Program Description Sections in the OLAW Domestic Assurance

One of the actions identified in the report Reducing Administrative Burden for Researchers: Animal Care and Use in Research in response to the 21st Century Cures Act is to encourage AAALAC-accredited institutions to use sections of the AAALAC International (AAALAC) Program Description (PD) in applicable parts of the OLAW Animal Welfare Assurance (Assurance).

To reduce administrative burden, institutions have the option to use sections of the AAALAC PD when preparing a Domestic Animal Welfare Assurance. *Institutions must ensure that all information requested in the Assurance document is provided, including information that is not requested in the AAALAC PD but is required by OLAW*.



On this page:

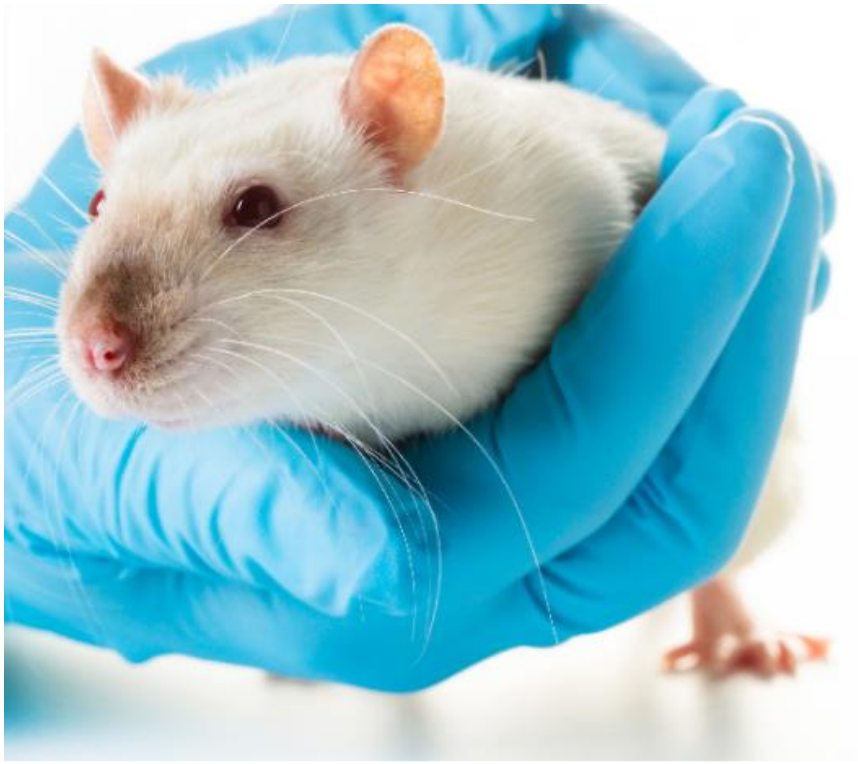
Policies and Laws | Guidance | Implementation | Resources

NOT-OD-21-130 https://grants.nih.gov/grants/guide/notice-files/NOT-OD-21-130.html

https://olaw.nih.gov/policies-laws/21st-century-cures-act/AAALAC-Program-Description

Applicable AAALAC Sections

- Post-Approval Monitoring
- Occupational Health and Safety of Personnel
- Training, Education, and Continuing Educational Opportunities
- The Role of the IACUC

