



May 8, 2024

Monica M. Bertagnolli, M.D.
Director
National Institutes of Health

Via e-mail: monica.bertagnolli@nih.gov

Dear Dr. Bertagnolli:

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 National Institutes of Health (NIH) reconsider its business relationship with Marshall Farms Group Ltd., headquartered in North Rose, New York. NIH purchases animals from Marshall Farms for use in experiments, with contracts of an [obligated amount totaling \\$137,800](#) just since the start of fiscal year 2023, but the agency may not be aware that Marshall Farms facilities pose a threat to the well-being of both humans and other animals.

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

Marshall Farms not only has pervasive animal welfare issues but also has proved that it's unable to ensure the safety of humans at its facilities. The supplier is the subject of a recently closed Occupational Safety and Health Administration

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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(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.² 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."

Marshall Farms is also party to a tort case currently before the Supreme Court of the State of New York. Plaintiff Donna Mercer is suing Marshall Farms because she alleges that on July 8, 2021, she was lawfully present on the premises of Marshall Farms, fell, and sustained injuries and damages that were "caused solely by defendant's negligence by permitting a dangerous condition within said premises that the defendants knew, or should have known, existed and continued to exist within said premises and/or by failing to warn plaintiff ... of said dangerous condition."³

Marshall Farms has repeatedly violated federal laws, as illustrated by the AWA and OSHA citations, and it has shown that it can't keep employees or visitors to its facilities safe from bodily harm. As a federal agency, NIH has a duty to uphold the trust and confidence of the U.S. public in its endeavors to "improve health and save lives," and its business relationship with Marshall Farms runs counter to that duty. We urge NIH to reconsider its business relationship with Marshall Farms and to increase its investment in non-animal, human-relevant methods that will allow the agency to better fulfill its mission to enhance health and lengthen life.

Thank you for your consideration of this important matter. You can contact me at AmandaSc@peta.org.

Sincerely,



Amanda Schemkes, J.D., M.S.
Laboratory Oversight Specialist
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²OSHA Inspection: 1684868.015—Marshall Farms Group Ltd. is available at https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1684868.015.

³The Summons for the case of *Donna Mercer v. Marshall Farms USA* is available at https://iapps.courts.state.ny.us/fbem/DocumentDisplayServlet?documentId=h_PLUS_Dq2uCoIeurCOS3LlnLaw==&system=prod.