



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
Fax 301.734.4978

VIA: UPS Delivery Service

October 19, 2022

Merck Sharp & Dohme LLC
126 E Lincoln Ave
PO Box 2000
Rahway, NJ 07065

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

Re: Reference number NJ230002

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 Lemnique Wafer, Assistant Director of Field Operations, at lemnique.wafer@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, 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

2023-APHIS-03057-F_000578

Obtained by Rise for Animals.
Uploaded to Animal Research Laboratory Overview (ARLO) on 02/15/2024



<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p>USDA</p> <p>OFFICIAL WARNING NOTICE OF ALLEGED VIOLATION</p>	CASE NUMBER: NJ230002
	ALLEGED VIOLATOR: Merck Sharp & Dohme LLC
	ADDRESS (<i>City, State, ZIP Code</i>): Rahway, NJ 07065

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:

Date of Alleged Violation: August 17, 2022

9 C.F.R. § 3.80(a)(2)(iii) Primary enclosures.

Primary enclosures for nonhuman primates must meet the following minimum requirements:

General requirements.

Primary enclosures must be constructed and maintained so that they:

Contain the nonhuman primates securely and prevent accidental opening of the enclosure, including opening by the animal.

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.

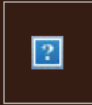
APHIS OFFICIAL (Name): Dr. Elizabeth Goldentyer, D.V.M.	OFFICE ADDRESS: 4700 River Road, Unit 84 Riverdale, MD 20737	
APHIS OFFICIAL (Title): Deputy Administrator, APHIS, Animal Care	DATE ISSUED: October 19, 2022	TELEPHONE NUMBER: (970) 494-7478

APHIS FORM 7060

Previous editions may be used

Rev. 4-23-21

From: [UPS](#)
To: [APHIS-AC CAS Mailbox](#)
Subject: UPS Delivery Notification, Tracking Number 1Z072R5R0295116887
Date: Tuesday, October 25, 2022 9:33:42 AM



Hello, your package has been delivered.

Delivery Date: Tuesday, 10/25/2022

Delivery Time: 10:32 AM

Left At: DOCK

Signed by: HAZARD

USDA/APHIS/AC 1

Tracking Number:	1Z072R5R0295116887
Ship To:	MERCK SHARP & DOHME LLC 126 E LINCOLN AVE RAHWAY, NJ 070654607 US
Number of Packages:	1
UPS Service:	UPS 2nd Day Air®
Package Weight:	0.0 LBS

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