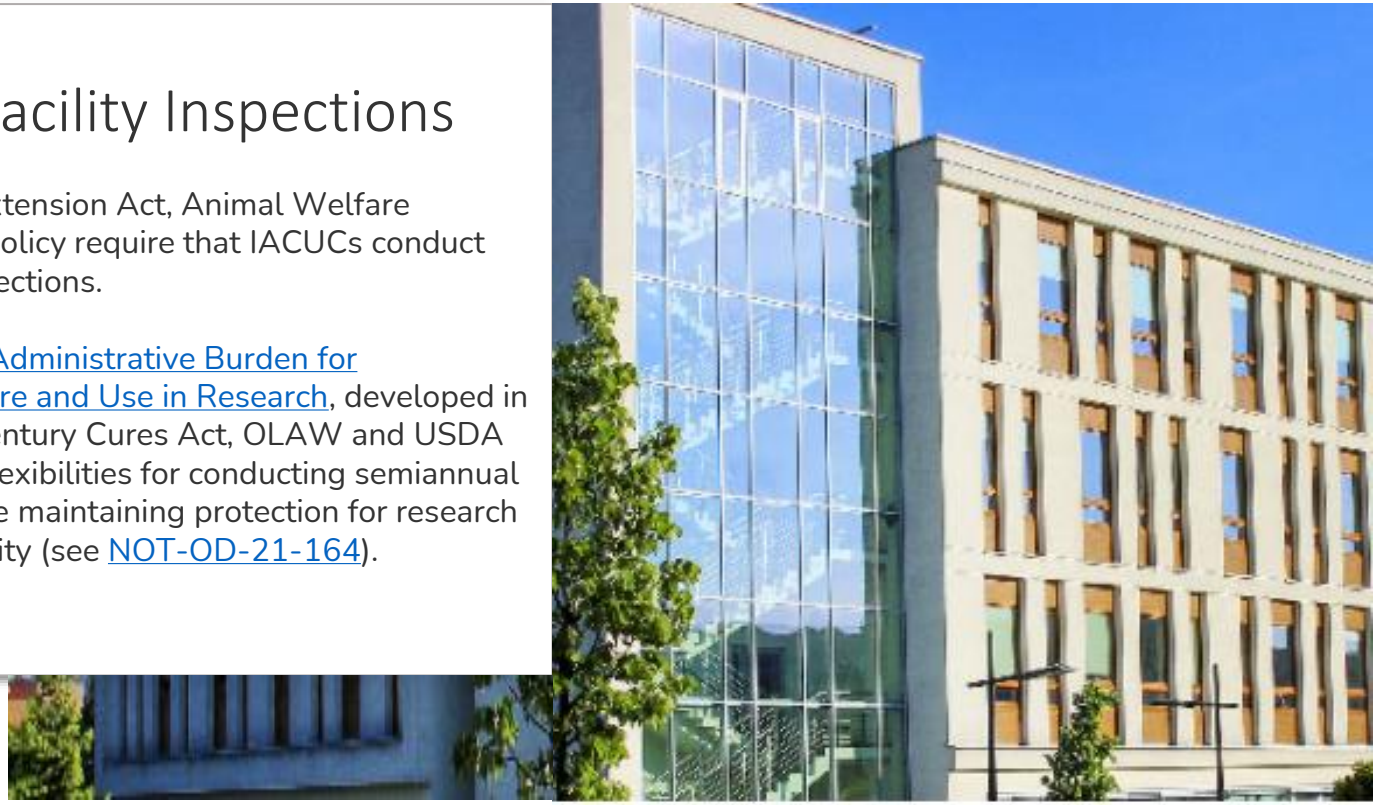


Semiannual Facility Inspections

Semiannual Facility Inspections

The Health Research Extension Act, Animal Welfare Regulations, and PHS Policy require that IACUCs conduct semiannual facility inspections.

In the report Reducing Administrative Burden for Researchers: Animal Care and Use in Research, developed in response to the 21st Century Cures Act, OLAW and USDA have clarified existing flexibilities for conducting semiannual facility inspections while maintaining protection for research animals and data integrity (see NOT-OD-21-164).



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NOT-OD-21-164 https://grants.nih.gov/grants/guide/notice-files/NOT-OD-21-164.html

https://olaw.nih.gov/policies-laws/21st-century-cures-act.htm/Semiannual-Facility-Inspections

Semiannual Facility Inspections: Flexibilities

	NIH National Institutes of Health *Office of Extramural Research* USDA United States Department of Agriculture – APHIS Animal Care	NIH National Institutes of Health *Office of Extramural Research*	USDA United States Department of Agriculture – APHIS Animal Care
Who	No IACUC member should be involuntarily excluded.	As few as 1 qualified individual/ad hoc consultant (need not be an IACUC member or institutional employee)	Subcommittees of at least 2 members (additional ad hocs OK) [in addition to the subcommittee of two IACUC members]
When	30-day flexibility (provided no forward drift year to year)		
Where		All animal facilities (as defined by PHS Policy) including satellite facilities and surgical areas, but discretion allowed for other areas	All animal facilities (as defined in AWRs), including animal study areas, but excluding free-living wild animals in their natural habitat

Semiannual Facility Inspections: Flexibilities

	NIH National Institutes of Health, Office of Extramural Research; USDA United States Department of Agriculture – APHIS Animal Care	NIH National Institutes of Health, Office of Extramural Research	USDA United States Department of Agriculture – APHIS Animal Care
How	~~Remote options available~~	Videos, photographs, written descriptions, or other appropriate remote methods	~~Live feed is the only remote option~~
	IACUCs may assign specific facility inspections to subcommittees, but biased evaluations should be avoided		
	Staggered inspections (facilities inspected over time), provided each animal area inspected at least every 6 months		
	Inspections may be announced or unannounced		
	OLAW Checklist optional		

