



June 26, 2024

Roxanne Mullaney, D.V.M.
Deputy Administrator
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

Via e-mail: Roxanne.C.Mullaney@usda.gov

Dear Dr. Mullaney:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally—to request that the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) investigate breeder Marshall Farms Group Ltd. (USDA Certificate # 21-A-0008), headquartered in North Rose, New York.

Marshall Farms is a massive supplier that breeds and sells dogs, cats, guinea pigs, mice, and pigs to laboratories as well as ferrets to laboratories and pet stores—operating the largest factory farms in the U.S. for beagles and ferrets. According to U.S. Department of Agriculture (USDA) inspection reports, in March 2024 alone, Marshall Farms confined over 7,000 puppies, nearly 15,000 adult dogs, over 600 kittens, over 800 adult cats, nearly 2,000 pigs, and over 40,000 ferrets at its facilities. The USDA has cited Marshall Farms several times for violations of the federal Animal Welfare Act (AWA) because it was not meeting even minimal standards of care for animals. It has been cited for housing dogs and ferrets in filthy, decrepit wire cages in buildings teeming with mice and flies and failing to provide animals with adequate veterinary care. Although U.S. regulations require that cages holding dogs only be large enough to permit them to stand up, sit down, lie down, and turn around, Marshall Farms has failed to provide them with even that amount of space—and dogs have sustained injuries as a result. The dogs at Marshall Farms never feel the warmth of the sun or the cool grass beneath their feet. The only time they're taken out of cages is when they're shuffled around or loaded onto a truck to be shipped to a laboratory, where they may be forced to ingest or inhale toxic chemicals, their spinal roots may be cut, or they may endure other horrors before ultimately being killed for needless experiments.

Additionally, its facilities have been the site of massive disease outbreaks among animals, including canine distemper and bacterial infections.¹

Now, PETA has obtained whistleblower photographs (attached) and other information that we believe suggest additional violations of the AWA by Marshall Farms.

¹A complaint to the USDA detailing disease outbreaks is available at <https://www.peta.org/wp-content/uploads/2023/04/2023-04-24-complaint-from-peta-to-usda-re-marshall-farms.pdf>.

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Mistreatment of Dogs at Marshall Farms

The whistleblower provided information that Marshall Farms confines four to five beagles per cage in its facility.

The whistleblower photographs depict beagles standing on bare, metal mesh cage floors and the whistleblower described often finding spots of blood on the mesh flooring of dog cages.² The whistleblower stated that many of the dogs suffered from problems with their paws due to the flooring, but the AWA requires that primary enclosures for dogs must protect them from injury and have floors that protect their feet from injury. 9 CFR 3.6(a)(2)(ii) and (x).

The whistleblower photographs also show piles of feces under dog cages, and the whistleblower explained that the cages were only properly cleaned once every two weeks.³ These conditions are in contrast to the AWA requirement that “[e]xcreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs...contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.” 9 CFR 3.11(a).

The whistleblower reported many fights, especially between males who were caged together; however, the AWA requires that all dogs kept “in the same primary enclosure must be compatible, as determined by observation.” 9 CFR 3.6(c)(2).

The whistleblower also shared that puppies dying overnight was a common occurrence, and multiple times the whistleblower found a large quantity of blood in the cages. Moreover, the whistleblower explained that dogs who were born “non-standard” were killed; for example, a puppy with different colored eyes was killed. The whistleblower was not aware of any dogs being adopted out of the facility in their last year of employment.

Additionally, the whistleblower noted that some staff members handled the dogs roughly, and the whistleblower observed dogs getting their jaws hurt when being put into a cart and thrown around, but the AWA instructs: “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.” 9 CFR 2.38(f)(1).

The whistleblower also provided that most staff worked on weekdays from 7:30 a.m. to 3:30 p.m., and only two or three staff members would stay on site until 5:00 p.m. After 5:00 p.m., only student workers and security guards were on site. On weekends, staff left by noon. However, the AWA requires that “[t]he employees who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others.” 9 CFR 3.12. Presumably, student workers are in need of such supervision.

Marshall Farms’ possible noncompliance with the AWA supervision requirement is of additional concern due to the supplier’s record of demonstrating that it’s unable to ensure the safety of humans at its facilities. Marshall Farms is the subject of a recently closed Occupational Safety and Health

²Please see Photographs 1 – 4 in the Appendix.

