



Limiting Liability for Employee Injury and Death

ICA Fact Sheet
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Employer Liability Concerns - Employers face substantial liability when it comes to employees handling toxic substances, operating equipment, or even handling livestock. This liability extends to issues related to worker's compensation, liability for a safe workplace and a potential for wrongful death suits. The best defense to these actions lies in thoughtful and consistent safety practices in the workplace and a consistent program of education and enforcement of policies.

Toxic Substances - Producers in the cattle industry may have occasions where employees must handle and/or use dangerous substances such as chemicals, vaccines and drugs that can pose significant dangers to producers and employees. Workers may be exposed to toxic hazards through needle stick injuries, skin cuts, puncture wounds and contact with skin and mucous membranes. This exposure can lead to serious, if not fatal injuries in employees.

The Occupational Safety and Health Administration (OSHA) requires that all employees be made aware of any hazardous chemicals to which they may be exposed. Therefore, it is important that employers and employees read product labels closely and administer the product as specified on the label when performing tasks on the farm. Employers must provide both information and training on how to handle hazardous or toxic chemicals appropriately.

Chemicals - Products, such as pesticides and conditioners, used on raised feeds should be stored in an area separate from the feed storage and production areas. Employers should provide proper training for pesticide handling, including personal safety, handling accidental spills and preventing contamination of the feed and water supply.

Vaccine & Drug Handling Safety Tips - Extreme care must be given to follow safe drug handling to avoid self-injection and accidental exposure. In general, the following practices should be employed at the farm for drugs and vaccines:

- Provide a safe means to adequately restrain animals during treatment.
- Store toxic drugs, chemicals and materials in safe locations not readily accessible to untrained persons.
- Provide a sharps disposal container for safe handling and disposal of syringes and needles.
- With certain products, provide goggles and impermeable, needle-puncture-resistant gloves.
- Ensure that cold packs and icepacks are available at the workplace where injections will be given.
- Guarantee that telephones are available to workers.

Micotil 300 - Tilmicosin phosphate sold under the trade name of Micotil 300® is an animal antibiotic developed to treat "shipping fever" and bovine and bovine respiratory disease. Micotil 300® must be obtained through a licensed veterinarian. Micotil 300® has serious cardio toxic effects on the human heart, including a reduced cardiac contractility and tachycardia (rapid heartbeat) can be severe enough to cause death. If an accidental injection of Micotil 300® place cold compress on injection site. Contact the Rocky Mountain Poison Control and Drug Center immediately, 1-800-332-3073 (This center has been trained by the drug manufacturer to handle emergencies specific to Micotil 300® exposure in both English and Spanish).

Pregnant Women - If exposed to Lutalyse (and other prostaglandins) and Dexamethasone pregnant women can abort or go into labor. Prostaglandins can be absorbed through the skin, so it is highly recommended that pregnant women not handle a bottle, work in an area or touch equipment that may be contaminated with a prostaglandin.

Drug Allergies - An allergy is an overreaction of the immune system to food, dust, pollen, or some other substance. Employees with known allergies to antibiotics should not work in areas in animal treatment areas.

Operating Equipment - Implements and simple tools can be hazardous and have the potential for causing severe injuries when used or maintained improperly. All tools should be maintained in good condition and used according to the manufacturers' instructions. Employers should wear the proper personal protective equipment (PPE) and make sure that clothing has no strings or loose ends that could be caught by machinery. In addition, shops should be well lit and have clear walkways to eliminate slips, trips and falls.

Handling Livestock & Feedstuffs - Cattle are herd animals and can become highly agitated and stressed when separated from the herd. Many cattle handling accidents have been caused by isolated, frantic cattle, with untrained persons. Safety implications magnify when cattle are being handled on frozen or wet surfaces. Employers should take precaution in adequately training employees on low stress cattle handling techniques, before allowing them to handle cattle alone.

Employees can be exposed to suffocation or engulfment hazards when working with grain bins, silos, and silage piles. "Bridged" grain and vertical piles of stored feedstuffs can collapse unexpectedly if a worker stands on or near it. Unhealthy levels of airborne contaminants, including molds, chemical fumigants, and gases associated with fermenting silage can cause illness. Employees should keep a safe distance from applicable feed storage areas.

Child Labor Laws - Employers should inform themselves on the unique aspects of the federal and Iowa child labor rules. In Iowa, there are certain restrictions placed on the employment of minors. This is just another consideration to keep in mind when focusing on the topic of employee injury and potential exposure to toxic substances. Iowa Workforce Development has several publications covering these issues. If you employ minors, related or unrelated, you would be well-advised to acquaint yourself with the rules and consult your legal advisor.

Employer Recommendations - No policies or procedures can totally eliminate the dangers inherent in the handling of toxic substances, operating equipment, or handling livestock and feedstuffs. Nevertheless, employers can significantly limit the incidents of injuries and dangers through appropriate education and adherence to procedures. Employers can take the following steps to protect themselves and their employees from serious injury or death:

- Train workers using training videos, DVDs, or any other safety materials that explain hazards and proper procedure necessary for safe handling. Document the training.
- Require employees to fully disclose any allergies, medical concerns, or disabilities that may put them at risk.
Observe employees as they perform tasks, providing constructive criticism in the realm of employee safety.
- Enforce safety policies on your farm.

Liability Insurance – Ensure the farm liability insurance is up to date. An insurance policy is a contract between the policy holder and the insurance company. The coverage provided depends upon the terms of the insurance policy. Read and understand the policy and have an advisor review the policy carefully. In doing this review, be sure to explain to the agent or other advisor, as much as possible, the details of your operation. You may also consider getting an individual written coverage opinion from the insurance company regarding the special circumstances outlined above.

Liability insurance coverage serves two purposes in the context of employee injury or death: 1) To make payments on the producer's behalf to an injured party and 2) to potentially defend the producer against a lawsuit brought on by a third party.

Safety Policy Enforcement - It is vital for livestock producers to follow through and demand that all employees utilize the appropriate safety measures and follow all procedures implemented by the Employer. Disciplinary action should be taken, not necessarily as a punitive measure, but as a way to reinforce to the employees the importance of the safe handling of these dangerous materials and to reinforce the importance the producer places on safety in the workplace.