



United States Department of Agriculture

Animal and Plant Health  
Inspection Service

Animal Care

Riverdale, MD Office:  
4700 River Road  
Unit 84  
Riverdale, MD 20737  
Voice 301.851.3751  
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VIA: UPS Delivery Service

July 7, 2022

NORTH CAROLINA STATE UNIVERSITY  
CAMPUS BOX 7514  
RALEIGH, NC 27695

**OFFICIAL WARNING  
NOTICE OF ALLEGED VIOLATION**

Re: Reference number NC220004

Dear Sir or Madam:

We believe that you failed to comply with the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), and its implementing regulations, as described in the attached Official Warning. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and regulations and other agriculture laws that help prevent the spread of animal and plant pests and diseases and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may pursue civil penalties of up to \$10,000, subject to adjustments for inflation, or other sanctions, for each alleged violation described in this Official Warning. Although we have authority to pursue penalties for the type of alleged violation(s) described in this Official Warning, we have decided not to pursue penalties in this instance so long as you comply, in the future, with the AWA and regulations.

***What happens if I do not comply in the future?*** If you fail to comply in the future, we may pursue criminal penalties, or we may pursue civil penalties for the alleged violations described in this Official Warning, in addition to any penalties we may pursue for any future violations.

***What should I do if I have questions?*** If you have any questions concerning this Official Warning, contact Aaron Rhyner, Assistant Director of Field Operations, at [aaron.a.rhyner@usda.gov](mailto:aaron.a.rhyner@usda.gov) or call our main office at (970) 494-7478, between 9:00 a.m. and 5:00 p.m. Mountain Standard Time.

***I am a small business owner and have comments or concerns regarding APHIS's enforcement of animal and plant health laws. Who should I contact?*** If you have comments about APHIS's enforcement of animal and plant health laws, please contact Michon Oubichon, the APHIS Small Business Ombudsperson, at (301) 851-2248. If you prefer to comment to someone outside APHIS, contact the Small Business Regulatory Enforcement Ombudsman at <http://sba.gov/ombudsman>, email [ombudsman@sba.gov](mailto:ombudsman@sba.gov), or 1-888-REG-FAIR. The SBA Ombudsman's office receives comments and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small businesses.

Sincerely,

Dr. Elizabeth Goldentyer, D.V.M.  
Deputy Administrator  
APHIS Animal Care



<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p><b>USDA</b></p> <p><b>OFFICIAL WARNING</b> <b>NOTICE OF ALLEGED VIOLATION</b></p>	<p><b>CASE NUMBER:</b> NC220004</p>
	<p><b>ALLEGED VIOLATOR:</b> NORTH CAROLINA STATE UNIVERSITY</p>
	<p><b>ADDRESS (City, State, ZIP Code):</b> RALEIGH, NC 27695</p>
<p>The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:</p> <p><b>Date of Alleged Violation: May 11, 2022</b></p> <p><b>9 C.F.R. § 2.33(b)(3) Attending veterinarian and adequate veterinary care.</b></p> <p>Each research facility shall establish and maintain programs of adequate veterinary care that include:</p> <p>Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;</p> <p><b>Date of Alleged Violation: May 11, 2022</b></p> <p><b>9 C.F.R. § 2.38(f)(1) Miscellaneous.</b></p> <p>Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.</p>	

The Animal and Plant Health Inspection Service (APHIS) published federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

**APHIS OFFICIAL (Name):**

Dr. Elizabeth Goldentyer, D.V.M.

**OFFICE ADDRESS:**

4700 River Road, Unit 84  
Riverdale, MD 20737

**APHIS OFFICIAL (Title):**

Deputy Administrator, APHIS, Animal Care

**DATE ISSUED:**

July 7, 2022

**TELEPHONE  
NUMBER:**

(970) 494-7478