



Understanding Agricultural Liability: Legal Risk Management Considerations



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The old adage, “the best defense is a good offense” certainly applies to farmers’ concerns about possible nuisance or environmental claims. There are many proactive steps farm owners can take to prepare for lawsuits based on environmental or regulatory issues. A half day of expense for a skilled lawyer to review your operation, for example, could result in significant savings by avoiding litigation or enhancing the leverage to negotiate a settlement or prevail in the event of a lawsuit. Maintaining accurate, detailed records of all aspects of your farm operation will also help your defense. Because attorneys specialize in various aspects of agricultural law, research in advance to identify lawyers and their expertise will allow you to focus quickly on the appropriate individual to best develop your “good offense.”

This fact sheet can serve as another tool in a farmer’s risk management plans by providing information on how farmers can protect themselves from legal challenges from a nuisance or violation of an environmental permit. The information discussed in this fact sheet will not eliminate threats of lawsuits. **Elimination of 100 percent of legal risk is not possible.** However, there are tools available to help minimize the risks and costs associated with litigation. For example, purchasing insurance, such as comprehensive liability insurance, can help spread **some** of the risk to a third party (the insurance company). Following the suggestions in this report and the advice of a trusted attorney can help limit the risk of a potential lawsuit and build a successful defense if you are sued.

