**Bonnie S. Klapper, Esq.**
*On behalf of Coalition to Save the Marshall Dogs*

August 31, 2026

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**Re: Systemic Violations of New York Agriculture and Markets Law §§ 353, 353-a, and 356 at Marshall Farms Group Ltd. / Marshall BioResources, 5800 Lake Bluff Road, North Rose, Wayne County, New York 14516 (USDA Certificate No. 21-A-0008)**

Dear District Attorney Callanan/Sheriff Milby:

By this letter, and on behalf of Coalition to Save the Marshall Dogs, I write to report long-term, extensive violations of New York's animal-cruelty laws at Marshall Farms Group Ltd., also known as Marshall BioResources ("Marshall"), a commercial dog, cat, pig, and ferret breeder located at 5800 Lake Bluff Road, North Rose, Wayne County, New York. By way of background, I am an attorney licensed to practice in California, New York, and Washington, D.C., and admitted in several federal courts. From 1988 to 2012, I served as a federal prosecutor, first in the Central District of California and then in the Eastern District of New York, where my duties included evaluating evidence and witness testimony to determine whether charges should be filed. About eighty percent of my current work is pro bono work for animal rights organizations, animal shelters, dog rescues around the world and sanctuaries. As a result of my criminal law background and my work for these non-profits, I have made an extensive study of the laws governing animal cruelty in the United States. My criminal animal cruelty opinions and referrals contributed to the appointment of a special prosecutor in the case of Ridglan Farms, a commercial dog breeder in Wisconsin which experimented on dogs and was recently shut down.

After reviewing video and photographic evidence taken inside Marshall, an opinion from an expert veterinarian, statements from a whistleblower ("WB"), the

relevant statutes and case law and official U.S. Department of Agriculture ("USDA") inspection reports, I have concluded that the conditions and practices at Marshall violate Agriculture and Markets Law §§ 353, 353-a, and 356. The most serious of these violations is a felony. For years, Marshall has intentionally killed dogs — many of them healthy — by injecting poison into the abdomens of fully conscious animals, leaving them to die in prolonged agony. There is far more than probable cause to believe that Marshall, and those who direct its operations, are engaged in ongoing acts of criminal animal cruelty. I respectfully ask that your offices open an immediate investigation and, upon confirming these violations, prosecute.

This letter summarizes (A) the governing New York statutes; (B) our findings, presented in order of gravity and beginning with the killings; and (C) why those killings and other conditions at Marshall are felony aggravated cruelty. The practices at Marshall, described below, resulted in horrible, unnecessary and unnecessarily painful deaths for the dogs in Marshall's care.

## A. New York Law Broadly Prohibits Cruelty to Animals

Article 26 of the Agriculture and Markets Law governs criminal cruelty to animals. Section 350 defines the key terms:

> "Animal," as used in this article, includes every living creature except a human being . . . . "Torture" or "cruelty" includes every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted . . . . "Companion animal" or "pet" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

See Agriculture and Markets Law § 350(1), (2), (5).

Section 353 sets forth the principal animal cruelty offense:

> A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame . . . or deprives any animal of necessary sustenance, food or drink . . . or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor.

See Agriculture and Markets Law § 353. The penalty for a class A misdemeanor in New York is up to 364 days in custody and a fine of up to $1000. See New York Penal Law §70.15(1).

Section 353-a, known as "Buster's Law," elevates the most serious animal cruelty to a felony:

> A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner . . . . Aggravated cruelty to animals is a felony . . . [punishable by] a definite sentence, which may not exceed two years.

See Agriculture and Markets Law § 353-a(1), (3).

Section 356 separately criminalizes the neglect of confined animals:

> A person who, having impounded or confined any animal, refuses or neglects to supply to such animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water, is guilty of a misdemeanor . . . .

See Agriculture and Markets Law § 356.

New York State law stringently regulates who may kill an animal by lethal injection, a practice commonly referred to as euthanasia. Only a licensed veterinarian, or a person the statute specifically exempts, may practice veterinary medicine — defined to include "treating . . . [or] operating . . . for any animal disease, pain, injury, deformity or . . . physical condition" — and a veterinarian may use lay persons only for "non-technical duties." See Education Law §§ 6701, 6702. The Legislature treats euthanasia as within that regulated practice; the only exemption that allows a non-veterinarian to euthanize an animal by injection is reserved for a "certified euthanasia technician," a certification the New York State Department of Health issues only to agents of incorporated societies for the prevention of cruelty to animals (such as an SPCA) and municipal animal-control facilities that lack a veterinarian's services. Education Law § 6705(13); 10 NYCRR § 80.134. No exemption exists for a commercial breeder or its employees.

A person who is neither a licensed veterinarian nor a certified euthanasia technician, and who kills animals by lethal injection, engages in the unauthorized practice of a profession — a class E felony, punishable by a maximum of four years in custody and a fine of up to $5,000. See New York Penal Law § 70.00(2)(e).

Finally, to comply with veterinary standards and federal law, euthanasia must produce "rapid unconsciousness and subsequent death without evidence of pain or distress." 9 C.F.R. § 1.1. Severe violations of these standards are relevant to whether a killing meets the criteria for aggravated cruelty.

In sum, New York makes it a misdemeanor to torture an animal, to unjustifiably injure, maim, mutilate, or kill an animal, or to confine an animal without good and wholesome air, food, shelter, and water. New York makes it a felony, punishable by up

to two years in custody, to intentionally kill a companion animal — which by statute includes *any* dog or cat — with no justifiable purpose and with aggravated cruelty, meaning conduct intended to cause extreme pain or carried out in an especially depraved or sadistic manner. And only licensed veterinarians or individuals under their direct supervision may euthanize an animal, unless the person conducting the euthanasia is a certified euthanasia technician and the euthanasia is performed at an SPCA or municipal animal shelter.

As set forth below, the evidence is clear that Marshall has violated both the misdemeanor and felony provisions of the animal cruelty laws of New York. The evidence is also clear that Marshall has violated New York law by allowing euthanasia to be performed by non-veterinary personnel.

## B. Marshall Knowingly Subjected the Dogs in its Care to Torture and Death, Constituting Criminal Animal Cruelty – Whistleblower Testimony

As noted above, Marshall is a privately held commercial breeder of dogs, cats, pigs, and ferrets that supplies animals to laboratories and, in the case of ferrets, to the pet trade. Its facility is located at 5800 Lake Bluff Road, North Rose, Wayne County, New York, and operates under USDA Certificate No. 21-A-0008. USDA's own inspection records reflect the enormous scale of the operation; the USDA's March 26, 2024 inspection report noted the recorded inventory of 7,027 puppies and 11,822 adult dogs. (Ex. D.) The violations described below concern Marshall's breeding, husbandry, housing, handling, and — most seriously — its killing of dogs, all of which are subject to New York law.

### 1. Whistleblower Testimony Reveals that Marshall Used Non-Veterinarians to Kill Dogs in an Extraordinarily Painful and Cruel Fashion

The WB worked at Marshall for approximately two and a half years, from January 2019 to late 2022. The WB is not and never was a veterinarian, nor a veterinary technician nor a certified euthanasia technician (and even if the WB *were* a certified technician, Marshall is a commercial breeding operation that cannot rely on the exemption for SPCAs or municipal shelters). The conduct the WB describes occurred at Marshall during the WB's employment. What the WB observed at Marshall is shocking. From in or about early 2021 until late 2022, the WB was assigned to kill dogs by lethal injection, frequently working alone and with no veterinarian present. The WB was not trained by veterinary personnel to conduct euthanasia; the only training the WB received was from the WB's supervisor and/or other employees, none of whom were veterinary personnel.