³Please see Photograph 5 in the Appendix.

Administration (OSHA) case in which it received two serious citations, with a penalty of \$18,282, for an incident that caused an amputation of an employee's right hand.⁴ The first citation was issued under 29 CFR 1910.147(c)(4)(i): "Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section." The citation text says, "On or about 7/19/2023, the employer did not utilize a lock out tag out procedure to control hazardous energy during servicing activities (cleaning) on the Weiler Horizontal Mixer, Serial #76143, Model # M7225, causing an amputation of [an] employee's right hand."

The second citation was issued under 29 CFR 1910.212(a)(1): "One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks." The citation text notes, "On or about 7/19/2023, the employer did not ensure that employees were protected from hazards created by rotating parts when an employee[']s right hand was caught in the horizontal mixer, Serial #76143, Model # M7225, causing an amputation of the right hand."

Mistreatment of Ferrets at Marshall Farms

The whistleblower provided information that Marshall Farms confines four to six ferrets per cage in its facility, and whistleblower photographs show some cages with at least eight ferrets.

The whistleblower photographs show a brown substance throughout the cages of ferrets, including on a water lixit and in a food container, and the whistleblower also described that the ferret cages constantly had mold in the feeders and babies would get stuck in the feeders.⁵ In contrast to these conditions, the AWA instructs: "Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food." 9 CFR 3.129(b). Additionally, "[a]ll water receptacles shall be kept clean and sanitary." 9 CFR 3.130.

The whistleblower photographs also depict a pile of a brown substance in a ferret cage; and fecal matter stuck to the wire floors of ferret cages.⁶ The whistleblower explained that the cages were properly cleaned only once every two weeks. The whistleblower explained that workers used a metal rod to poke fecal matter through the mesh flooring of the cage rather than cleaning the cage regularly. However, the AWA requires that "[e]xcreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors." 9 CFR 3.131(a).

Additionally, at one point during the whistleblower's employment, an inspector (possibly from the USDA) visited and staff was instructed by management to rapidly pull the "euthanasia cards," which marked animals scheduled for euthanasia, out of the slots of ferret cages. According to the whistleblower, Marshall Farms would kill ferrets even if the animals could be treated. Presumably, this was done for the sake of expedience. Although such euthanasia would not violate Animal Welfare Regulations, the directive from management suggests that Marshall Farms plays a "numbers game,"

⁴OSHA Inspection: 1684868.015—Marshall Farms Group Ltd. is available at https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1684868.015.

⁵Please see Photographs 6 – 8 in the Appendix.

⁶*Id.*

breeding tens of thousands of animals with the knowledge that many will be killed if they succumb to a minor illness that could easily be treated. The directive also underscores why unannounced inspections are critically important.

In conclusion, we urge you to inspect the treatment of animals at Marshall Farms and to take swift, decisive action that includes citations and fines. The whistleblower asserts that management at the facility is aware of when USDA inspectors are coming and hides possibly noncompliant activity from them, so we encourage you to make the inspection unannounced.

Thank you for your consideration of this important matter. The AWA requires mere minimum standards of care and treatment for animals in breeding facilities, but Marshall Farms has repeatedly demonstrated that it cannot even meet those for the animals in its care.

If you have any questions or would like to further discuss this matter, you can contact me at AmandaE@peta.org.

Sincerely,



Amanda Elyse, J.D., M.S.
Laboratory Oversight Specialist
Laboratory Investigations Department
PETA

cc: Animal Care Complaints, APHIS, USDA (AC.Complaints@usda.gov)
Michael T. Watson, M.D., Administrator, APHIS (michael.t.watson@aphis.usda.gov)

APPENDIX

Photograph 1. Four beagles confined in a metal cage with paws on bare mesh flooring.



Photograph 2. Several beagles confined in metal cages with paws on bare mesh flooring.



Photograph 3. Adult beagle and beagle puppies confined in metal cage on bare mesh flooring.



Photograph 4. Several beagles in row of metal caging with bare mesh flooring.



Photograph 5. Piles of feces under dog cages.



Photograph 6. Five ferrets in a cage with a large area of a brown substance.



Photograph 7. At least eight ferrets in a cage with a large area of a brown substance, as well as a brown substance on the water lixit and food container.



Photograph 8. At least eight ferrets in a cage with a large area of a brown substance, as well as a pile of what looks to be feces.