Semiannual Facility Inspections: Flexibilities

	NIH National Institutes of Health Office of Extramural Research USDA United States Department of Agriculture – APHIS Animal Care	NIH National Institutes of Health Office of Extramural Research	USDA United States Department of Agriculture – APHIS Animal Care
How	AAALAC site visit <u>may</u> be used provided it meets the requirements of the PHS Policy and AWRs for the report contents AND the subsequent inspection is conducted no later than six months from when the site visit occurred	When using an AAALAC site visit, the subsequent report to the IO must: • comply with PHS Policy IV.B.3 • be endorsed by the IACUC as an official IACUC report and submitted by the IACUC to the IO.	When using an AAALAC site visit: • site visit must correspond with the time of scheduled semiannual inspection • all required areas must be addressed • at least 2 IACUC members must participate • all IACUC members must be given opportunity to participate • report must include departures (with descriptions and reasons), and be signed by majority of members (digital OK)

Grant to Protocol Congruence (G2PC)

Grant to Protocol Congruence Review

One of the actions identified in the report Reducing Administrative Burden for Researchers: Animal Care and Use in Research in response to the 21st Century Cures Act is to provide clarification on existing guidance on grant to protocol congruence review.

In NOT-OD-22-005, OLAW clarifies the requirements, responsibility, timing, and conduct of the grant to protocol congruency review for NIH grant applications proposing research with live vertebrate animals.

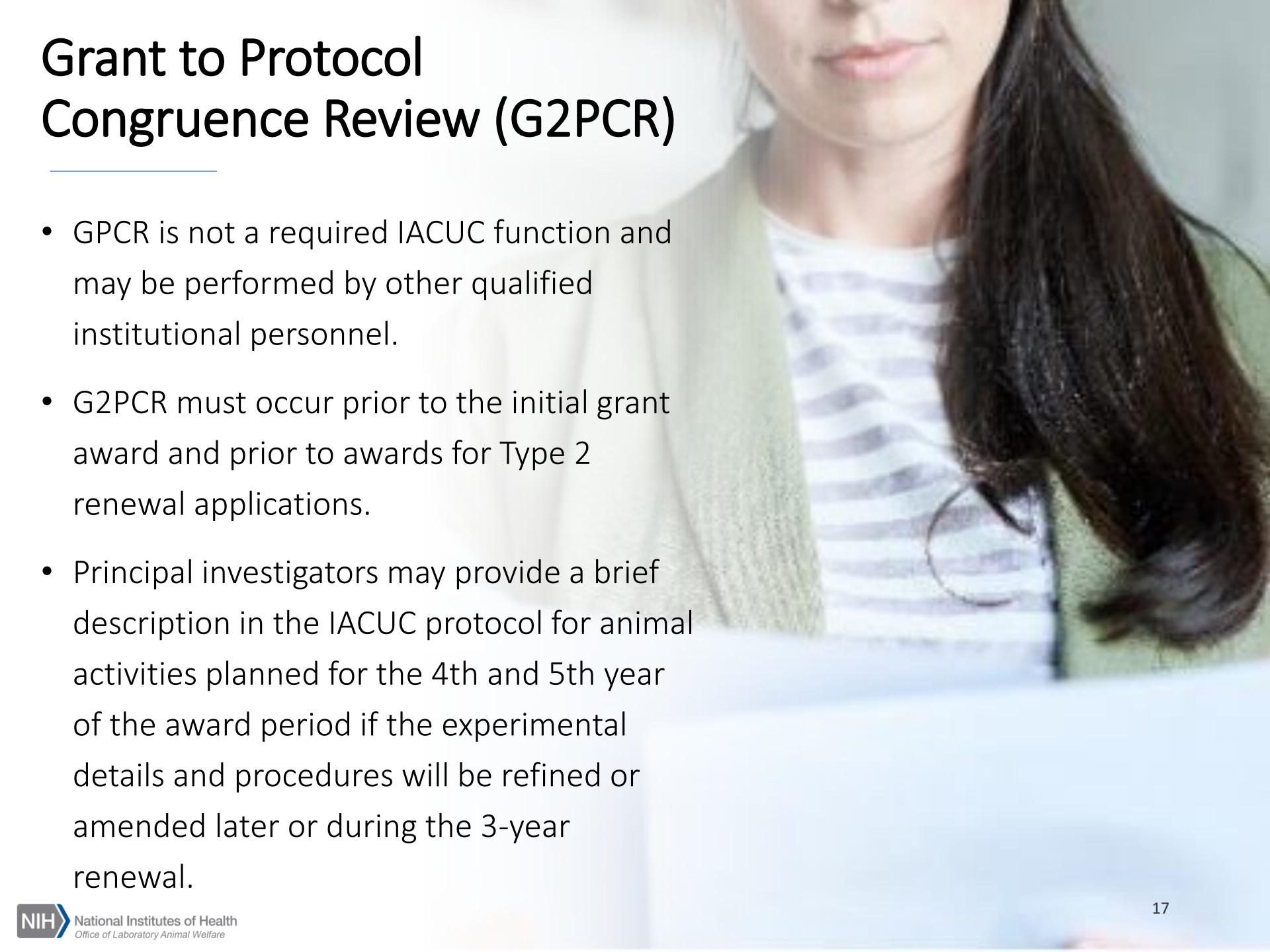
On this page:

Policies and Laws | Guidance | Resources

NOT-OD-22-005 https://grants.nih.gov/grants/guide/notice-files/not-od-22-005.html

https://olaw.nih.gov/policies-laws/21st-century-cures-act/grant-and-contract-to-protocol-congruence-review/Grants-to-Protocol-Congruency

Grant to Protocol Congruence Review (G2PCR)



- GPCR is not a required IACUC function and may be performed by other qualified institutional personnel.
- G2PCR must occur prior to the initial grant award and prior to awards for Type 2 renewal applications.
- Principal investigators may provide a brief description in the IACUC protocol for animal activities planned for the 4th and 5th year of the award period if the experimental details and procedures will be refined or amended later or during the 3-year renewal.

More on G2PCR

- If IACUC review is delayed because the animal activities won't occur until a year or later in the award period, the NIH grants manager will issue a Notice of Award indicating that no funds may be drawn from the grant for animal activities until a valid IACUC approval date is provided.
- NIH Grants Policy requires the PI to obtain approval for certain changes in scope of the research that may involve the animal activities. IACUC review and approval of those changes is required but further congruence review is not required.

How to conduct GPCR

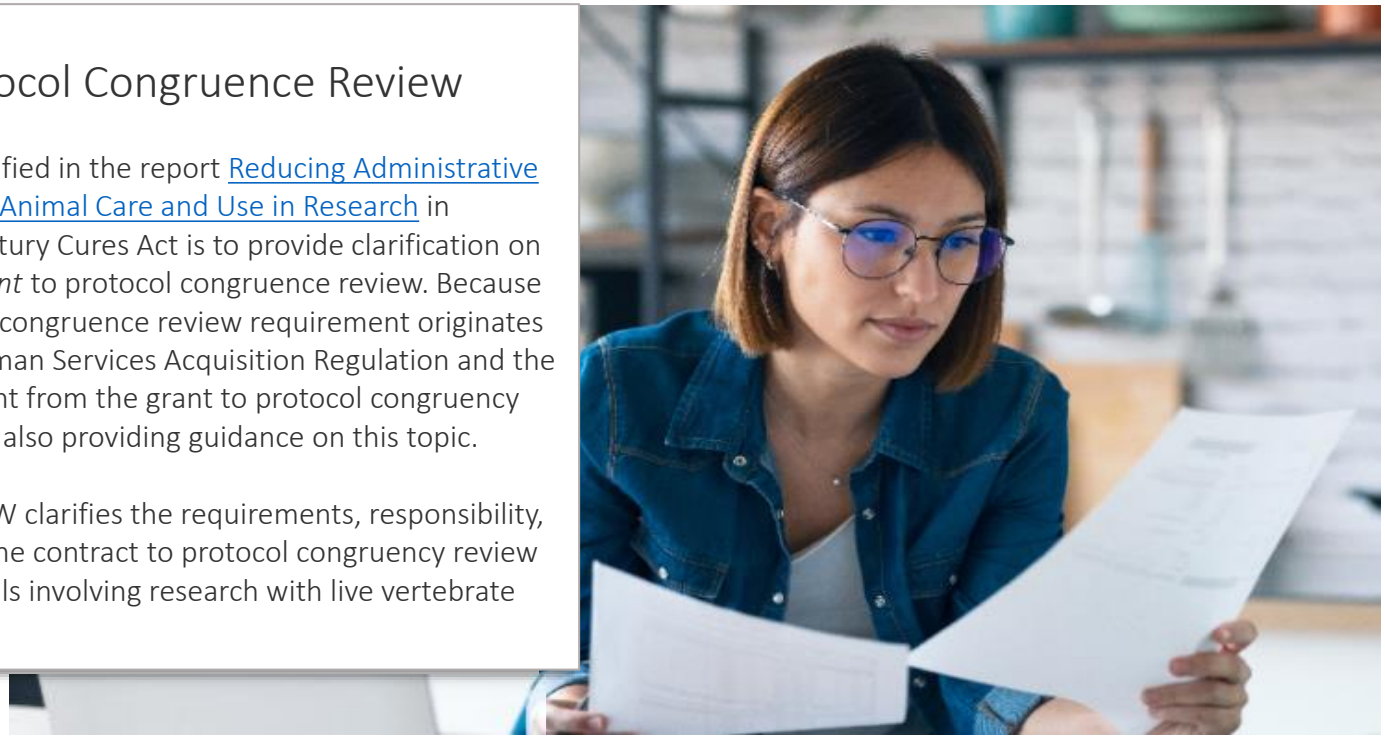
- No requirement to do a side-by-side comparison of an entire application and the IACUC protocol.
- Comparison of key elements of the grant (e.g., the research strategy and Vertebrate Animals Section) to the protocol may reduce burden by minimizing the need to review multiple sections of the grant application for congruence.
- A one-to-one relationship between the grant and the approved protocol is not required, and more than one protocol may be associated with one grant and vice versa.

