

## Food Safety Symposium: Safe Food Production: Zoonotic Disease-Control, Responsibility, and Liability

### **46 Safe food production: Zoonotic disease-control, responsibility, and liability.** C. Custer\*, *Independent Consultant*.

In the past few decades, the responsibility for food safety has slowly moved from consumers (APHA v. Butz 1974 - "Just cook it") to processors ("Mega Reg") to producers. The "Good News" is that producers are not alone and there are precedents. Dairy products have a long history of quality and safety with proven programs. Animal and plant diseases also have strict controls and those principles can be applied to zoonoses. The Extension Service has also helped farmers and ranchers use science to improve the health and production of crops. In the past 2 decades the Agricultural Research Service and industry associations have given greater focus to "Preharvest" safety. The "Bad News" is that science and technology doesn't always trickle down to the farms, feedlots, and grow out houses. The increase in foodborne outbreaks implicating fruits and vegetables is one example. When STEC are implicated in a produce outbreak, one has to ask, "Were the ruminants up stream, up wind, or in the next field"? Another example is the recent outbreak implicating eggs. Two decades ago, Penn State took the lead when *Salmonella* Enteritidis hit Pennsylvania hatcheries. Extension Service scientists developed control programs that solved the problem. Others adopted those programs but somehow Iowa did not. If there are publicly available control programs and they are not implemented does liability ensue? When does a voluntary program become mandatory to cover one's liability? Where is the line between consumer innocence and responsibility?

### **47 Fundamentals of foodborne illness litigation – Are you at risk?** P. Waller\*, *Epidemiologist, Marler Clark Law Firm*.

Each year the Centers for Disease Control and Prevention estimates there are 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths attributable to foodborne illness. Only a small percentage of injured persons pursue legal action as a result of their illness, but it is important for all food-industry players to understand the basis of a legal claim arising out of foodborne illness and injury. The rule of strict liability is the basis behind foodborne illness litigation. Food-industry entities such as growers, processors, and retail establishments can be held liable if the food they produce and serve is unsafe and causes injury. The speaker will discuss the fundamentals of foodborne illness liability such as how liability is determined, the liability process, and why ignorance is a bad defense.