

MARINE MAMMAL COMMISSION  
4340 East-West Highway, Room 700  
Bethesda, MD 20814-4447

2 October 2008

Mr. P. Michael Payne  
Chief, Permits Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

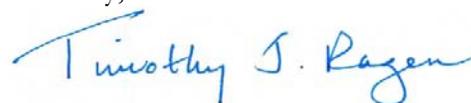
Dear Mr. Payne:

Thank you for your letter of 14 August 2008 regarding amendment of the Southwest Fisheries Science Center's Permit No. 774-1847-03 and responding to the Commission's recommendation on the need to establish Institutional Animal Care and Use Committees (IACUCs) at the Southwest Fisheries Science Center and the Service's other science centers. As you know, the Commission has repeatedly expressed concern about the science centers' failure to comply with the Animal and Plant Health Inspection Service's Animal Welfare Act regulations concerning the establishment and use of IACUCs. We are pleased that the task force reviewing the matter for the Service agrees that IACUCs are needed and that the Service has a plan to establish them. The new policy was scheduled to take effect on 1 October 2008, at which time all Service Science Centers would have one year to convene IACUCs, with the goal of having all research proposals and grants reviewed by 2010.

As the Commission has noted previously, the Service has been out of compliance with the Animal Welfare Act requirements pertaining to IACUCs for several years. In addition, the Commission is concerned about the proposed pace of implementation. We do not understand why the Service requires more than a year to convene IACUCs and begin reviewing research proposals and grants as required under the Animal Welfare Act, particularly when the Service has been holding discussions about establishing IACUCs for a year or more. For that reason, we request a meeting with the responsible Service officials to clarify the steps needed and being taken to establish IACUCs, the proposed schedule for implementation, whether anything can be done to expedite the process, and what alternatives arrangements might be available to provide the required oversight and review on an interim basis.

Please contact me to arrange such a meeting or to discuss alternatives as to how best to resolve this matter.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

Mr. P. Michael Payne  
2 October 2008  
Page 2

Cc: Mr. Frank P. Almeida, Northeast Fisheries Science Center  
John L. Bengtson, Ph.D., National Marine Mammal Laboratory  
Mr. Alex Chester, Southeast Fisheries Science Center  
Douglas P. DeMaster, Ph.D., Alaska Fisheries Science Center  
Norman W. Bartoo, Ph.D., Southwest Fisheries Science Center  
Karl Gleaves, Esq., General Counsel for Fisheries  
Barbara A. Kohn, D.V.M., Animal and Plant Health Inspection Service  
Samuel G. Pooley, Ph.D., Pacific Islands Fisheries Science Center  
Nancy B. Thompson, Ph.D., Northeast Fisheries Science Center  
Usha S. Varanasi, Ph.D., Northwest Fisheries Science Center