

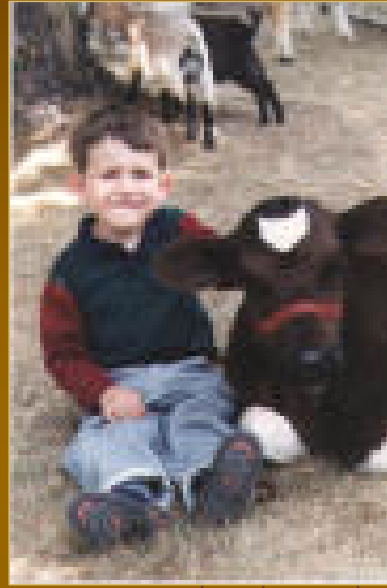
# The International Association of Fairs and Expositions (IAFE)

- **114th Annual Convention and Trade Show**
- **November 29 - December 2, 2004**
- **Las Vegas Hilton Hotel**

William Marler, JD  
Marler Clark LLP, PS



# Fairs and Petting Zoos = America



# *However, E. coli* Illnesses at Fairs

- 24 Outbreaks associated with Petting Zoos and Fairs have been reported since 1995



- Wisconsin
- Minnesota
- Washington
- New York
- Illinois
- Ohio
- Pennsylvania
- Oregon
- Texas
- North Carolina

# *E. coli* Illnesses at Fairs

- Hundreds of illnesses and the development of Hemolytic Uremic Syndrome (HUS)
- Some linked to direct contact with animals, others associated with air- or water-borne *E. coli* O157:H7



# Recent Study – 32 Fairs

- *E. coli* O157:H7 found in:

