



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT		
Complaint No. AC23-0095	Date Entered: November 2, 2022	Processed By: Robert Baxter
Referred To: Tonya Hadjis		Reply Due: December 17, 2022
<b>Facility or Person Complaint Filed Against</b>		
Name: Merck Sharp and Dohme LLC	Customer No.: 181	License No.:
Address: 126 E Lincoln Ave PO Box 2000		Email Address:
City: Rahway	State: NJ	Phone No.: (732) 594-2269
<b>Complainant Information</b>		
Name: (b) (6), (b) (7)(C), (b) (7)(D)	Organization: SAEN	
Address:		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)
City:	State:	Phone No.: (513) 575-5517
How was the Complaint received? Email		
Details of Complaint: See attached.		
<b>Results:</b> This complaint refers to citations on a prior inspection report.  Animal Care inspectors conduct unannounced inspections for all USDA registered and licensed facilities. Our authority is to ensure that they meet the standards required by Federal regulations. Inspectors also perform inspections in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with Federal law.  When non-compliant items are found, these non-compliances are cited on the inspection report under the most accurate regulation based on the circumstances of the issue. Multiple non-compliances for the same issue are only cited when appropriate. With the exception of focused inspections, inspectors evaluate the facility for compliance with all applicable regulations. Although all regulatory requirements are assessed, only non-compliant items are listed on the inspection report.  Animal Care will continue to inspect this facility to ensure that past non-compliances are corrected and that AWA-regulated animals are protected to the fullest extent of Federal law.		
Application Kit Provided: Yes:      No:		



# USDA-APHIS-Animal Care



Inspector: JESSICA GOWINS	Date: November 3, 2022
Reviewed By: Tonya Hadjis	Date: March 29, 2023



Animal and Plant  
Health Inspection  
Service

Animal Care

Fort Collins Office  
2150 Centre Avenue  
Building B, 3W11  
Fort Collins, CO 80526  
Phone: 970-494-7478

November 2, 2022

(b) (6), (b) (7)(C), (b) (7)(D)

Dear Complainant,

Thank you for your correspondence dated November 18, 2022. We are reviewing your concerns and assigned tracking number AC23-0095. Please allow us enough time (30 to 60 days) to thoroughly look into your concerns. You may submit a request to the Animal and Plant Health Inspection Service (APHIS) Freedom of Information Act (FOIA) office to obtain any publicly available information regarding our review.

FOIA Requests can be submitted three ways:

1. Web Request Form: <https://efoia-pal.usda.gov/App/Home.aspx>
2. Fax: 301-734-5941
3. US Mail:  
USDA- APHIS- FOIA  
4700 River Road, Unit 50  
Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is a program within the U.S. Department of Agriculture (USDA) that directs activities to ensure compliance with and enforcement of the Animal Welfare Act and the Horse Protection Act. Animal Care establishes standards of humane treatment for regulated animals and monitors and achieves compliance through inspections, enforcement, education, and cooperative efforts under the Acts.

Please be assured that we will look into your concern(s) and take appropriate action(s).

Thank you for your interest into the humane treatment of these animals.

Sincerely,

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



Stop Animal Exploitation NOW!

Dr. Elizabeth Goldentyer  
USDA/APHIS/AC  
920 Main Campus Drive, Suite 2000  
Raleigh, NC 27606

10/18/22

Dr. Goldentyer,

I am writing to you today to file an Official Complaint against Merck Sharp & Dohme (22-R-0036) for serious violations of the Animal Welfare Act.

As you know, a USDA inspection report dated 8/17/22 cited Merck Sharp & Dohme for a violation of the Animal Welfare Act that resulted in a nonhuman primate sustaining severe injuries from another nonhuman primate. After a cage change, the chain used to secure the divider separating the enclosures was no longer in place and the lock was open.

Merck Sharp & Dohme was cited for violating Section 3.80 Primary Enclosures. However, they should also be cited under Section 2.31 Institutional Animal Care and Use Committee, and Section 2.32 Personnel Qualifications.

The 8/17/22 inspection report also cites Merck Sharp & Dohme for a violation of Section 3.82 Feeding. A room of 52 rhesus macaques were not fed for over a day. Merck Sharp & Dohme should also be cited for violating Section 2.32 Personnel Qualifications.

I know that your office considers major violations of the Animal Welfare Act to be very serious in nature, especially when the violations kill or injure animals. Therefore, I must insist that you take the most severe action allowable under the Animal Welfare Act and immediately begin the process of issuing the maximum fine of \$10,000 per infraction/per animal against Merck Sharp & Dohme at the completion of your investigation.

I look forward to hearing from you in the near future about the fate of this facility.

Sincerely,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D), SAEN