

Feral Pigs in Produce Fields: Who's Responsible?

The Pinnacle

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The latest development in the E. coli outbreak is the detection of the 0157:H7 strain in the intestines of a wild (or feral) pig, which was killed near one of the four ranches being investigated by federal and state health authorities. Investigators are now beginning to focus on feral pigs as a point source for the outbreak because of the possibility that they can transport E. coli from pastures to nearby farmland.

Q: How do wild pigs transport E. Coli from a pasture to farmland?

A: Wild pigs, also known as boars, use their snouts to dig through soil in search of food such as leaves, bulbs, roots, insects, and earthworms. This activity is known as “rooting” and is a constant source of concern for San Juan Valley growers because of the damage it causes to produce fields. A boar may root through a pasture, where it first comes into contact with the bacteria. Days or weeks later, that same boar may root through a produce field in search of food, where it introduces the bacteria to the crop.

Q: If it can be determined that boars are capable to transporting E. Coli, who is responsible for keeping them out of the produce fields?

A: The answer to this question may be found in the terms of the lease contract. It is common practice in the agriculture industry for growers to rent large parcels of land for growing crops. Renting land is similar to renting an apartment, in that the terms of the rental are found in a lease contract. However, the contents of an apartment lease and a farm lease may vary significantly.

The terms of the farm lease may specifically state that either the landlord or the tenant is responsible for protecting the fields and water sources from intrusion by wild animals. This responsibility may be negotiated between the landlord and tenant. Factors to be considered when negotiating such a responsibility are costs and the ability of the parties to detect wild animals and to respond to such threats.

Q: What if the lease doesn't say who is responsible for protecting fields from wild animals?

A: Then under the Good Agricultural Practices, the grower/tenant is responsible for protecting fields from wild animals.

In 1998, the Federal Food & Drug Administration (the “FDA”) created a guide for Good Agricultural Practices, which was intended to cut down and eliminate food-borne illness

outbreaks. In 2000, the United Fresh Fruit & Vegetable Association created uniform guidelines to ensure that members of the produce industry were following the FDA's Good Agricultural Practices. Since wild animals have proven to be effective vehicles for transporting harmful bacteria, the guidelines include techniques to be used by growers to eliminate the presence of wildlife in produce fields.

Q: What are some of the techniques that growers and landowners may use to keep wildlife out of produce fields?

A: For land-based animals such as boar and deer, the grower/tenant is responsible for adopting measures to prevent the movement of animals in and out of fields. Usually, this responsibility includes constructing, inspecting, and repairing gates and fences around the produce fields and water sources. Eight foot fences are most effective, because deer have been known to jump over six foot structures. However, this height may trigger governmental permit requirements.

Good Agricultural Practices also require growers to be mindful of birds in produce fields. Although it is extremely difficult to keep birds out of fields, some practical measures of protection include: placing reflective tape throughout the field and killing weeds, which attract insects.