Contract to Protocol Congruence Review (C2PCR)

Contract to Protocol Congruence Review

One of the actions identified in the report Reducing Administrative Burden for Researchers: Animal Care and Use in Research in response to the 21st Century Cures Act is to provide clarification on existing guidance on *grant* to protocol congruence review. Because the *contract* to protocol congruence review requirement originates from the Health and Human Services Acquisition Regulation and the review process is different from the grant to protocol congruency review process, OLAW is also providing guidance on this topic.

In NOT-OD-22-006, OLAW clarifies the requirements, responsibility, timing, and conduct of the contract to protocol congruency review for NIH contract proposals involving research with live vertebrate animals.



On this page:

Policies and Laws | Guidance | Resources

NOT-OD-22-006 https://grants.nih.gov/grants/guide/notice-files/not-od-22-006.html

https://olaw.nih.gov/policies-laws/21st-century-cures-act/grant-and-contract-to-protocol-congruence-review/Contract-to-Protocol-Congruence-Review

Contract to Protocol Congruence Review (C2PCR)

- C2PCR is not a required IACUC function and may be performed by other qualified institutional personnel.
- C2PCR must occur prior to the contract award.
- Once awarded, no further congruence review is required for subsequent contract modifications.
- If a contract is modified to include animal activities where none had been before, IACUC approval and congruence review is required prior to the start of the animal activities.

Requests for Information (RFIs) pending updated guidance

Clarifying the Reporting Requirements for Departures from the Guide

Continuing to Apply the PHS Policy to Zebrafish Immediately After Hatching

Photo: https://fbresearch.org/wp-content/uploads/2018/03/FullSize_Poster_Mice.jpg

NIH Steps: Future Steps

- Flexibilities for conducting semiannual program review
- Streamlining protocol review
- What is exempt from IACUC review
- Reporting noncompliance
- Options for IACUC review of non-pharmaceutical grade substances

USDA United States Department of Agriculture

Elizabeth Theodorson DVM, MPH
Assistant Deputy Administrator

United States Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)
Animal Care (AC)