- Beef Cattle 13.8%

- Dairy Cattle 5.9%

- Pigs 3.6%

- Sheep 5.2%

- Goats 2.8%

- Pest Fly Pools 7.1%

- *Same or greater percentage than found in feedlots!*

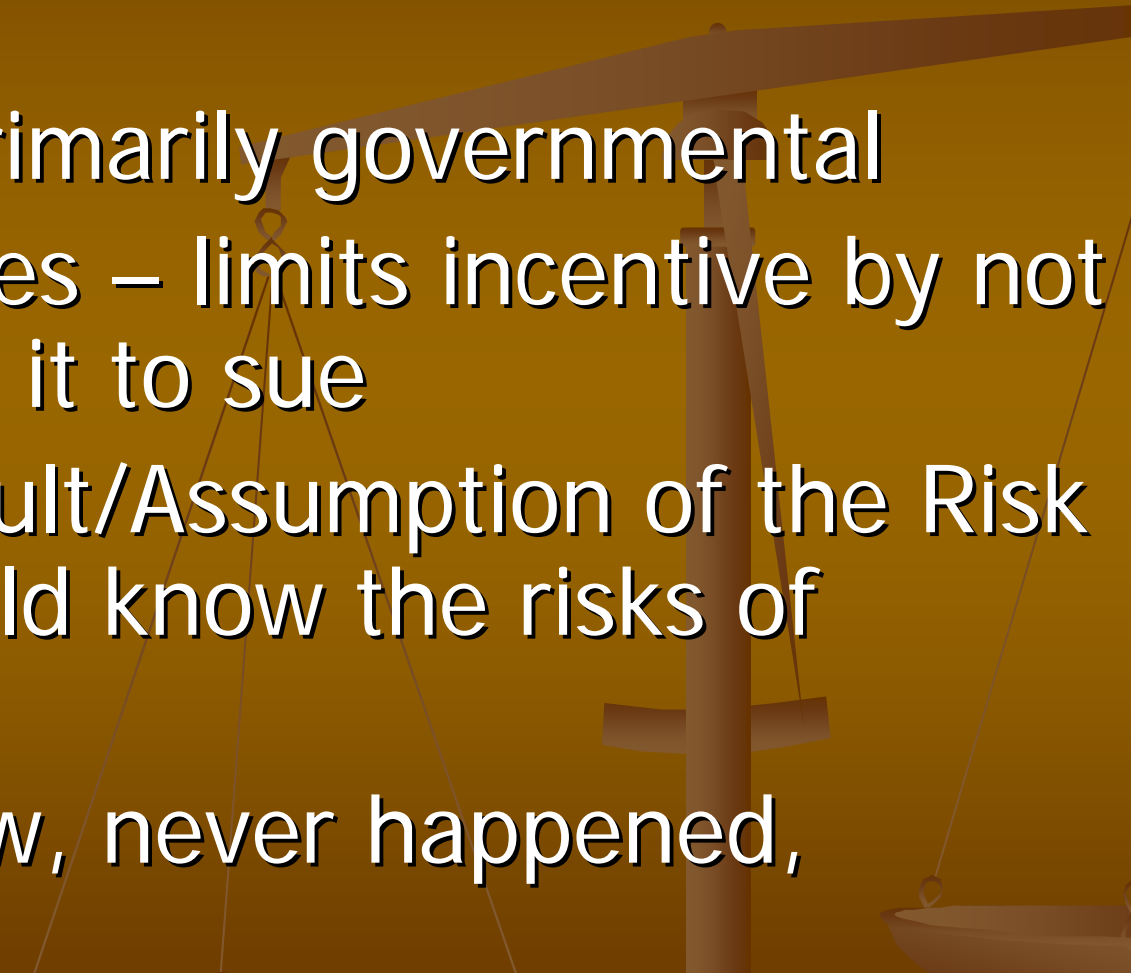


# Negligence



- The failure, through omission or commission, to act as an ordinary, reasonable and prudent person would act.
- Negligence is accidental, as distinguished from "intentional torts" (assault or trespass, for example) or from crimes.
- A person who is negligent is responsible for the damages the action or failure to act causes.

# Defenses

- Fairs are good
  - Immunities – primarily governmental
  - Caps on damages – limits incentive by not making it worth it to sue
  - Contributory Fault/Assumption of the Risk
    - fairgoers should know the risks of visiting
  - Causation – New, never happened, unclear cause
- 

# Prevention – the best defense

- Increase Education of Yourself and the Public of Risk of Animal Contact
- Increase Ventilation of Buildings to Improve Air Flow per Approved Standards
- Sanitize Walkways and Railings



# Prevention – Cont.

- Ban Food from Exhibition Halls and Areas Surrounding Exhibition Halls
- Increase the Number of Hand Washing Stations and Encourage the Public to Use Them



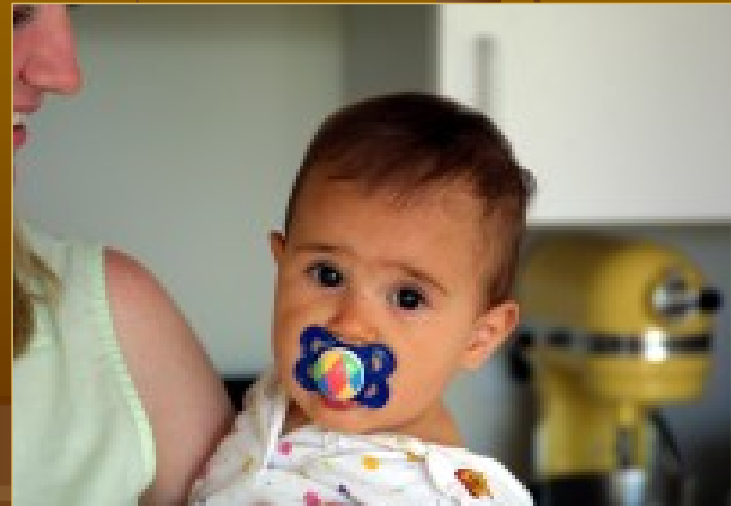
# Prevention – Cont.

- Consider Admitting Only Animals that have Passed *E. coli* O157:H7 Screening - \$32
- Limit Airborne *E. coli* by 1) not moving soiled bedding during exhibit hours, 2) keep stall areas damp with an approved disinfectant



# Prevention – Cont.

- Hand-mouth activities should not be permitted in animal area – not only food, but drinks, smoking, toys and pacifiers
- Consider severely limiting animal interaction with children, the elderly, pregnant women and immuno-compromised people



