

# Farm Talk

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Also crucial, according to one legal adviser, is the element of cause. That is to say a plaintiff suing for property damage must prove that the damages actually resulted from the negligent actions of a farmer or an agent.

For instance, with the application of chemicals, did the farmer or chemical applicator use defective equipment? Did the farmer apply chemicals too close to the fence line, making it easier for neighboring livestock to reach through and eat the treated plants?

Did the applicator spray on a windy day when particles were likely to drift to the crops of others? Did the farmer fail to give neighboring landowners warning before spraying? And did the aerial applicator fail to cut off the spray equipment when making turns over the crops of others?

If the answer to any of these and other similar ones is yes, then the legal expert says the court could decide that the farmer or the applicator did not exercise reasonable care. Then the court would have to determine whether the likelihood of danger was foreseeable and finally whether the pesticide was actually the cause of the damage. Only then, after determining breach of ordinary care, foreseeability of harm and causation, will a court hold the

farmer or an agent liable in negligence.

Here's a problem that often comes up in farm legal battles. What if a farmer hires workers who apply a pesticide negligently, resulting in damages to a neighboring farm? Is the farmer liable for the negligence of workers?

My legal source says that the general rule states that a farmer may be liable for negligent acts of employees, but not the negligent acts of independent contractors. There may be a fine line there, one that would have to be sorted out in court with the liability depending on the interpretation of an employee and an independent contractor.

Basically the courts have said that the difference rests with the amount of control that the employer is entitled to exercise over the worker. If free to carry out the job without detailed supervision, the worker might be legally classified as an independent contractor. Most commercial crop dusting operators are in that category.

Workers who are subject to close and detailed supervision, however, are legally classified as employees. There's a subtle difference that could probably only be determined in court, but in general it points to the necessity of hiring experienced, qualified contractors

# Lancaster to host NEMA spring seminar

LANCASTER — Northeast Egg Marketing Association plans to hold its spring seminar for egg producers here on Thursday, April 1, 1982.

Members will gather for a one day conference at Quality Inn, 500 Centerville Road, Lancaster.

In announcing the event, NEMA's General Manager Wm. S. Rent said. "Our directors feel it is appropriate to bring this session to the heart of the Pennsylvania white egg basket. Invitations have gone out to Francis Riley of Boaz, Alabama, newly elected chairman of the Board of United Egg Producers and to Al Pope,

president of that organization. Because of their close, daily involvement in UEP affairs, both are uniquely able to evaluate the many changes taking place in the egg industry."

"This meeting will be designed to offer a prime opportunity for NEMA members to invite industry neighbors and associates to learn more about our national egg cooperative and its regionals," Rent continued. "I know that Francis Riley and Al Pope will welcome the chance to talk to producers at a point in the Nor-

theast where so much is happening relative to egg production."

NEMA is being urged to again invite to this seminar, Attorney George Isaacson of Lewiston, Maine. He is an expert in affairs involving labor relations, labor law and workmen's compensation matters. Past appearances at NEMA gatherings have sparked intense interest.

As final details of the seminar are developed, it will be announced. Industry people who want to attend the session should write NEMA, P.O. Box MM, Durham, New Hampshire 03824.

# Fischer's Holstein tops Fulton Co. DHIA

McCONNELLSBURG — Crystal Spring dairyman, J. Dale Fischer led Fulton County with 18,495 pounds of milk and 670 pounds of fat at the close of the county DHIA 33rd year.

Fischer's 7-year-old Holstein topped the county for milk with 25,814 pounds. A 2-year-old Holstein, owned by Morotai Farms of Neemore, finished with a high fat production of 1,054.

Three herds finished with more than 600 pounds of fat. They include: Fischer, Morotai with 15,940 pounds of milk and 637 pounds of fat; and Wallace Mellott,

Harrisonville with 11,680 pounds of milk and 620 pounds of fat.

The Fulton County DHIA is comprised of: President—Earl Gordon; Vice President—Donald Bard; Secretary-Treasurer—Betty Hine; Directors—Frank Palmer, John Carpenter, and Ed Swope; Supervisors—Harry McMullen and Judy McMullen.

Fulton County's 1,375 cows on test finished with averages of 14,244 pounds of milk and 536 pounds of fat. Thirty-seven whole-year herds and five Owner-Sampler herds completed the 1981 testing year.

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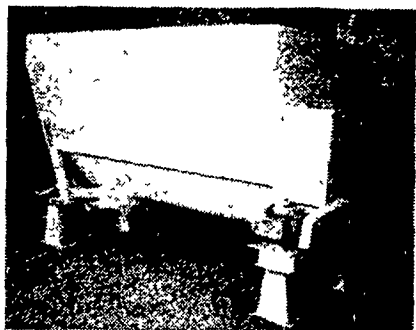


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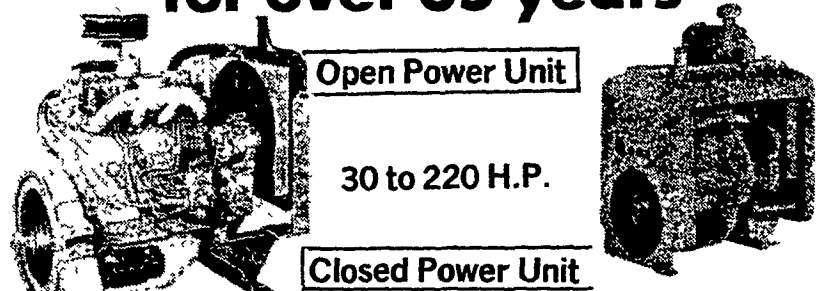
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