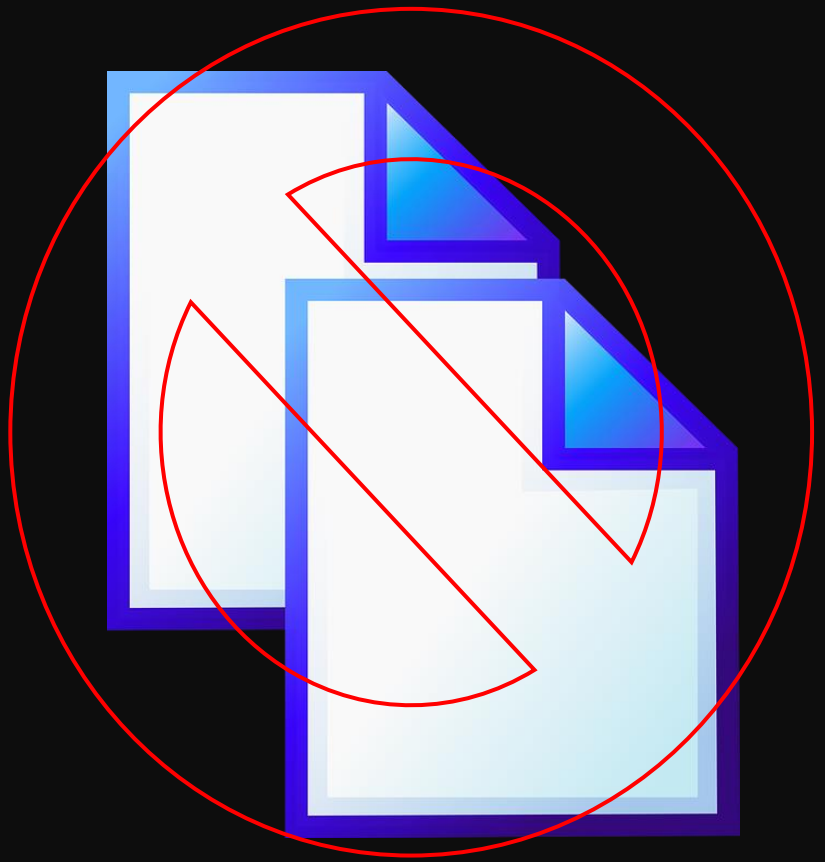
https://www.comeseeourworld.org/onprc-rhesus-in-shelter-housing/
Photo Credit: Oregon National Primate Research Center/OHSU

AWA Research Facility Registration Updates, Reviews, and Reports Regulation

USDA United States Department of Agriculture

21st Century Cures Act: Remove Duplicative and Unnecessary Information Requirements

- AC's regulation implemented to be in compliance with the 21st Century Cures Act
- USDA to make revisions to reduce administrative burden on the research community, while maintaining integrity of research findings and protection of research animals.
- Approximately 1,100 registered facilities use animals to conduct research, teaching, testing, and experimentation.



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USDA United States Department of Agriculture

Easing **Registration** Burden

- Modification to §2.30
- Removed the requirement for research facilities to update registration every 3 yrs.
- Clarified conditions for cancellation
  - Submission of a written request to Deputy Administrator to cancel
- Eliminated inactive status
  - A facility can no longer request inactive status
    - A facility will either be registered or unregistered

https://www.freestock.com/free-photos/casual-guy-carrying-books-633847
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USDA United States Department of Agriculture

What Do You Think?

A facility with a cancelled registration is still required to apply for registration 10 days before beginning regulated activity.

A. True
B. False

Review of Animal Activities

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- Modification to §2.31(d)(5)
- Old Requirement:
  - Continuous review of animal activities **not less than annually** after IACUC approval
- New Requirement:
  - IACUC **complete** review of animal activities **every 3 years**
  - Complies with 21st Century Cures Act to reduce burden by harmonizing with the Public Health Service (PHS) Policy

What Do You Think?

USDA's "Research Rule" went into effect on December 27, 2021. The most recent complete or continuous review of a protocol using rabbits was done on December 30, 2020. By what date does the AWA require the next complete review of that protocol?

- A. 30-Dec-2021
- B. 30-Dec -2022
- C. 30-Dec-2023
- D. 30-Dec-2024
- E. Never, since protocols no longer expire

