

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 99-35  
 )  
BAX Global, Inc., )  
 )  
Respondent ) Consent Decision  
 ) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Date Distributed: 12/30/99

Legal Representative: [Signature]

Findings of Fact

(a) BAX Global Inc., hereinafter referred to as the respondent, is a corporation with offices located at 16808 Armstrong Avenue, Irvine, California 92606.

(b) The respondent, at all times material herein, was a carrier as defined in the Act.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

(a) Failing to use primary conveyance to transport animals which maintain the ambient temperature in the cargo space at temperatures that do not exceed 85°F (29.5°C); and


(b) Failing to have its employees observe live animals during transport and to provide any needed veterinary care as soon as possible.


2. Respondent is assessed a civil penalty of \$6,000 which shall be paid by a certified check or money order made payable to the Treasurer of the United States.

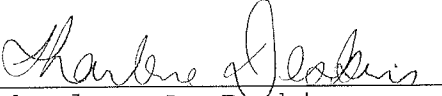
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

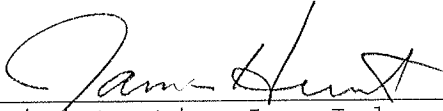
BAX Global, Inc.  
Respondent, by

  
\_\_\_\_\_  
(Name) James Molloy  
(Title) Vice President-Controllershship

  
\_\_\_\_\_  
Michael A. Bartyczak  
Attorney for Respondent

  
\_\_\_\_\_  
Sharlene A. Deskins  
Attorney for Complainant

Done at Washington, D.C.  
this 29th day of December, 1999

  
\_\_\_\_\_  
Administrative Law Judge