The drug the WB was directed to use to euthanize dogs was a blue solution that the WB was told was sodium pentobarbital, kept under lock, and meant to be injected

into a vein.[1] The WB explained that, on the numerous occasions when the WB was unable to locate a vein (which happened regularly, and especially with dogs who struggled, dogs who were dehydrated, and young puppies whose veins were too small) — the WB was directed to inject the solution directly into the dog's abdomen. The dogs injected in this fashion were fully conscious and had not been sedated or given any anesthetic. According to the WB, the dogs did not die quickly or quietly. They screamed, thrashed, and struggled in what appeared to be extreme pain — in the WB's words, as if they were being "burned alive from the inside" — and, when the first dose of sodium pentobarbital was not sufficient to cause death, the WB was ordered to inject more while the dog continued to thrash. The WB reported that the WB killed dogs on a nearly daily basis; on average, at least one dog every other week was killed via injection to the abdomen, meaning dying in extreme pain, acting as if they were burned alive.

On one occasion, the WB's supervisor brought a frightened dog in from a truck; the dog escaped and ran under the cages, and the supervisor pulled him out with a catch-pole. Unable to muzzle the dog or reach a vein, the supervisor stomped on the dog's neck and held him down with his foot so that the WB could inject him. The WB reported that the dog thrashed and struggled while he died.

Dr. Sherstin Rosenberg, whose opinion is attached here as Exhibit A, opined as follows:

> Due to serious failures in compliance with welfare and regulatory standards, dogs were inappropriately killed by injection of a barbiturate solution into the abdomen, where this highly alkaline solution can cause severe tissue damage and pain. The animals were not sedated first and did not experience a rapid loss of consciousness following injection. Indeed, dogs killed by this method suffered as evidenced by sustained, vigorous motor activity and vocalizations of distress during the interval preceding death. This suggests **extreme physical pain** and violations of veterinary and welfare standards.

(Ex. A, emphasis added.)

Killing dogs in this fashion is a violation of both the state animal cruelty statutes and the state requirement that only trained veterinarians may perform euthanasia, warranting investigation.

[1] Dr. Sherstin Rosenberg's opinion, attached as Exhibit A, confirms that this substance was pentobarbital: "the blue color is consistent with commercial pentobarbital products, which are dyed for safety." Given the age of the dogs killed and the fact that some were breeding females, Dr. Rosenberg notes that the dogs should have been placed under general anesthesia prior to euthanasia, something that did not happen: "[a]nimals given intraperitoneal injections were conscious and had received no sedative or anesthetic."

### 2. Marshall Killed Healthy Dogs for Their Appearance or Commercial Grade - Killing Breeding Mothers When They Are No Longer Useful.

According to the WB, many of the dogs the WB was directed to kill were healthy. When the WB questioned why these dogs were being euthanized, the WB was told that Marshall had to make more room in the cages or because they were "done being bred;" there was no medical or humane reason for the killing. The bodies of the dead dogs were bagged and taken to a large incinerator, where the WB saw them stacked in piles — on at least one occasion, a pile taller than the WB, who stands at approximately five feet nine inches tall. The scale of deaths described by the WB is consistent with USDA's inventory of more than 18,000 dogs and puppies at the facility. (Ex. D.)

Marshall killed healthy dogs because of their aesthetic appearance or fitness for sale rather than any medical condition — for example, dogs with blue eyes or a significantly kinked tail. And Marshall directed the WB to kill mother dogs when it was finished breeding them — generally after about six litters, when they were marked "DBA," for "Don't Breed Again" — as well as mothers who were protective of their puppies, such as those who barked when someone approached the cage, or whose litters were considered too small. These, too, were intentional killings of healthy companion animals for commercial convenience, not medical necessity.[2]

Dr. Rosenberg opined as follows:

> In my professional opinion, the method of killing used at Marshall is an extreme departure from the applicable veterinary and animal-welfare standards, **the killings were not medically justified**, and the conditions of confinement did not meet the minimum shelter, sanitation, and feeding requirements. These findings would warrant immediate veterinary intervention at any facility where they were observed.

(Ex. A, emphasis added.)

Killing otherwise healthy dogs for cosmetic reasons or because they were bred out may be a violation of the state animal cruelty statutes and warrants investigation.

### 3. Marshall Subjected Dogs to Forced Inhalation-"Mask" Training and a Dog Died on the Table

According to the WB, Marshall put dogs through what employees called inhalation "mask" training, on a five-day schedule that escalated from five minutes in a harness to fifteen minutes in a harness with a tight-fitting mask sealed over the snout. Marshall employees restrained dogs on a table; the WB reported that most tried to paw the mask off their faces. This practice is corroborated by photographs and video

[2] Another former employee of Marshall has confirmed that there were mass killings of dogs, killings of dogs without medical necessity, and killings of dogs without proper veterinary involvement.

recorded inside the facility which show harnessed beagles tethered to tables with masks over their snouts, struggling against their restraints. (Ex. B, photograph 10.) In late 2019 or early 2020, the WB saw a dog on the harness table urinating and defecating in panic, thrashing and rolling — the WB described this as an "alligator roll" — and tangling in the harness; the WB tried to remove the mask, but the dog died on the table. The WB reported that the WB's supervisor said this was "no big deal," and the body was incinerated with the other dead animals.

Forcing dogs to suffer in this fashion, leading to death, may be a violation of the state animal cruelty statutes and warrants investigation.

**4. Rough Handling, Preventable Puppy Deaths, Poor and Unsanitary Conditions**

According to the WB, approximately every two weeks, dogs were moved between barns for cleaning; to move thousands of dogs quickly, employees threw them into transport cages "like a frisbee," and the dogs' heads snapped against the backs of the cages, with some dogs afterward opening their jaws and shaking their heads in a manner consistent with jaw injuries. And in the colder months during those same years, when the buildings had barely any heat, puppies would lie down in the warm wet-food pans to stay warm and were then smothered or suffocated in the pans; the WB found puppies that had died in this fashion when the WB was cleaning cages. A photograph taken inside the facility shows the body of a puppy lying in a metal pan encrusted with caked food, corroborating the WB's account. (Ex. B, photograph 9.)

As Dr. Rosenberg noted:

> The other husbandry findings from Marshall are consistent with a pattern of **serious violations of welfare standards**: USDA inspectors documented flooring through which puppies' feet passed, feces accumulated where dams and puppies could not avoid it, and feed containers that could not be adequately cleaned. A photograph taken inside the facility shows a dead puppy in a metal feeding pan encrusted with caked food.

(Ex. A, emphasis added.)

**5. Marshall Conceals Its Conduct From Inspectors**

The WB reported that, during the WB's employment, Marshall usually received advance notice of USDA inspections, that employees would "panic clean" the facility before inspectors arrived, and that the mask training was not performed while USDA inspectors were present. Thus, the lack of USDA reports finding extensive violations is not because Marshall complied with all state and federal laws; it is likely because Marshall took steps to conceal violations of the law from the USDA. Marshall's efforts to hide these conditions confirm that it knows they are inhumane and unlawful. Concealing

conduct from regulators is classic evidence of consciousness of guilt and underscores why an unannounced, independent state investigation is necessary.[3]

## C. USDA Reports Demonstrate Severe Neglect and Mistreatment

As noted above, Marshall took steps to hide the true conditions in which it kept the dogs from the USDA. Despite Marshall's efforts to deceive USDA inspectors, the USDA found violations during its inspections.