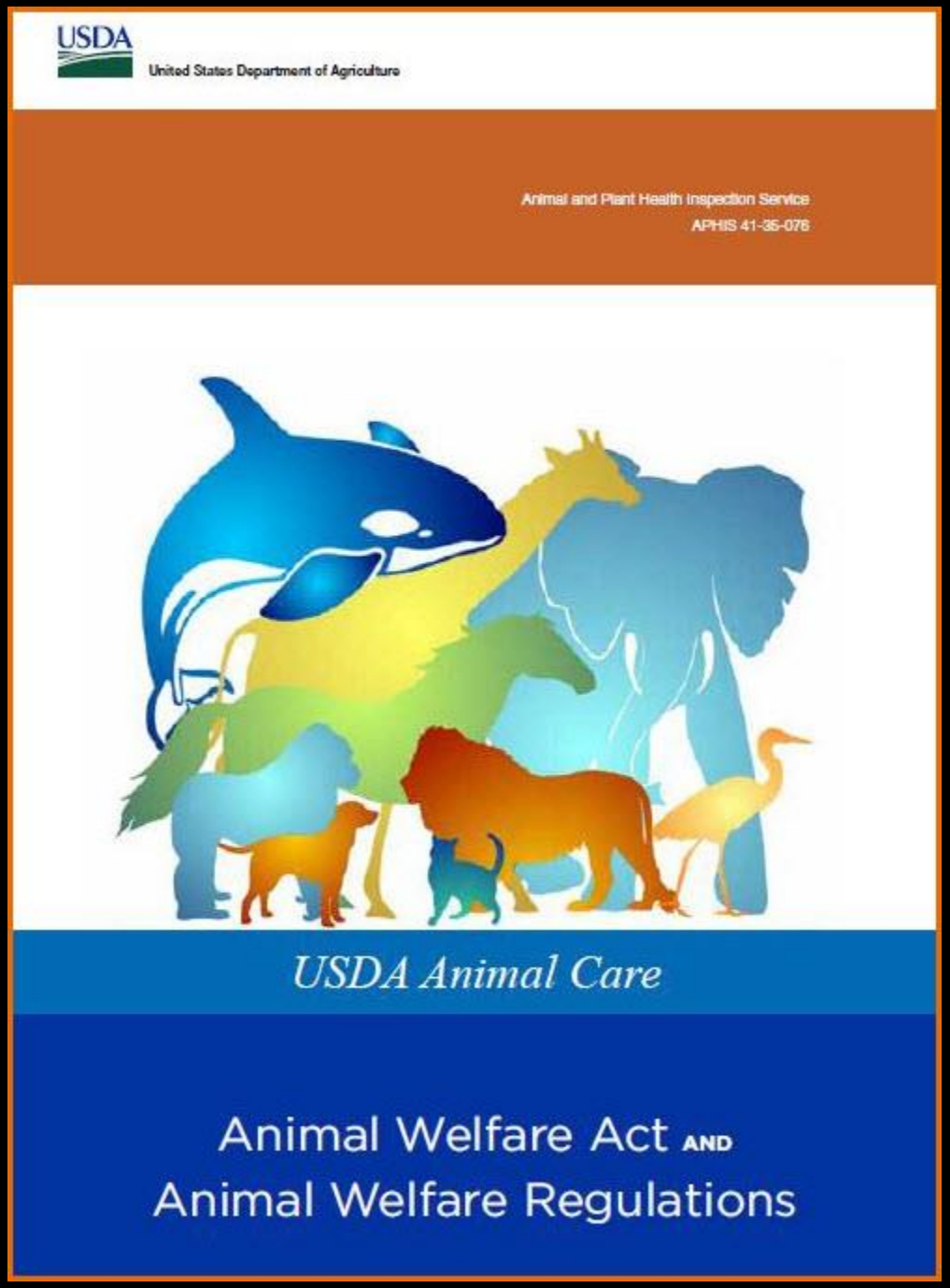
Annual Report Signatures

- Modification to §2.36(a)
- No longer require CEO or IO to sign annual report
  - Expedites processing
  - Facilities are left to their own discretion to designate signatories

What Do You Think?

A signatory that is not the CEO or IO, does not assume the responsibility of those positions when they sign the Annual Report.

a. True
b. False


USDA
United States Department of Agriculture
Animal and Plant Health Inspection Service
APHIS 41-35-076
USDA Animal Care
Animal Welfare Act AND
Animal Welfare Regulations

What Do You Think?

In FY22 The House Agriculture Appropriations Subcommittee directed USDA APHIS Animal Care to eliminate the use of teachable moments or any similar program that obscures findings during inspections.

A. True
B. False

Teachable Moments

- Ensure regular consistent, thorough, unannounced inspections
- Act swiftly when facilities fail to comply
- Require that inspection reports identifying violations noncompliances be shared with relevant local, state, and federal agencies
- **Document failure to allow access for inspection and each failure to comply with animal welfare standards**
- **Ensure that there is no use of teachable moments**
- **Teachable moments to be phased out by October 1, 2023**

https://www.congress.gov/congressional-report/117th-congress/house-report/82/1?s=5&r=182

