



### **Episode Thirty Three – legal and economic ramifications of food borne illness outbreaks**

Welcome to episode 33 of Food Safety Bites, brought to you by the University of Wisconsin-Madison, and funded by the USDA Food Safety Outreach Program. This is your host Harriet Behar. This episode is **legal and economic ramifications of food borne illness outbreaks**. In these podcast episodes, I will identify issues, and provide suggestions for how to reduce various fresh produce contamination risks and keep your customers safe.

Even with the best efforts, the unimaginable might happen and someone, or many people, could get sick from produce that originated from your farm. Or...you might be one of a few farms that are suspected of shipping contaminated produce. The Food and Drug Administration of the federal government, as well as each state health department has a system of investigating all food borne illness, to track them back to source. Their activities are meant to find the source of the problem, track where it might have been sold and to notify the public to not eat the product, if they feel it is still in commerce or could be in a restaurant's cooler or a consumer's refrigerators.

**Investigations for food borne illness outbreaks-** Government personnel do a thorough job of interviewing people who have had a food borne illness. A person would have visited their doctor and a food borne pathogen would be considered to be the cause. The health professional would report this to the State Department of Health and if there have been multiple illnesses that could be from one location, then an investigation is started to find the cause of the food borne illness outbreak. The investigation would track the seriousness of the illnesses, if people had been hospitalized, and if others in their household had the same illness. They also review with the individual *where* they or other members of their family had eaten, and *what* they had eaten for at least seven days before they fell sick. They ask about contact with farm animals, or bodies of water where someone may have gone swimming, as well as the food and water they ingested. They review all areas where someone may have come in contact with a contaminant that would have caused their illness, to be sure they have found the exact source. The food being reviewed would include not only produce, but eggs, dairy and meat products as well. Symptoms of food borne illnesses include upset stomach, abdominal cramps, nausea, vomiting, diarrhea, fever and dehydration. If you or your workers have consumed your produce and have these symptoms, that should be a warning to you that you could have a problem and you could do your own investigation to determine the source and limit the movement of that produce.

The investigators are aware that finding the source of the outbreak is challenging, and they are not just looking to find someone to blame. They are seeking information to inform themselves and the public on the source of the illness so they can limit this outbreak and prevent the chance of future ones by understanding how the contamination occurred.

**What do you do, if the outbreak is traced back to your farm?** – Most likely, more than one person would have been sickened by consuming the produce you provided to the public. This could lead the investigators back to your farm as the source of the outbreak, and they could also



narrow down which type of produce was contaminated as well as when it entered the marketplace. You could then go back to your field production, harvest, post-harvest, storage and sales records, to see if there is any documentation that could help you understand where the contamination might have occurred, and if there are other types of produce, sold or not yet sold, that might also be contaminated. Remember, the contamination could have occurred from the people handling the produce at harvest or post-harvest, or from a contaminated wash tank. Check back to see who was working with the contaminated produce, and what contact they may have had with other produce that day. How often was the dunk tank wash water changed, and if there is documentation that the correct sanitizer levels were maintained, or not? This could help you narrow down, or expand, the produce that might have been affected. There is a good chance the winter squash sold that same day as the spinach, which was harvested two days before, handled and stored in a different location, would not also be contaminated. The detail of your documentation will be very useful, since it can narrow down when and where the contamination occurred, as well as how and on which types of produce.

**Recalls-** A good food safety plan, as well as a GAP audit, asks growers to have a traceability plan in place, where produce can be traced back from the original buyer starting with the shipping and back through post-harvest, harvest and field production. Having a date code on your cases, shipping documentation and sales invoices that can track back to your harvest and packaging activities by date, as well as a harvest record detailing which fields were harvested and packed that day, is important to being able to do that tracing from field to buyer. This information can also identify what other produce was handled that day, as well as all of the buyers that might have purchased the contaminated produce and other produce that might be suspect. If it is clear that there has been a contamination problem, you may need to contact all of the buyers of the contaminated and/or suspect produce and tell them to destroy that produce. If the state health department is in contact with you, they will tell you what to do.

If you sell at a farmers' market, roadside stand or to subscribers of your community supported agriculture farm, you can document the field source of the produce, the date of harvest and post-harvest of the items, and the volume that you sold through those marketing channels. If the spinach that was sold to a restaurant on Monday, was also known by your records to be in your CSA boxes on Wednesday, and you find out that the spinach might have been contaminated on Friday, there is still time to tell your subscribers to throw away that spinach.

**Product liability insurance-** If you do not currently carry product liability insurance, you might consider this purchase. If you are found to be the source of food borne illness, remember you carry a liability since it is illegal to sell contaminated produce even if you did not do that knowingly. If someone is hospitalized in critical care, the cost could be 6,000 per day or more, and... we hope this never happens, someone dies, the family could sue you or your farm business for a very large sum of money. Product liability insurance can cost between \$300 and \$700 a year or more, depending on the size of the farm. Many farmers markets require their vendors to carry this liability insurance, and perhaps also cover the market as well, under the farm's liability insurance.



**What has happened to the farmers responsible for past food borne outbreaks tied to fresh produce?** While the Center for Disease Control estimates this amazing statistic that 1 in 6 people get sick because of food borne illness from all sources each year including their own handling of food at home, (48 million!) 128,000 people are hospitalized and 3,000 people die, it is rare for any farmer or food processor to pay more than a fine to the government due to the outbreak they caused. The government is not looking to prosecute farmers, but they do want those who handle food of all types, to follow good handling practices and provide the population with food that is safe to eat.

However, if the outbreak leads to widespread illness and or deaths, there have been some farmers in the United States given extensive prison time or home detention, as well as very large fines. In addition, the damage to your farm's reputation is incalculable. It should be noted that the farms that have been prosecuted or have served jail time have been shown to be negligent, and that they have a farm wide culture of disregarding basic hygiene and good agricultural practices in their operations over a long period of time. You will make mistakes, and hopefully make improvements each year. Your farm does not need and will not be perfect. Food is grown outside and is not free of risks. But if you learn about and implement the basic food safety practices like good worker hygiene, as well as having consistent recordkeeping that shows you have done the best practices, it will go a long way to protect your farm if you are questioned in an investigation. Remember, the goal is to reduce, not eliminate risks. Your records will serve as your paper trail to show you have trained employees, cleaned surfaces and used manure safely, for example. . These goal of these many episodes of food safety bites is to provide you with the understanding and tools to implement handling practices for produce safety, so that you and your customers are consuming safe food.

So that's it for this episode of Food Safety Bites, the next episode is a summary of what we have discussed and recognition to those who helped with these podcasts. This is your host Harriet Behar brought to you by the University of Wisconsin Madison, talk to you next time!