### 1. Marshall Failed to Detect and Treat Painful Medical Conditions

During an August 23, 2021 inspection, the USDA identified multiple dogs with painful conditions that staff had failed to detect during required daily observations, including five dogs with interdigital cysts (ID Nos. 1968089, 183998, 0181405, 0226492, and 0227138), a dog with a left-rear hock injury (damage to a joint on a rear leg) present more than a day (ID No. 0204422), a dog with a growth on the chest (ID No. 0205118), a dog with a reddened, open area where a toenail was missing (ID No. 3703348), and a dog with a puncture wound to the mammary gland (ID No. 0166333). (Ex. C.) Denying dogs in its care necessary veterinary treatment is inhumane, cruel treatment, further supporting a criminal investigation.

### 2. Dogs Are Confined on Dangerous Flooring, in Feces, and Fed From Contaminated Containers

During a March 26, 2024 inspection, USDA found that pens in Building 15 (Pens #15-319 and #15-412) had floor openings that allowed puppies' feet to pass through the slatted flooring, creating a risk of injury, and that an acclimation-diet container in Building 75 held two severely rusted metal washers surrounded by caked food that, in USDA's words, "can not be adequately cleaned." (Ex. D.) The 2021 inspection documented old feces accumulated on wire mesh and mats in Building 35 and feces built up in a whelping building such that dams and puppies could not avoid walking in it. (Ex. C.) Confining animals amid accumulated waste, on flooring that traps and injures their feet, and feeding them from fouled containers denies them the "good and wholesome air, food, shelter and water" required by Section 356 of the Agriculture and Markets Law and supports further investigation.

## D. The Killings Are Felony Aggravated Cruelty, and the Charges Are Timely

As set forth above, the elements of Section 353-a are satisfied when a person, "with no justifiable purpose," "intentionally kills . . . a companion animal with aggravated

[3] Of note, the USDA enforces the federal Animal Welfare Act; it does not enforce New York's animal cruelty statutes.

cruelty" — that is, by conduct "intended to cause extreme physical pain" or "done or carried out in an especially depraved or sadistic manner." Each element is met by Marshall's killings.

**Intentional killing of companion animals:** The dogs were killed intentionally by lethal injection, administered by unqualified employees. Dogs are companion animals as a matter of law, without regard to the purpose for which Marshall breeds them. See Agriculture and Markets Law § 350(5).

**No justifiable purpose.** Marshall did not kill these dogs to relieve the suffering of a sick or injured animal or to euthanize an elderly, infirm dog. It did not kill these animals because they were experimented on (they were not) and needed necropsies. Marshall killed healthy dogs to free cage space, or because they were "done being bred," or because their eye color, tail, or size did not suit its commercial grade. Killing a healthy companion animal for commercial convenience is not a justifiable purpose. Nor can Marshall recharacterize these killings as lawful euthanasia. New York does not permit a commercial breeder's untrained, unlicensed employees to kill animals by lethal injection at all; doing so is a crime in its own right, as set out below. See Education Law §§ 6701, 6702, 6705, 6512. A killing that the law forbids the killer to perform, carried out by driving a barbiturate into the belly of a fully conscious dog, is not the humane, lawful euthanasia a defendant might otherwise invoke.

**Aggravated cruelty.** Injecting a caustic barbiturate into the belly of a conscious dog does not bring a quick death; it leaves the animal aware and in agony. Marshall's own worker describes the dogs thrashing as though "burned alive from the inside," dying slowly, and — when the first dose was too little — being injected again while they thrashed. A supervisor stomped on the neck of a frightened dog and pinned him to the floor to be injected, and the dog "thrashed and struggled while he died." A jury could readily find that killing an animal in this manner is "especially depraved," and that it was carried out with depraved indifference to the extreme pain it plainly caused. Because these deaths recurred — at least one every other week for nearly two years — the felony was committed not once but many times over.

**Timeliness.** A prosecution for aggravated cruelty, an unclassified felony, may be commenced within five years. CPL § 30.10(2)(b). The killings continued until at least November 2022 and are therefore well within the limitations period; and because Marshall likely continues to operate in the same fashion, an investigation is likely to reveal ongoing violations.

**A second felony: the unauthorized practice of veterinary medicine.** New York reserves the killing of animals by lethal injection to licensed veterinarians and — only in the narrow context of incorporated SPCAs and municipal shelters that lack a veterinarian — to Department of Health-certified euthanasia technicians. See Education

Law §§ 6701, 6702, 6705; 10 NYCRR § 80.134. It grants no exemption to a commercial breeder or its staff. The whistleblower was neither a veterinarian nor a certified euthanasia technician; the Marshall-directed killings were therefore the unauthorized practice of a profession, a class E felony. Education Law § 6512.

**The remaining offenses, and a note on timing.** The mask training, the throwing of dogs, the feces-filled cages, the contaminated food, the unsafe flooring, the unheated buildings, and the untreated injuries independently violate the misdemeanor provisions of Sections 353 and 356. Some of these acts, standing alone, may fall outside the two-year misdemeanor limitations period (CPL § 30.10(2)(c)); we present them not only as chargeable conduct where timely, but as evidence of the pattern, knowledge, and depraved indifference that underlie the felony killings, and because the conditions they describe appear to be ongoing. An investigation into these allegations is clearly warranted.

**The research exemption does not apply.** Sections 353 and 353-a exempt only "properly conducted scientific tests, experiments or investigations . . . performed or conducted in laboratories or institutions" that are "approved for these purposes by the state commissioner of health." See § 353. The conduct at issue in this referral does not relate to any such test, experiment, or investigation but rather Marshall's breeding operation. While Marshall holds a Class R research registration from the USDA, the dogs used in its breeding operation are separate from its small research division. Indeed, according to recent filings and the company's own public statements, Marshall performs no experiments on dogs.[4]

## E. Conclusion and Requested Action

The enclosed evidence establishes far more than probable cause to believe that Marshall is committing ongoing criminal animal cruelty in Wayne County, including the felony killing of dogs.[5] We respectfully request that your offices:

[4] Since 2021, Marshall's annual research-facility reports filed with USDA APHIS report zero dogs used in experiments or research; the only animals Marshall reports experimenting on are ferrets. (Ex. E.) Marshall also states on its website that it "does not conduct any pharmaceutical or medical device testing with its animals, including discovery- or safety-related studies." Marshall BioResources, Facts & FAQs: Correcting Misinformation, https://marshallbio.com/marshall-bioresources-faq/ [last accessed Aug. 26, 2026].

[5] While this letter focuses on the abuse and killing of dogs, Marshall has been cited by the USDA for its mistreatment of kittens and ferrets. For example, a May 2023 USDA inspection revealed that a kitten at Marshall had lost half its tail, had been provided with inadequate veterinary care and was ultimately killed by other cats with which it had been housed who had gnawed the unhealed tail down to the bone. This incident resulted in an official warning by the USDA to Marshall. The whistleblower also reported the neglect and mistreatment of ferrets at Marshall, where ferrets languished in fecal matter and were fed moldy food.

