

Bad eggs Jack & Peter DeCoster ordered to prison after 2-year delay

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Two years after convicting egg barons Jack DeCoster and his son Peter DeCoster for their roles in causing one of the worst salmonella outbreaks ever to hit the U.S. public, senior U.S. District Court Judge Mark W. Bennett of the Northern District of Iowa has signed the order that should at last put both DeCosters behind bars—but not at the same time, and only if Jack DeCoster lives nearly five more months and is then deemed healthy enough to be incarcerated.

Peter DeCoster, 53, is to serve his 90 days before Jack DeCoster, 83, who has been dodging jail time for a variety of offenses against public and employee health and safety for more than 40 years.

Sentenced in 2015

Judge Bennett in April 2015 sentenced the DeCosters to serve three months each in prison and pay fines of \$100,000 each for selling salmonella-contaminated eggs from their Iowa farms in 2010. Selling the infected eggs caused at least 1,939 illness episodes documented by the Centers for Disease Control, and an estimated 56,000 more that went undocumented.

“Both men pleaded guilty on May 21, 2014, as a ‘Responsible Corporate Officer’ to a single federal count of selling adulterated food. Each agreed to pay fines and assessments of \$100,025,” reported Dan Flynn of *Food Safety News*, “but they objected when Bennett sentenced each of them to three months of federal incarceration.

Pleaded ignorance

“They did not think liberty could be taken away from a ‘Responsible Corporate Official’ for violations where proof of personal knowledge of the offense did not exist,” Flynn explained. “The Eighth U.S. Circuit Court of Appeals did not agree, and the U.S. Supreme Court did not choose to take up the issue — at least not now.”

The DeCosters had influential friends backing their appeals. “Business groups, including the National Association of Manufacturers, the Pharmaceutical Research and Manufacturers of America and the libertarian Cato Institute think tank filed friend-of-the-court briefs” on the DeCosters’ behalf, wrote David Pitt of Associated Press. “The groups argued that it is unfair to send corporate executives to prison for violations that they were either unaware of, or that were committed by subordinates,” but in view of the DeCosters’ long past history of violations of labor, safety, and environmental laws, which should have impressed upon them the importance

of supervising any culpable subordinates, the higher courts found their pleas of ignorance unpersuasive.

Jack DeCoster remains at liberty until November

Exhausting the DeCosters' appeals, Flynn wrote, means that "On a date after July 20, to be chosen by the U.S. Marshals Service, Peter DeCoster will 'self surrender,' to the U.S. Bureau of Prisons," probably to serve his time at Federal Prison Camp Yankton, in South Dakota, "about 200 miles west of his residence in Clarion, Iowa," Flynn noted.

Jack DeCoster is to surrender to the U.S. Marshals Service 30 days after Peter DeCoster completes his prison term. This would be about a week before Thanksgiving—if Jack DeCoster lives that long. Judge Bennett has recommended that Jack DeCoster be sent to Federal Correctional Institution Berlin, a medium-security prison in New Hampshire with a minimum-security satellite camp, about 70 miles west of Jack DeCoster's home in Turner, Maine.

Health issues

"Court filings show health concerns since 2015 sent DeCoster back to Maine," after he had resided for some time in Iowa, "and are a major factor in his request to be assigned to the Berlin facility," Flynn reported.

Jack DeCoster's lawyers wrote to Bennett, Flynn said, that "The Satellite Prison Camp at Federal Correctional Institution Berlin is the closest minimum security facility to his family that would allow for meaningful visitation," and "suggested the wrong prison assignment 'could be harmful to an 82-year-old man currently suffering from hypertension, hyperlipidemia, anemia, coronary artery disease, high blood pressure, prostate cancer, and pre-diabetes.'"

Long rap sheet

ANIMALS 24-7 in April 2015 detailed the 40-year legacy of ills inflicted by the DeCosters on society, animals, and the environment.

Jack DeCoster, whose given name is Austin, in 1976 pleaded guilty to 75 counts of having forced truckers to falsify their logs, concealing that they were working long hours; he paid a \$14,000 fine.

A year later *Maine Times* exposed how Jack DeCoster habitually deducted penalties and expenses from the paychecks of Vietnamese workers without prior consent or means of appeal.

Child labor

Jack DeCoster employed children as young as 9 on his farm, according to federal investigators, leading to 1979 amendments to Maine state law adopted in order to stop him.

Meanwhile, after being fined **\$46,250** in 1988 for violations of Maine labor laws, Jack DeCoster tightened security at his Maine facilities. This led to Jack DeCoster being fined \$15,000 in 1993

for keeping as many as 100 Spanish-speaking workers in virtual slavery, prevented from leaving and from receiving visits from priests, social workers, and truant officers.

Fined another \$2.5 million in 1996 for allowing unsafe working conditions that resulted in disfiguring injuries, failing to pay workers, and continued violations of child labor laws, Jack DeCoster replaced an allegedly abusive egg farm manager with the former manager of one of his 30 Iowa pig farms.

The former pig farm manager had just been convicted of duct-taping an employee hand and foot, then beating him. The pig operations were under the supervision of Peter DeCoster.

Pollution, pesticides & rape

Fined repeatedly in both Maine and Iowa during the next several years for wastewater violations and improperly handling pesticides, Jack DeCoster in 2002 paid \$1.5 million to 11 female workers at his Iowa facilities in settlement of sexual harassment charges, including rape.

In 2003 Jack DeCoster paid \$2.1 million in fines and was sentenced to five years on probation for knowingly hiring 121 undocumented workers at his Iowa and Nebraska farms.

Meanwhile, between 2002 and 2008, Jack DeCoster's Maine farms were fined more than \$600,000 by the federal Occupational Safety and Health Administration for repeated and serious violations, including exposed asbestos, unsanitary showers, hazardous equipment and disregard for worker's safety.

DeCoster also ran into repeated trouble in 2006 and 2007 for again hiring undocumented workers, and in 2009 agreed to pay more than \$125,000 in penalties and fees for cruelty to culled hens.

Beat the rap in cruelty case

The DeCoster-owned company Hillandale Farms, however, in January 2017 won dismissal of a similar case brought as result of an undercover investigation by the Humane Society of the U.S.