

# Traceability and Liability: Dealing with Fall-out in Worst Case Scenarios

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# Will traceability increase the risk of liability on the farm?

Yes!

Source of Risk

Businesses up the value change

Statutory liability

Consumers

# Up the Value Change

- Governed by contract
  - Privity
  - Damages
  - Allocation of Risk and Indemnification

# Statutory Liability

- Due Diligence
  - reasonably believed in a mistaken set of facts which, if true, would render the act or omission innocent,
  - took all reasonable steps to avoid the particular event.

# Consumers and Third Parties

- Personal Injury

# The Verdict

- Cost of compliance
- Cost of defending claims

# The Worst Case Scenario

- First Steps

- Ensure an Emergency Exists
- Look to your crisis plan
- Personal safety is paramount
- Get the facts
- Construct a Timeline
- Eliminate the Problem and Further Losses
- Meet with Professional Advisors

# Maintain Business Relationships

- Suppliers
- Bankers/Lenders
- Customers
- Employees
- General Public

# Dealing with the Media

- The Message
- Dealing with Reporters
- Pay Attention to Non-verbal Cues

# If Something Happens

- Regulatory Offences
  - Inspection Rights and Obligations
  - Penalties

# Due Diligence

- **conduct which was or was not exercised in relation to the “particular event”**
- **Factors**
  - Nature and size of defendant
  - Sensitivity of Local Environment
  - Defendants knowledge about risks
  - Defendants Access to Risk
  - Presence of Risk Assessment/Avoidance system

# Are you prepared?

- Crisis management plan
- insurance