- Open a criminal investigation into violations of Agriculture and Markets Law §§ 353, 353-a, and 356, and Education Law § 6512, by Marshall and the individuals who direct its operations;
- Coordinate with law enforcement and authorized humane officers to conduct an unannounced inspection of the facility and to seize and protect animals as warranted under Agriculture and Markets Law §§ 372 and 373.

Thank you for your attention to this urgent matter. Every day that passes is another day of suffering for the thousands of animals confined at Marshall.

Respectfully submitted,



**Bonnie S. Klapper, Esq.**
*On behalf of Coalition to Save the Marshall Dogs*

**Participating organizations:**

**The Simple Heart**

Wayne Hsiung

*Executive Director*

**Rise for Animals**

Ed Butler

*Executive Director*

**People for the Ethical Treatment of Animals (PETA)**

Alka Chandna, Ph.D.

*Vice President, Laboratory Oversight & Special Cases*

**Physicians Committee for Responsible Medicine**

Ryan Merkley

*Director of Research Advocacy*

**Voters For Animal Rights**

Julie Cappiello

*President, Board of Directors*

**Enclosures:**

Exhibit A – Veterinary Expert Report of Sherstin L. Rosenberg, D.V.M.

Exhibit B – Photographs from Inside Marshall BioResources

Exhibit C – USDA APHIS Inspection Report, August 23, 2021

Exhibit D – USDA APHIS Inspection Report, March 26, 2024

Exhibit E – USDA APHIS Annual Reports, 2021 - 2025

# EXHIBIT A

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California Veterinary License No. 13432

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August 14, 2026

**VETERINARY EXPERT REPORT**
**Marshall Farms Group Ltd. / Marshall BioResources**
5800 Lake Bluff Road, North Rose, Wayne County, New York

## I. Assignment and Summary of Opinions

Counsel has asked me to review the evidence concerning the treatment of dogs at Marshall Farms Group Ltd., also known as Marshall BioResources ("Marshall"), at its breeding facility in North Rose, New York, and to determine whether that treatment conforms to the applicable veterinary and animal-welfare standards.

**My principal conclusion is that the killing of dogs at Marshall does not satisfy the definition of euthanasia under federal regulation or under any recognized professional standard. Due to serious failures in compliance with welfare and regulatory standards, dogs were inappropriately killed by injection of a barbiturate solution into the abdomen, where this highly alkaline solution can cause severe tissue damage and pain. The animals were not sedated first and did not experience a rapid loss of consciousness following injection. Indeed, dogs killed by this method suffered as evidenced by sustained, vigorous motor activity and vocalizations of distress during the interval preceding death. This suggests extreme physical pain and violations of veterinary and welfare standards.**

These findings are neither isolated nor incidental. The method was used at regular intervals over approximately two years ending in late 2022, was applied to healthy animals, and was performed by staff members who were not veterinarians, certified euthanasia technicians, or otherwise permitted to use a highly-regulated Schedule II controlled substance.

The other husbandry findings from Marshall are consistent with a pattern of serious violations of welfare standards: USDA inspectors documented flooring through which puppies' feet passed, feces accumulated where dams and puppies could not avoid it, and feed containers that could not be adequately cleaned. A photograph taken inside the facility shows a dead puppy in a metal feeding pan encrusted with caked food.

**In my professional opinion, the method of killing used at Marshall is an extreme departure from the applicable veterinary and animal-welfare standards, the killings were not medically justified, and the conditions of confinement did not meet the minimum shelter, sanitation, and feeding requirements. These findings would warrant immediate veterinary intervention at any facility where they were observed.**

## II. Qualifications

I have been a licensed veterinarian in California for more than 25 years. I graduated from the University of California, Davis, School of Veterinary Medicine- consistently ranked the leading veterinary school in the United States- in 1998, after undergraduate study at Stanford University.

Two parts of my background bear directly on this matter. First, I have served on the Board of Directors, and as Chair of the Ethics Committee, at a large humane society in Santa Clara County, California, handling roughly 6,200 animals a year. In that role, I helped create what was then the first model shelter built to meet all guidelines of the Association of Shelter Veterinarians. Shelter practice is the setting in which euthanasia by injection is performed most frequently and most closely regulated, and in which the training and certification of the personnel who perform it is a central institutional concern. Second, since 2014 I have been Executive Director and Chief Veterinarian of Happy Hen Animal Sanctuary, where I have treated thousands of animals, including hundreds surrendered from commercial breeding operations.

I have been retained as an expert in numerous criminal and civil matters involving animal welfare and industry husbandry standards, and have testified in legislative and administrative hearings. I have previously given veterinary opinions concerning commercial beagle breeding operations, including Ridglan Farms.

## III. Materials Reviewed

- An interview with a former Marshall employee whose duties at the North Rose facility included animal husbandry and the killing of dogs (below, “the former employee”);
- USDA APHIS inspection reports for Marshall Farms Group Ltd., Certificate 21-A-0008, dated March 26, 2024 (with inventory), August 23, 2021, and May 15, 2023;
- Photographs and video recorded inside the facility, including harnessed beagles restrained on tables with masks over the muzzle, puppies in floor pens, and a dead puppy in a feeding pan encrusted with caked food; and
- The published standards identified in Part IV.

## IV. The Applicable Standards

Marshall is a USDA Class "A" dealer (breeder) under Certificate 21-A-0008 and is subject to the Animal Welfare Act regulations, 9 C.F.R. Parts 1–3. Its North Rose facility is also listed in AAALAC International's Directory of Accredited Organizations, which requires Marshall to meet relevant standards in the *Guide for the Care and Use of Laboratory Animals* (8th edition, 2011) (the *Guide*).

**The definition of euthanasia.** Federal regulation defines euthanasia as "the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress." 9 C.F.R. § 1.1. The *Guide* agrees, adding that a method is evaluated by its "ability to induce loss of consciousness and death with no or only momentary pain, distress, or anxiety" and the "time required to induce unconsciousness." *Guide, Chapter 4*. These standards require a humane outcome: a method that leaves an animal conscious and responsive to a noxious stimulus does not meet the definition.

**Route of administration.** The *AVMA Guidelines for the Euthanasia of Animals (2020)* (the "Guidelines") address dogs directly, and expressly extend to animals held in "large breeding facilities," instructing that "the interests of the animal must be given equal consideration whether the animal is individually owned or not." Section S1.1, pg 56. "Intravenous injection of a barbituric acid derivative … is the preferred method for euthanasia of dogs, cats, and other small companion animals." Section S1.2.1, pg 57. Intraperitoneal (IP) administration should be contemplated only "when IV access would be distressful, dangerous, or impractical (eg, small patient size such as puppies, kittens, small dogs and cats …)," and the Guidelines flag "the potential for peritoneal irritation and pain," noting that lidocaine "has been used with some success… to ameliorate discomfort." Section S1.2.1. Pg 57. For larger animals the Guidelines are clear: "The IP route is not practical for medium or large dogs due to the volume of agent that must be administered and a prolonged time to death," and "a better choice for these animals when IV access is unachievable using manual restraint is general anesthesia followed by intraorgan injection." (Author's note: beagles are categorized as medium sized dogs) Section S1.3.1, pg 57. Moreover, intraorgan routes are "acceptable only when performed on anesthetized or unconscious animals." Section M2.2.1, pg 33. These specific guidelines are in place because pentobarbital solutions are strongly alkaline, with a pH of approximately 11 to 12, and controlled study data identify alkalinity as a cause of pain on intraperitoneal injection; peritoneal absorption is slow and variable, so the interval to unconsciousness is measured in minutes rather than seconds.