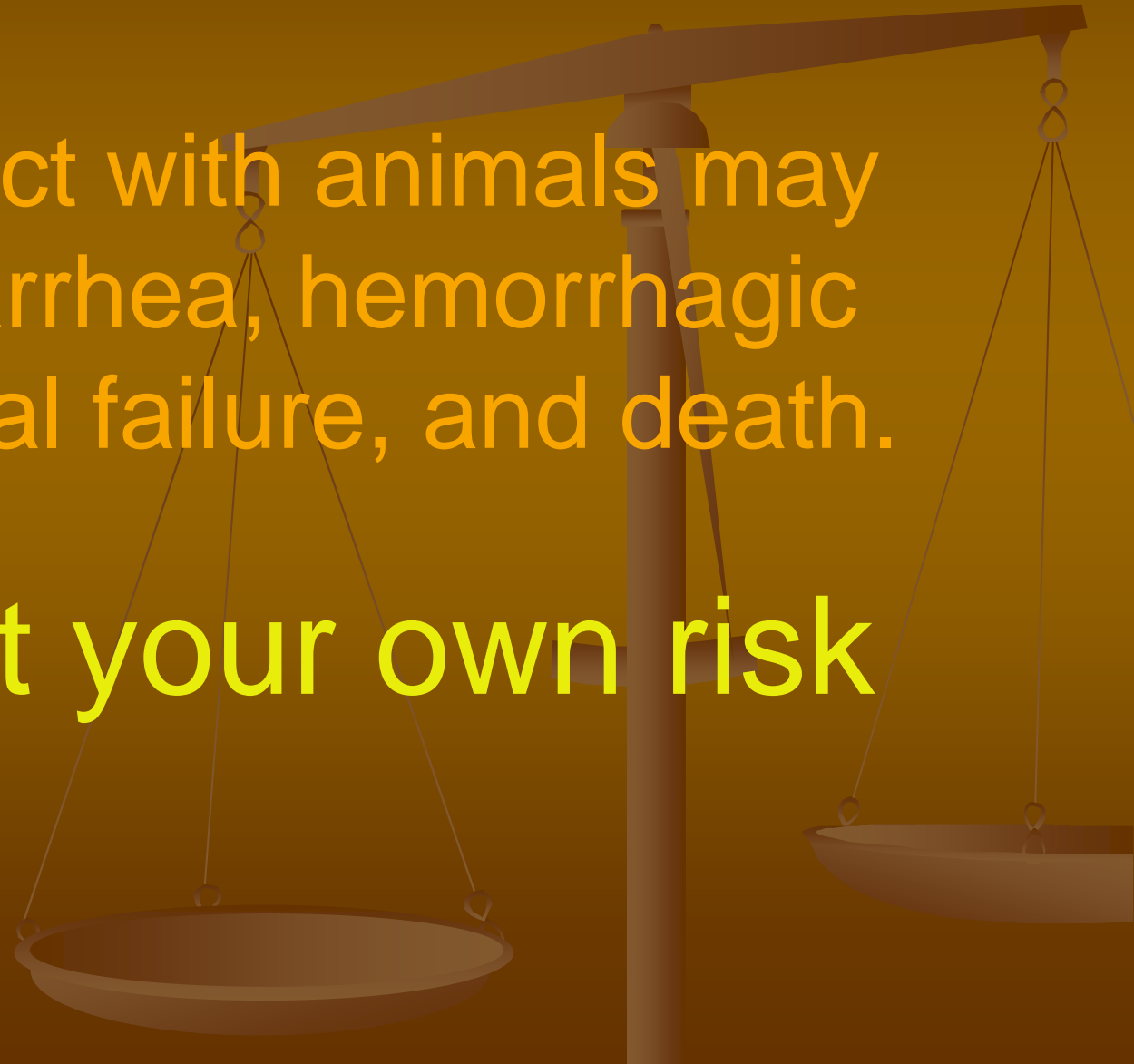


# WARNING



Any contact with animals may cause diarrhea, hemorrhagic colitis, renal failure, and death.

Enter at your own risk



# Wishful Thinking – does not help



Ignoring It – does not help



# Enter the Lawyer



# What will a Jury Think?

A Jury



12 Fairgoers



# Questions?

See the Marler Clark  
Fair Safety site

<http://www.fair-safety.com>

William Marler, JD  
Marler Clark LLP, PS  
6600 Bank of America Tower  
701 5th Avenue  
Seattle, WA 98104

206-346-1888 Phone  
206-346-1898 Fax

<http://www.MarlerClark.com>