



Intervet, Inc.
doing business as
Merck Animal Health
2 Giralda Farms
Madison, NJ 07940

SETTLEMENT AGREEMENT

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Alleged Violation: August 14, 2019

9 C.F.R. § 2.32(a) Personnel Qualifications. It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties.

You failed to ensure, through training and instruction, that all facility personnel are qualified to perform their duties.

As cited on the June 9, 2021 inspection report, on the morning of August 14, 2019, fourteen (14) hamsters were found deceased. An investigation determined that on the previous night, a caretaker had not properly reconnected the hamster rack to the Likit watering system allowing one waterer to continuously run. The improper connection created a flooding situation in the top container and continued to spill over into the two lower containers until it was discovered the next morning.

Date of Alleged Violation: January 21, 2022

9 C.F.R. § 2.32(a) Personnel Qualifications. It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties.

You failed to ensure, through training and instruction, that all facility personnel are qualified to perform their duties.

As cited on the August 22, 2022 inspection report, five (5) hamsters were found deceased in their enclosure. An investigation determined that a caretaker had not properly slid an enclosure completely into the rack system causing a flap at the back of the enclosure to improperly



engage the Lixit waterer causing it to run and fill the enclosure below that contained the hamsters.

Date of Alleged Violation: February 7, 2022

9 C.F.R. § 3.25(a) Facilities, general. Structural strength. Indoor and outdoor housing facilities for guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

You failed to provide housing facilities that were in good repair and protected the animals housed within as required.

As documented on the August 22, 2022 inspection report, two (2) hamsters were found deceased in their enclosure. The hamsters died of dehydration. An investigation identified that the rusty quick-connect fitting between the main water manifold and the rack system caused a decrease in water pressure, resulting in no water reaching the enclosure with the hamsters.

Date of Alleged Violation: March 29, 2023

9 C.F.R. § 3.25(a) Facilities, general. Structural strength. Indoor and outdoor housing facilities for guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

You failed to provide housing facilities that were in good repair and protect the animals housed within as required.

As cited on the May 4, 2023 inspection report, on the morning of March 29, 2023, seven (7) hamsters were found drowned in their enclosure. The Lixit drinker in one enclosure began to run continually and filled an enclosure to the level of the drinker opening and then began to overflow into the enclosure below. In the lower enclosure, the drinker opening was obstructed, and the enclosure filled to within approximately two inches of the top. The bedding material in the upper enclosure is believed to have engaged the Lixit causing it to run continually.

Date of Alleged Violation: January 9, 2024

9 C.F.R. § 2.33(b)(4) Attending veterinarian and adequate veterinary care. Each research facility shall establish and maintain programs of adequate veterinary care that include guidance to principal investigators and other personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia.



You failed to provide adequate veterinary care with the failure to use appropriate euthanasia methods, including absolute confirmation of death.

As cited on the March 21, 2024 inspection report, on January 9, 2024, a live rabbit (#1985) was discovered in a freezer used to store euthanized animals. The previous day, via CO2 chamber, the facility euthanized sixteen rabbits. An investigation determined that a facility technician failed to expose the rabbits to CO2 for 20 minutes as required by the SOP, exceeded the number of maximum number of animals as required by facility training, and failed to check for absolute confirmation of death before placing the rabbit in the freezer. The rabbit had chewed out of the bag it was in and was found moving around the freezer. Upon discovery, the animal was euthanized by the Attending Veterinarian.

The civil penalty amount is \$43,500 to resolve the alleged violation(s) above.

By paying the civil penalty, you are entering into this Settlement Agreement and:

1. Neither admitting nor denying the alleged violation(s) described above,
2. Agreeing to waive your right to a hearing, and
3. Agreeing to waive any action against USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred in connection with this/these alleged violation(s) or any action against any USDA employee in their individual capacity.