**Personnel.** The *AVMA Guidelines* require that "personnel conducting euthanasia must have a complete understanding of and proficiency in the euthanasia method to be used," and that "if one euthanasia method is proving difficult, another method should be tried immediately." Section S1.1, pg 56. The *Guide* provides that "it is essential that euthanasia be performed by personnel skilled in methods for the species in question," and that "death must be confirmed by personnel trained to

recognize cessation of vital signs." The AWA regulations require dealers to provide appropriate personnel and "adequate guidance to personnel … regarding … euthanasia." 9 C.F.R. § 2.40(b)(1), (4). New York is consistent: euthanasia by injection falls within the practice of veterinary medicine, N.Y. Educ. Law § 6701, which only a licensed or exempt person may perform, *N.Y. Educ. Law § 6702*. The sole exemption permitting a non-veterinarian to euthanize by injection is the euthanasia technician certified by the Department of Health, N.Y. Educ. Law § 6705(13) — a certification available only to incorporated humane societies and municipal animal-control facilities, not to commercial breeders. At a facility such as Marshall, only a licensed veterinarian or a licensed veterinary technician under the supervision of a veterinarian may lawfully end a dog's life by injection.

## V. Opinion 1: The Method of Killing Departed From the Applicable Standard and Produced Observable Indicators of Pain

**The method.** The former employee was instructed that the correct route was intravenous, and was directed to inject into the abdominal cavity whenever venous access could not be achieved. Difficulties with IV injection occurred regularly and predictably in three categories: dogs that struggled during restraint, dehydrated dogs, and puppies whose veins were too small. Animals given intraperitoneal injections were conscious and had received no sedative or anesthetic. The agent was a blue solution stored under lock and identified to staff as pentobarbital sodium. The blue color is consistent with commercial pentobarbital products, which are dyed for safety. Two features of the practice fall outside the circumstances in which the AVMA Guidelines contemplate the IP route. First, it was used on adult dogs and breeding females, not just puppies; for animals of that size (medium) the Guidelines state the route "is not practical," and direct that where venous access cannot be achieved the animal should first be placed under general anesthesia. Second, the Guidelines permit the route where venous access is "distressful, dangerous, or impractical" by reason of patient size; here it failed because unlicensed, inappropriately trained personnel did not have the expertise or equipment required to adjust the protocol. Suffering could have been avoided if sedatives or anesthetics were used, but the witness reports that these tools were never incorporated.

**The clinical course.** Death by the IP route was not rapid. Animals engaged in vigorous, sustained motor activity and vocalizations of distress during the interval (often 10 minutes or longer) preceding death. On some occasions the quantity of pentobarbital administered was insufficient, so that a further injection was required while the animal remained active. Sustained, purposeful motor activity of this character indicates a conscious animal responding to a noxious stimulus. The need for repeat dosing indicates slow and incomplete absorption, characteristic of the intraperitoneal route and not observed after a correctly placed intravenous injection, following which a dog becomes recumbent and unresponsive within seconds. These observations are incompatible with the requirement that euthanasia produce "rapid unconsciousness and subsequent death without evidence of pain or

distress." 9 C.F.R. § 1.1. They also establish that the conditions AVMA attaches to the intraperitoneal route were not satisfied. The Guidelines direct that "if one euthanasia method is proving difficult, another method should be tried immediately"; at Marshall the response to a failed dose was a further dose by the same failed route.

**Personnel.** The individual performing these killings held no veterinary license, no veterinary technician license, and no euthanasia-technician certification, and received no instruction from a veterinarian; training came from a supervisor and the lay employee previously assigned to the task. The witness also reports almost never having an assistant to help with holding dogs, and no veterinarian was present. Marshall's failure to follow standard veterinary euthanasia standards is systemic rather than individual, and reflects a failure to follow the veterinary-care program required by 9 C.F.R. § 2.40(b)(1), (4).

**Restraint.** In one incident a non-veterinarian supervisor, unable to muzzle a frightened dog or achieve venous access, restrained it by standing on its neck while the injection was given; the animal struggled until it died. Standing on the neck of a conscious dog is not a recognized restraint technique. It compresses the airway and cervical structures and is inconsistent with 9 C.F.R. § 2.131(b)(1), (b)(2)(i).

**Related handling practices.** Dogs relocated between buildings at approximately two-week intervals were thrown into transport cages, striking their heads against the cage backs; afterward, some opened their jaws and shook their heads- signs consistent with temporomandibular or dental injury. Puppies commonly fell out of crates, falling head first onto the cement floor. In the inhalation-mask conditioning procedure- visible in the photographs and video I reviewed- dogs were restrained on tables with close-fitting masks over the muzzle for increasing time periods; most attempted to remove the mask with their forepaws, and one animal urinated, defecated, thrashed, rolled, and became entangled in the harness before dying on the table. Urination, defecation, escape behavior, and death under restraint are objective indicators of severe distress.

**Untreated conditions documented by USDA.** On August 23, 2021, the USDA identified five dogs with interdigital cysts (ID #'s 1968089, 183998, 0181405, 0226492, 0227138)- a condition the inspector stated "can be painful," and for which the facility maintained a treatment plan that had not been initiated. In addition, other dogs with the following conditions were noted: a hock injury of more than one day's duration, a chest growth, an open reddened toenail bed and missing toenail, and a mammary puncture wound (ID #'s 0204422, 0205118, 3703348, 0166333). None had been identified through daily observation. Interdigital cysts are painful; standing on wire significantly increases pain and worsens the severity of the condition. The above lesions are readily identifiable on routine examination. The large number of unaddressed medical issues indicates that the daily observation required by 9 C.F.R. § 2.40(b)(3) was not being performed effectively.

## VI. Opinion 2: The Killings Were Not Medically Indicated

**Absence of medical indication:** In veterinary practice, killing an animal may be medically indicated when death is the only available means of relieving suffering- untreatable disease, critical injury, or intractable pain. Numerous dogs killed at Marshall did not meet any of these criteria. Often, they were healthy dogs removed to create cage space and breeding females whose reproductive cycle had ended after approximately six litters. Dogs were also killed because of eye color or because their tails were not straight. Breeding females were euthanized for having small litters or for being protective of their puppies. Cage availability, eye color, tail conformation, litter size, and maternal defensiveness were frequent reasons for killing dogs at Marshall. None of these are medical reasons. Protecting puppies from approaching people is normal maternal behavior, not pathology.

**Scale:** Killings were performed on most days. USDA's March 26, 2024 inventory for this site records 7,027 puppies and 11,822 adult dogs. Several to as many as 100 dogs were killed per week at Marshall. Carcasses were bagged and accumulated at the facility incinerator. Witnesses recall stacks of bagged dogs as tall as themselves.

