

Poultry Producer Liability

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As more and more producers begin to have small- or medium-sized poultry operations the issue of liability and responsibility has become a concern. It is important producers are aware of what is expected of them by consumers and society as a whole.

The producers of poultry meat and egg products have certain responsibilities that must be addressed. It is important to remember that meat and eggs are perishable foods and, therefore, can provide food safety risks. No one produces food products with the goal of causing illness. In fact, many small producers think they produce a superior product—but what are they doing to make sure that their products are safe and pose no risk to human health?

No producer thinks they produce an unsafe product, but the headlines indicate that there are problems with all kind of foods, from peanuts to spinach. What can a producer do to prevent problems?

- Know the law.
- Protect your assets.
- Maintain product-liability insurance.
- Document your procedures.
- Document your raw materials (including birds and eggs).
- Maintain Hazard Analysis and Critical Control Points (HACCP), Standard Operating Procedure (SOP), and Sanitation Standard Operating Plan (SSOP) records.
- Know the labeling laws and appropriate terminology.
- Control inventory.
- Maintain product identity.
- Educate workers.
- Educate and work with distributors and retailers.
- Establish a product-recall process.

Producing high quality, wholesome, and safe products is the goal of producers. By addressing all the areas listed, owners of small- or medium-sized poultry flocks can protect themselves and their customers.

Know the Law

The first thing anyone entering any business venture should do is investigate what agencies at the federal, state, and local levels have regulatory responsibilities in that area. Know the regulations as they apply to your industry. Small operations may be exempt from some regulations, but even if you are exempt you might want to meet the regulations as a safeguard.

Laws exist for the protection of the public and can cover topics including zoning, employee and food safety, processing, labeling, and marketing. Many states now have offices of compliance assurance or small-business liaisons that will help navigate businesses through the state and local regulations.

Protect Your Assets

Most people enter a new agriculture venture to diversify their operation or increase their cash flow. While this endeavor is a noble goal, you must be sure your existing assets are protected. You would not want to risk the family farm for a new venture. A new venture can be structured to separate it from your existing operation. No one should enter into a new business or legal venture without contacting a legal advisor. Legal fees may seem high or unnecessary when starting out but they are necessary business expenses.

Maintain Product-Liability Insurance

When dealing with a perishable product, it is important for producers to maintain product liability insurance to protect themselves and their assets. Many producers are able to obtain an insurance rider on their farm policy. Whatever you do, remember poultry meat can be frozen and used by consumers long after it was marketed, so the product insurance policy should be in effect throughout the year and not just during the marketing season.

Document Your Procedures

The procedures you use to produce your products need to be written down. What are your procedures for cleaning and sanitation? What is your procedure for cooling and holding your products? Document what is actually done in producing and processing your product. Once documentation is in place, keep your written procedures in a readily available place. If a procedure changes, these documents need to be updated.

Document Your Raw Material

Raw materials come into a poultry operation in numerous forms and from a variety of sources. Consider anything used in the production of your product as something that needs to be documented. Packaging, cartons, and anything else used should be placed in inventory by manufacture lot number (if available) and the date received. All chemicals used in the cleaning and sanitation should be labeled for use in foods manufacturing facilities. The information sheet on any chemical used in your operation should be kept in a designated area.

When receiving birds and eggs from other farms or producers, you need to verify that the animals were raised in an appropriate manner. One way to verify this is to require a written statement that the birds and eggs were produced in a safe manner. The statement should also include either 'no additives were used' or 'chemicals were used at the approved level and any withdraw procedures were followed.'

Maintain HACCP, SSOP, and SOP Records

HACCP (Hazard Analysis and Critical Control Points) is a process in which potential hazards are identified and control measures are developed to prevent these hazards. Part of a HACCP plan is the corrective action procedures—if a problem has been detected, what will be done to

correct the situation. HACCP records should include the monitoring records and corrective actions taken. Records are the history that documents that you operate your farm or processing plant in an appropriate manner to produce a safe and wholesome product.

Sanitation Standard Operating Procedures (SSOP) should be in a written form and used as a checklist with the responsible party signing each day to confirm that the correct procedures were followed. SSOPs are needed for both pre-operational and operational (during the process) activities.

Standard Operating Procedures (SOP) of what is done each day also need to be in a checklist form. Again the responsible party should sign and date the document daily.

Know the Labeling Laws and Appropriate Terminology

Every product marketed to the consumer is regulated in terms of what is required on a label and, more importantly, what cannot be put on a label. USDA has control over meat and poultry products. Most states have a government agency responsible for egg inspection. Know the labeling laws prior to marketing your products.

- Packaging dates are required on most products.
- When using terminology such as “free range,” “natural,” “no antibiotics,” make sure you understand what the term means and you can verify that you meet the requirements.
- Nutrition labeling is required on some products. Generic nutritional labels are available. If you deviate from the generic label you must have data to support the claim.

- Health claims on labels are extremely risky and are regulated by the FDA. A structure/function claim is different from a health claim. For example, “Calcium builds strong bones” is a structure claim; “Calcium prevents osteoporosis” is a health claim. If you make a claim, you must be sure you have scientific evidence to substantiate your claim.

Control Inventory

Inventory control is essential for the success of any operation but is of particular importance when producing perishable foods. Make sure your product is dated and you maintain a log of the product. Stock rotation and timely deliveries help prevent food safety issues. Follow any expiration dates or sell-by dates that have been established for your product.

Maintain Product Identity

All of the products you produce should have some identification indicating when it was produced and who produced it. If there ever is a problem, you can be sure that the product is yours and you are not being blamed for someone else’s mistake. The reuse of packaging materials, particularly egg cartons, can interfere with maintaining product identification. The same is true of repackaging products from bulk to retail. A process must be in place to ensure product identity.

Educate Workers

As your operation grows, the employment of people—including family members—may become necessary. A training program for workers must be developed. It is essential that workers know your procedures, your SSOP, SOP, and HACCP programs. You need to document that you have educated your workers on these procedures. It is easy to put off the education of workers, particularly if you

have high turnover or temporary workers are involved. A concerted effort must be made to educate all workers in food safety and worker safety.

Educate and Work with Distributors and Retailers

Education does not stop with your workers. You also need to educate your distributors and retailers on food safety. Make sure they maintain and display your product at the proper temperature and are rotating their stock and removing out of date product. Moving perishable foods through the distribution chain is a challenge. Work with your distributors to educate their employees on maintaining proper temperatures. Marketing products in farmers’ markets or open-air markets presents some issues in regards to maintaining temperature. How you maintain proper temperatures in these situations must be documented.

Establish a Product-Recall Process

What do you do if you have a problem with a product? It is essential you give some thought to this process in regards to your operations. Having a successful recall program can help save your farm should a problem arise.

1. Select a recall coordinator—the person in charge of managing a recall.
2. Establish the methods you use for product identification and processing control.
3. Establish a list of retailers, distributors, and markets that carry your product.
4. Determine how you can reach your customers. This process is particularly difficult with farmers’ markets and temporary locations. Establish a customer list through signup sheets, drawings, or preferred-customer promotions.

Write out the steps in your recall plan, and conduct a mock exercise.