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Efforts are ongoing

Public engagement throughout the process

Plans to evaluate the outcome of the efforts

Questions

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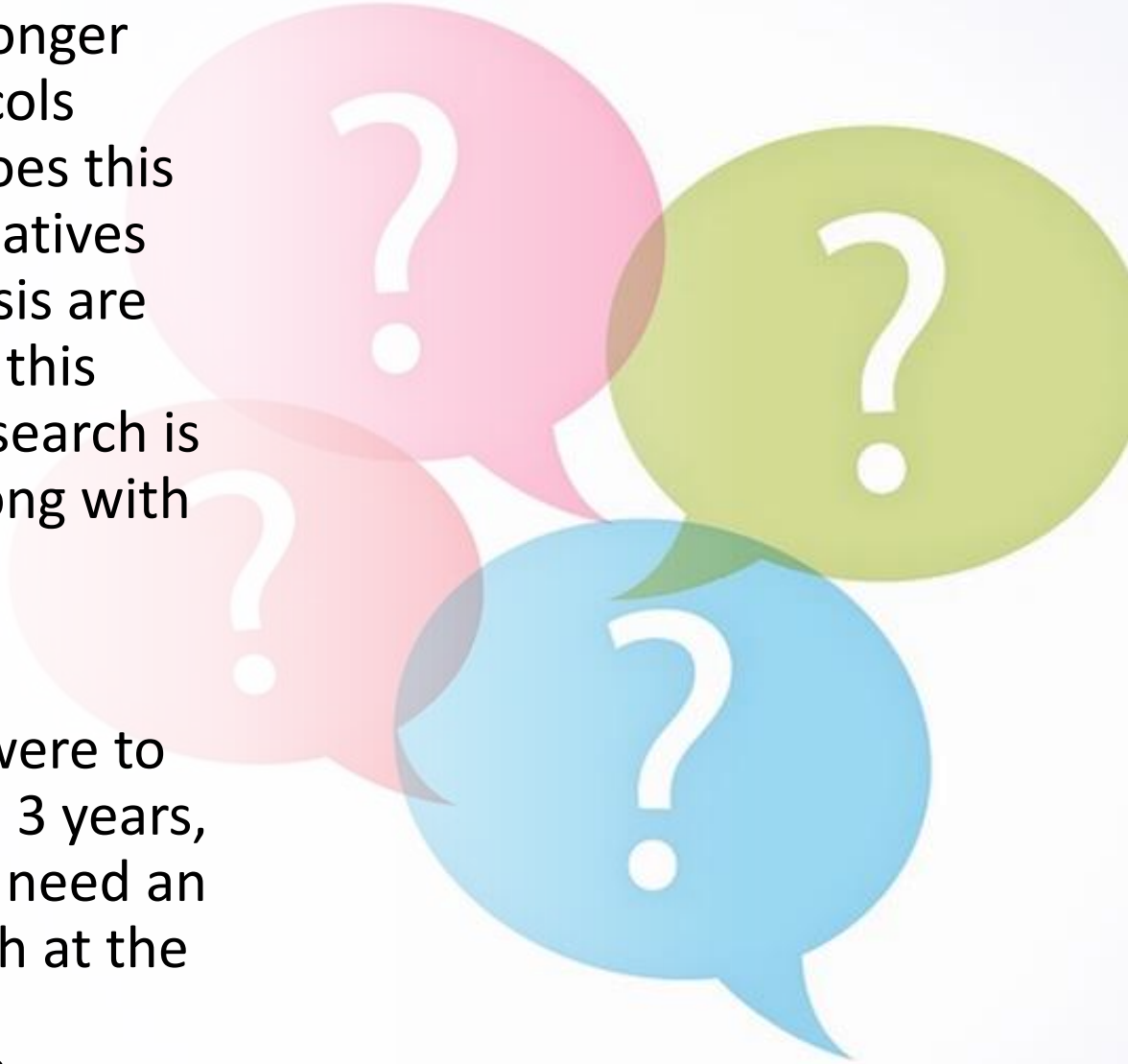
If annual reviews are no longer required for IACUC protocols covering USDA species, does this mean that updated alternatives searches on an annual basis are also not required? Would this mean a new alternatives search is required every 3 years along with a new protocol?



However, if the protocol were to be amended during those 3 years, a D or E procedure would need an updated alternative search at the time the amendment is submitted. Is this correct?

While this information was accurate at the time presented, policies and procedures change over time. Past webinars may not contain the most current guidance. Please note, do not rely on webinars and associated materials as definitive compliance guidance for your specific situation. For compliance questions, please contact OLAW directly. *Text has been edited for clarity.*

Want to comment? Your input is important. OLAW welcomes questions and comments from viewers of this recording. OLAW will post the comments, questions, and answers on the OLAW website. Please go to the OLAW Webinars and Podcasts page and click on the seminar title for further information.