**The deficiency was known and persistent:** Immediately following intraperitoneal injection of barbiturates, the pain response is evident. The highly alkaline compound causes extensive tissue damage to sensitive abdominal organs. When a conscious animal is injected with pentobarbital IP, immediate writhing, arching of the back, vocalization, and body tension or movement can readily be observed by anyone present. Personnel at Marshall witnessed that response regularly in animals given IP pentobarbital over approximately two years. Additional IP doses were administered to animals that remained active. This protocol continued without modification during this time, and was used by the facility's veterinary staff as well as by unlicensed personnel. The protocol's deficiency was therefore known, yet was deliberately continued. The painful death experienced by large numbers of animals at Marshall was deliberate, not inadvertent.

**Degree of deviation from the standard:** Commercial facilities do kill animals they cannot sell, but the focus here is on *how*, not *why* the animals were killed. The failure is not in the choice between acceptable euthanasia methods, and the failure is not isolated. The conduct here deviates clearly from all of the standards described in Part IV. In more than 25 years of veterinary practice, including shelter practice, I have never encountered a facility employing this method. A staff member who did so at a facility under my direction would be removed from that duty immediately and reported to the licensing authority.

## VII. Opinion 3: The Conditions of Confinement Did Not Supply Sufficient Wholesome Air, Food, and Shelter

**Shelter and thermal support.** During colder months the buildings were minimally heated. Because the wet food in the feeding pans was warm and the barn temperature could get down below 50°,

puppies lay down in the pans. A photograph I reviewed shows a puppy's body in a metal feeding pan encrusted with caked food; the cause of death is not determinable from the image. Puppies thermoregulate poorly and will seek any available heat source. The use of a feeding pan as a resting site in itself suggests that the enclosure was insufficiently warm. Federal regulation requires indoor housing to be "sufficiently heated." 9 C.F.R. § 3.2(a).

**Flooring.** On March 26, 2024, USDA found that pens 15-319 and 15-412 in Building 15 "had floors with openings that allowed puppies feet to pass through the slotted flooring." Flooring that entraps a puppy's foot produces lacerations, sprains, fractures, and degloving injuries, and contributes to the interdigital lesions documented in 2021, contrary to 9 C.F.R. § 3.6(a)(2)(x).

**Sanitation, feed, and air.** On August 23, 2021, USDA found enclosures not spot-cleaned daily, with "old feces on top of the wire mesh and on the mats," and a whelping building in which feces had accumulated such that "the dams and puppies cannot avoid walking in it," contrary to 9 C.F.R. § 3.11(a). Animals housed in enclosures with accumulated waste often develop dermatologic and interdigital inflammation/infection. Fecal contamination of the feet and coat encourages spread of disease via oral route, which can cause gastrointestinal disease.. The same inspection identified heavily soiled fans and vents, and containers of old feed growing mold; the March 26, 2024 inspection identified a feeding container holding two severely rusted washers surrounded by caked food, which USDA recorded "can not be adequately cleaned, leading to potential contamination of the food." Moldy feed, often containing mycotoxins, causes gastrointestinal disease and can lead to severe systemic illness or even death. When fans and vents are clogged with filth, they no longer function properly. This leads to elevated ammonia levels in the facility and deprives animals of clean air. High levels of ammonia and microorganisms in the air promotes respiratory inflammation and disease..

## VIII. Conclusion

Housing for dogs at Marshall failed to meet basic husbandry standards. Slatted flooring too large for puppies' feet allowed for injury when feet were entrapped in the openings. Insufficiently heated buildings led to puppy mortality, and failure to maintain adequate sanitation meant that dogs were unable to avoid stepping in their feces. Animals for which the facility had no further commercial use- most of them healthy- were killed by injection into the abdominal cavity while conscious and unsedated, and by personnel not qualified to perform that procedure.

**In my professional opinion, the treatment of dogs at Marshall's North Rose facility caused unjustifiable pain, suffering, and death; the killings did not meet the definition of euthanasia under federal regulation or under any recognized professional standard; and the conditions of confinement did not supply the wholesome air, food, and shelter that federal regulation and Marshall's own accreditation commitments require. I have no reason to believe that these**

**practices are not presently ongoing. I hold each of these opinions to a high degree of professional certainty and am prepared to explain them under oath.**

I will supplement these opinions if Marshall's euthanasia, controlled-substance, or training records become available.

Respectfully submitted,

Sherstin Rosenberg

**Sherstin L. Rosenberg, D.V.M.**
Executive Director and Chief Veterinarian
Happy Hen Animal Sanctuary

# EXHIBIT B

**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.



**Photograph 9.** Young puppy who had crawled into a container of wet food and died.



**Photograph 10.** Roomful of beagles being trained into complacency while wearing face-covering masks, which are often used in toxicity-testing experiments.



# EXHIBIT C

# Inspection Report

MARSHALL FARMS GROUP LTD
5800 LAKE BLUFF ROAD
NORTH ROSE, NY 14516

Customer ID: **2072**
Certificate: **21-A-0008**
Site: 001
MARSHALL FARMS GROUP LTD

Type: ROUTINE INSPECTION
Date: 23-AUG-2021

**2.40(b)(3)**

**Attending veterinarian and adequate veterinary care (dealers and exhibitors).**

At the time of the inspection, multiple dogs were identified by the inspectors as having interdigital cysts. These included dogs (id # 1968089, # 183998, #0181405, #0226492, #0227138). Interdigital cysts can be painful and the facility has a treatment plan in place to be started when these issues are identified during daily observations.

A dog id # 0204422 had an injury to the left rear hock that had been present more than a day and was not identified by the staff during daily observations.

A dog id # 0205118 had a growth observed on the left side of the chest that had been present for more than a day and was not identified by the staff during daily observations.

A dog id # 3703348 was missing a toe nail on the left front paw. There was a small hole and the area was reddened in color. This did not appear to be a recent injury, there was no treatment card identifying that the dog had been treated or noted during daily observations.

A dog # 0166333 had a small puncture wound affecting her left mammary gland. This did not appear to be a recent

**Prepared By:** ANDREA D AMBROSIO
USDA, APHIS, Animal Care
**Title:** ANIMAL CARE INSPECTOR
**Date:** 26-AUG-2021

**Received by Title:** Facility Representative
**Date:** 26-AUG-2021

injury, there was no treatment card identifying that the dog had been treated or noted during daily observations.

Although there is multiple walk throughs occurring daily in these animal areas, daily observation at the facility must be conducted by employees and attendants who can recognize when animal health or condition is compromised and then communicate that information to the attending veterinarian so timely and accurate information on problems of animal well being are being properly diagnosed and can be treated.

Correct by: Aug 29, 2021

**3.11(a)**

**Cleaning, sanitization, housekeeping, and pest control.**

Animal enclosures in Buildings 35 were not being spot cleaned daily and there was old feces on top of the wire mesh and on the mats for the dogs. This accumulation of feces needs to be removed to prevent the dogs from soiling themselves.

There is a build up of feces on the wire mesh in one whelping building at the main site. Although large piles of feces are not present, the feces that remains is building up on sections of the mesh and the dams and puppies cannot avoid walking in it. This is a smaller mesh area and needs more attention so that feces are fully removed from the enclosure daily.

Correct by: Aug 27, 2021

**3.11(c)**

**Cleaning, sanitization, housekeeping, and pest control.**

## Inspection Report

In Building 24 the fans and vents above the enclosures had an accumulation of hair, dirt and debris that needs to be removed. This building also had extra storage containers of old feed that were dirty and had mold growing in them.

In building 35 the fans also need to be cleaned and there was excess older food that was on a shelf under an electrical box that was green.

