Who Done It?

2015

I love my brother, but like typical siblings, we don't always get along. When the horses get fed late, the question is always, "Is it Brett's fault, or is it Emma's fault?" When all the Lucky Charms have magically disappeared just when grandma gets a hankering for a bowl, again, was it Brett who finished the box, or Emma? And when my brother tells me to do his stupid chores, but I happen to "forget," whose fault is it really? The truth is, oftentimes it's all because of my brother, Brett, but just as often, the fault really is mine. My brother and I depend on each other to accomplish our everyday tasks but constantly find ourselves at each other's throats with accusations and defenses. This blame game isn't so terrible when it's played between brother and sister, but when these "who-done-it" questions are asked in the agricultural industry, they can have harsh impacts on economics, public perception and justice.

Good morning, my name is Emma Jones and today I am here to speak with you about food safety liability in the Agriculture Industry. As we consider this topic, I will first address some background information regarding current food safety. Secondly, I will use examples of recent product liability issues to determine who is responsible, and finally I will conclude with some measures that farmers can take to protect themselves.

According to a study published by Cambridge University, food borne disease reaches 5-10% of the population of industrialized countries (D'Mello, 2003). Yet one in six Americans suffer from foodborne illness each year. That 17% equates to nearly 680 super bowl stadiums full of people! The Centers for Disease Control, or CDC, explains that food becomes unsafe when it is exposed to harmful bacteria. The conditions that permit this transformation can be caused by a producer or a consumer at any point between harvest and consumption. Farmers and processors take a number of

precautions throughout production to prevent this risk. Some products are treated with sprays, while others are irradiated. Production facilities use bar codes for produce and ear tags for livestock to trace the steps that food items take, minimize potential risk factors, and decrease outbreak response time. Common bacteria that cause illness include Salmonella, Listeria, and E. coli (Welch, 2013), and it is not uncommon for these bacteria to colonize and grow even when a food item is harvested, processed, and shipped according to regulation (Centers for Disease Control, 2014). In this instance, it is up to the consumer to properly prepare a meal according to heat or sanitation recommendations. Oftentimes these recommendations are not met and the result is food borne illness. Ideally, if measures are taken to inform the public of correct food preparation practices, the rate of infection should go down (Fahnestock, Gill, Randhawa, Soret, Rizzo, 2014). While consumers often fall short in preparation safety, liability often falls on the producers.

This leads me to my second point. While consumers are in part responsible for food borne illness prevention, in some instances the farmer *is* directly at fault. In 2011, there was a deadly outbreak of Listeriosis caused by listeria on cantaloupes in Colorado. In addition to 33 confirmed deaths, 147 people were hospitalized. The producers, the Jensen brothers, had just adopted a new cleaning system for their operation which included a disinfectant spray. They admitted that the spray was never used, and after a two year investigation and trial, they were sentenced on January 28th of last year to six months of home detention and five years of probation (Amon, 2014). While this may have been the producers' fault, the brothers did plead guilty and made no argument to reduce their sentence. The owners acted out of integrity, taking full

responsibility for the outbreak. In slightly more recent news, an outbreak of Salmonella was linked to Foster Farms of California in the Fall of 2013. Foster Farms surprised everyone because they would not shut down operation at any of the affected locations after the outbreak was discovered. They insisted that the consumer could take measures to prevent all chances of infection from contamination. Even the Center for Disease Control issued a list of precautionary measures that should protect consumers from Salmonella poisoning. These included washing hands, sanitizing all cutlery and surfaces used on raw chicken, cooking it through to the proper specified temperature, and keeping the raw meat away from other foods, such as produce, in the shopping cart and refrigerator (Centers for Disease Control and Prevention, 2013). Salmonella is more common than many people realize in poultry products, but if the consumer takes the proper measures, it can be rendered a non-issue.

Finally, in many cases food safety issues may not be the farmers' fault. When they are, many farmers will accept responsibility. Still, many consumers are concerned that the products they receive conventional or corporate farms are not safe to eat. This can lead to lawsuits down the road and financial instability for the average farmer. Therefore, the agriculture industry has made it possible for farmers to protect themselves, just like any other business would. Over the last 50 years, agriculture companies have developed HACCP Plans. HACCP stands for Hazard Analysis Critical Control Point, and these plans are created to track food items through every step of production and identify and eliminate potential hazards (Mortimore, Wallace, 2013). When HAACP is not enough, agriculture companies can purchase product liability insurance. This protects farmers from claims of unsafe or illness-causing products. Of

course, protection is dependent on that farmer meeting regulations which are monitored by the United States Department of Agriculture's Food Safety Inspection Service, and the Food and Drug Administration. Both family owned, and corporate farms must meet regulations in order to qualify for product liability insurance. Farmers that need additional support or guidance may also turn to an agricultural attorney. HAACP plans, insurance, and farm lawyers are all excellent tools that farmers can use to protect themselves from lawsuits caused by common public misconceptions about agricultural practices.

In conclusion, food safety remains of highest importance to both producers and consumers. While either party may be at fault when food-borne illness occurs, public misconception often places the majority of the blame on farmers. Luckily, farmers who follow and meet regulations and produce safe food are able to protect themselves in a number of ways. In the end, perhaps the blame game doesn't matter. It sure doesn't help any. Regardless of who is at fault, both parties should be focused on insuring a safe food supply in order to protect farmers' livelihoods as well as the health of consumers. Farmers depend on their consumers for business and consumers depend on farmers to feed the world, just as I depend on my brother to look out for me and he depends on me to help get work done. At the end of the day, it doesn't really matter whether it was my brother who fed the animals late or if it was me, because that task has to be completed, and we must both work towards that common goal.

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