These housing facilities must be kept clean and in good repair to facilitate husbandry practices and keeping fans clean promotes better air movement around the animals.

Correct by: Aug 31, 2021

This inspection and exit interview were conducted with a facility representative.

Additional Inspectors:

KERI LUPO, VETERINARY MEDICAL OFFICER

Rachel Perez-Baum, VETERINARY MEDICAL OFFICER

**Prepared By:** ANDREA D AMBROSIO
USDA, APHIS, Animal Care
**Title:** ANIMAL CARE INSPECTOR

**Date:** 26-AUG-2021

**Received by Title:** Facility Representative

**Date:** 26-AUG-2021

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2072
Inspection Date: 23-Aug-2021

## Species Inspected

| Cust No | Cert No | Site | Site Name | Inspection |
|---|---|---|---|---|
| 2072 | 21-A-0008 | 001 | MARSHALL FARMS GROUP LTD | 23-AUG-2021 |

| Count | Scientific Name | Common Name |
|---|---|---|
| 007710 | *Canis lupus familiaris* | DOG PUPPY |
| 012607 | *Canis lupus familiaris* | DOG ADULT |
| 002693 | *Sus scrofa domestica* | DOMESTIC PIG / POTBELLY PIG / MICRO PIG |
| 052116 | *Mustela putorius furo* | DOMESTIC FERRET |
| 075126 | **Total** | |

# EXHIBIT D

United States Department of Agriculture
Animal and Plant Health Inspection Service

AD AMBROSIO
**INS-0000954112**

# Inspection Report

Marshall Farms Group LTD

5800 Lake Bluff Road
North Rose, NY 14516

Customer ID: **2072**
Certificate: **21-A-0008**
Site: 001
MARSHALL FARMS GROUP LTD

Type: RE-LICENSE INSPECTION
Date: 26-MAR-2024

**3.1(e)**

**Housing facilities, general.**

In building 75, the acclimation diet container had two severely rusted metal large washers surrounded by caked food. Severe rusting can not be adequately cleaned, leading to potential contamination of the food. This container needs to be addressed to protect the food supplies.

**3.6(a)(2)(x)**

**Primary enclosures.**

In Building 15, Pens # 15-319 and 15-412 had floors with openings that allowed puppies feet to pass through the slotted flooring. When feet can fall through the flooring, there is a potential for injury to occur. Flooring in enclosures must be constructed so that they do not allow dogs/puppies feet to pass though any openings for their safety.

This is a 1st Re-License Inspection for a Class “A” license. The inspection and exit briefing were conducted with the applicant.

All items must be in compliance within (2 ) more inspection(s) or by May 21, 2024 or the applicant will forfeit the license fee and must wait 6 months to reapply. Please contact your inspector to schedule your next Re-License Inspection.

Regulated activity can continue under your existing USDA license until it expires.

Additional Inspectors:

KERI LUPO, VETERINARY MEDICAL OFFICER

SARA TOBIAS, VETERINARY MEDICAL OFFICER

PAULA GLADUE, VETERINARY MEDICAL OFFICER

**Prepared By:** ANDREA D AMBROSIO
USDA, APHIS, Animal Care
**Title:** ANIMAL CARE INSPECTOR
**Date:** 27-MAR-2024

**Received by Title:** Facility Representative
**Date:** 27-MAR-2024

United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: 2072
Inspection Date: 26-Mar-2024

## Species Inspected

| Cust No | Cert No | Site | Site Name | Inspection |
|---|---|---|---|---|
| 2072 | 21-A-0008 | 001 | MARSHALL FARMS GROUP LTD | 26-MAR-2024 |

| Count | Scientific Name | Common Name |
|---|---|---|
| 039000 | *Mustela putorius furo* | DOMESTIC FERRET |
| 011822 | *Canis familiaris* | DOG ADULT |
| 007027 | *Canis familiaris* | DOG PUPPY |
| 057849 | **Total** | |

# EXHIBIT E

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**OMB APPROVED**
0579-0036

This report is required by law (7 U.S.C. 2143). Failure to report according to the regulations can result in an order to cease and desist and to be subject to penalties as provided for in Section 2150.

Interagency Report Control No. 0180-DOA-AN

Fiscal Year: 2021

**UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

# ANNUAL REPORT OF RESEARCH FACILITY

*(TYPE OR PRINT)*

**REGISTRATION NUMBER: 21-R-0242**

**Customer Number: 2072**

**2. HEADQUARTERS RESEARCH FACILITY** *(Name and Address, as registered with USDA, include ZIP Code)*

*MARSHALL FARMS GROUP LTD*
*5800 LAKE BLUFF ROAD*
*NORTH ROSE, NY 14516*
*Telephone: 3155872295*

**REPORT OF ANIMALS USED BY OR UNDER CONTROL OF RESEARCH FACILITY***(Attach additional sheets, if necessary, or use APHIS FORM 7023A.)*

| **A.** Animals Covered By The Animal Welfare Regulations | **B.** Number of animals being bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes | **C.** Number of animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs. | **D.** Number of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used. | **E.** Number of animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. (An explanation of the procedures producing pain or distress on these animals and the reasons such drugs were not used must be attached to this report.) | **F.** TOTAL NUMBER OF ANIMALS **(Cols. C + D + E)** |
|---|---|---|---|---|---|
| 4 Dogs | 0 | 0 | 0 | 0 | 0 |
| 5 Cats | 0 | 0 | 0 | 0 | 0 |
| 6 Guinea Pigs | 0 | 0 | 0 | 0 | 0 |
| 7 Hamsters | 0 | 0 | 0 | 0 | 0 |
| 8 Rabbits | 0 | 0 | 0 | 0 | 0 |
| 9 Non-Human Primates | 0 | 0 | 0 | 0 | 0 |
| 10 Sheep | 0 | 0 | 0 | 0 | 0 |
| 11 Pigs | 0 | 0 | 0 | 0 | 0 |
| 12 Other Animals | 0 | 1009 | 0 | 0 | 1009 |
| Domestic Ferret | 0 | 1009 | 0 | 0 | 1009 |

**ASSURANCE STATEMENTS**

1.) Professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by this research facility.

2.) Each principal investigator has considered alternatives to painful procedures.

3.) This facility is adhering to the standards and regulations under the Act, and it has required that exceptions to the standards and regulations be specified and explained by the principal investigator and approved by the Institutional Animal Care and Use Committee (IACUC). A summary of all such exceptions is attached to this annual report. In addition to identifying the IACUC approved exceptions, this summary includes a brief explanation of the exceptions, as well as the species and number of animals affected.

4.) The attending veterinarian for this research facility has appropriate authority to ensure the provisions of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

**CERTIFICATION BY HEADQUARTERS RESEARCH FACILITY OFFICIAL**
***(Chief Executive Officer (C.E.O.) or Legally Responsible Institutional Official (I.O.))*** I certify that the above is true, correct, and complete (7 U.S.C. Section 2143).

**Date Signed**
05-Nov-2021

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**OMB APPROVED**
0579-0036

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Interagency Report Control No. 0180-DOA-AN

Fiscal Year: 2022

**UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

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|---|---|---|---|---|---|
| 4 Dogs | 0 | 0 | 0 | 0 | 0 |
| 5 Cats | 0 | 0 | 0 | 0 | 0 |
| 6 Guinea Pigs | 0 | 0 | 0 | 0 | 0 |
| 7 Hamsters | 0 | 0 | 0 | 0 | 0 |
| 8 Rabbits | 0 | 0 | 0 | 0 | 0 |
| 9 Non-Human Primates | 0 | 0 | 0 | 0 | 0 |
| 10 Sheep | 0 | 0 | 0 | 0 | 0 |
| 11 Pigs | 0 | 0 | 0 | 0 | 0 |
| 12 Other Animals | 0 | 0 | 1324 | 0 | 1324 |
| Domestic Ferret | 0 | 0 | 1324 | 0 | 1324 |

**ASSURANCE STATEMENTS**

1.) Professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by this research facility.

2.) Each principal investigator has considered alternatives to painful procedures.

3.) This facility is adhering to the standards and regulations under the Act, and it has required that exceptions to the standards and regulations be specified and explained by the principal investigator and approved by the Institutional Animal Care and Use Committee (IACUC). A summary of all such exceptions is attached to this annual report. In addition to identifying the IACUC approved exceptions, this summary includes a brief explanation of the exceptions, as well as the species and number of animals affected.

4.) The attending veterinarian for this research facility has appropriate authority to ensure the provisions of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

**CERTIFICATION BY HEADQUARTERS RESEARCH FACILITY OFFICIAL**
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**Date Signed**
01-Nov-2022

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**OMB APPROVED**
0579-0036

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Interagency Report Control No. 0180-DOA-AN

Fiscal Year: 2023

**UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

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*Telephone: 3155872295*

**REPORT OF ANIMALS USED BY OR UNDER CONTROL OF RESEARCH FACILITY***(Attach additional sheets, if necessary, or use APHIS FORM 7023A.)*

| **A.** Animals Covered By The Animal Welfare Regulations | **B.** Number of animals being bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes | **C.** Number of animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs. | **D.** Number of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used. | **E.** Number of animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. (An explanation of the procedures producing pain or distress on these animals and the reasons such drugs were not used must be attached to this report.) | **F.** TOTAL NUMBER OF ANIMALS **(Cols. C + D + E)** |
|---|---|---|---|---|---|
| 4 Dogs | 0 | 0 | 0 | 0 | 0 |
| 5 Cats | 0 | 0 | 0 | 0 | 0 |
| 6 Guinea Pigs | 0 | 0 | 0 | 0 | 0 |
| 7 Hamsters | 0 | 0 | 0 | 0 | 0 |
| 8 Rabbits | 0 | 0 | 0 | 0 | 0 |
| 9 Non-Human Primates | 0 | 0 | 0 | 0 | 0 |
| 10 Sheep | 0 | 0 | 0 | 0 | 0 |
| 11 Pigs | 0 | 0 | 0 | 0 | 0 |
| 12 Other Animals | 0 | 1606 | 4 | 0 | 1610 |
| Domestic Ferret | 0 | 1606 | 4 | 0 | 1610 |

**ASSURANCE STATEMENTS**

1.) Professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by this research facility.

2.) Each principal investigator has considered alternatives to painful procedures.

3.) This facility is adhering to the standards and regulations under the Act, and it has required that exceptions to the standards and regulations be specified and explained by the principal investigator and approved by the Institutional Animal Care and Use Committee (IACUC). A summary of all such exceptions is attached to this annual report. In addition to identifying the IACUC approved exceptions, this summary includes a brief explanation of the exceptions, as well as the species and number of animals affected.

4.) The attending veterinarian for this research facility has appropriate authority to ensure the provisions of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

**CERTIFICATION BY HEADQUARTERS RESEARCH FACILITY OFFICIAL**
***(Chief Executive Officer (C.E.O.) or Legally Responsible Institutional Official (I.O.))*** I certify that the above is true, correct, and complete (7 U.S.C. Section 2143).

**Date Signed**
20-Nov-2023

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**OMB APPROVED**
0579-0036

This report is required by law (7 U.S.C. 2143). Failure to report according to the regulations can result in an order to cease and desist and to be subject to penalties as provided for in Section 2150.

Interagency Report Control No. 0180-DOA-AN

Fiscal Year: 2024

**UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

# ANNUAL REPORT OF RESEARCH FACILITY

*(TYPE OR PRINT)*

**REGISTRATION NUMBER: 21-R-0242**

**Customer Number: 2072**

**2. HEADQUARTERS RESEARCH FACILITY** *(Name and Address, as registered with USDA, include ZIP Code)*

*Marshall Farms Group LTD*
*5800 Lake Bluff Road*
*North Rose, NY 14516*
*Telephone: 3155872295*

**REPORT OF ANIMALS USED BY OR UNDER CONTROL OF RESEARCH FACILITY***(Attach additional sheets, if necessary, or use APHIS FORM 7023A.)*

| **A.** Animals Covered By The Animal Welfare Regulations | **B.** Number of animals being bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes | **C.** Number of animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs. | **D.** Number of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used. | **E.** Number of animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. (An explanation of the procedures producing pain or distress on these animals and the reasons such drugs were not used must be attached to this report.) | **F.** TOTAL NUMBER OF ANIMALS **(Cols. C + D + E)** |
|---|---|---|---|---|---|
| 4 Dogs | 0 | 0 | 0 | 0 | 0 |
| 5 Cats | 0 | 0 | 0 | 0 | 0 |
| 6 Guinea Pigs | 0 | 0 | 0 | 0 | 0 |
| 7 Hamsters | 0 | 0 | 0 | 0 | 0 |
| 8 Rabbits | 0 | 0 | 0 | 0 | 0 |
| 9 Non-Human Primates | 0 | 0 | 0 | 0 | 0 |
| 10 Sheep | 0 | 0 | 0 | 0 | 0 |
| 11 Pigs | 0 | 0 | 0 | 0 | 0 |
| Other Farm Animals | 0 | 0 | 0 | 0 | 0 |
| Other Birds | 0 | 0 | 0 | 0 | 0 |
| Other Mammals | 0 | 1499 | 1 | 0 | 1500 |
| Domestic Ferret | 0 | 1499 | 1 | 0 | 1500 |

**ASSURANCE STATEMENTS**

1.) Professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by this research facility.

2.) Each principal investigator has considered alternatives to painful procedures.

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**Date Signed**
19-Nov-2024

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Interagency Report Control No. 0180-DOA-AN

Fiscal Year: 2025

**UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

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|---|---|---|---|---|---|
| 4 Dogs | 0 | 0 | 0 | 0 | 0 |
| 5 Cats | 0 | 0 | 0 | 0 | 0 |
| 6 Guinea Pigs | 0 | 0 | 0 | 0 | 0 |
| 7 Hamsters | 0 | 0 | 0 | 0 | 0 |
| 8 Rabbits | 0 | 0 | 0 | 0 | 0 |
| 9 Non-Human Primates | 0 | 0 | 0 | 0 | 0 |
| 10 Sheep | 0 | 0 | 0 | 0 | 0 |
| 11 Pigs | 0 | 0 | 0 | 0 | 0 |
| Other Farm Animals | 0 | 0 | 0 | 0 | 0 |
| Other Birds | 0 | 0 | 0 | 0 | 0 |
| Other Mammals | 0 | 1024 | 2 | 0 | 1026 |
| Domestic Ferret | 0 | 1024 | 2 | 0 | 1026 |

**ASSURANCE STATEMENTS**

1.) Professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by this research facility.

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**Date Signed**
03-Dec-2025