

MANAGING THE SAFETY RISKS OF AGRITOURISM FARMS

– Module 4 –
Extension Training to Support Agritourism
Development in the Northeast

Funded by the Northeast Sustainable Agriculture
Research and Education program
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DISCLAIMER:

This information is shared for educational purposes only.

All business owners should be advised to regularly seek the advice of an attorney and/or insurance professional to discuss farm safety and risk management strategies!

Additionally, visit

www.nationalaglawcenter.org

for a listing states' agritourism statutes.

AGRITOURISM SAFETY RISKS

- Agritourism by its nature brings visitors to a farm. These guests may:
 - Not understand hazards that exist on a farm
 - Not follow your instructions
 - Steal/vandalize your property
 - Be involved in a legitimate accident
 - Falsely claim that they were injured on your farm
- During any farm visit, guests will always face certain risk factors and, in turn, the farm operator will face greater legal liability exposure
- View agritourism safety as a *program*, encompassing steps to **prevent** exposure of visitors to farm risks and **respond** to adverse incidents when they do occur

AGRITOURISM SAFETY RISKS

Things to Remember

1. Every farm has its own unique safety risks
2. Risks can be managed and reduced, but never fully eliminated
3. Liability and legal obligations vary by state. Agritourism operators must become familiar with all applicable federal, state, and local laws & regulations
4. **THE SAFETY OF YOUR FARM GUESTS IS NON-NEGOTIABLE!**

PROMOTING FARM SAFETY AND LIMITING LIABILITY

- **Identify and manage potential safety hazards**
 - Conduct a comprehensive assessment of potential risks on the farm
 - Identify these risks and steps to minimize them in a farm safety plan
- **Educate & train employees**
 - Maintain a record of employee training
- **Communicate risks & expectations to visitors**
- **Establish emergency response procedures**

If it can be Predicted,
it can be Prevented!

If it can be Prevented,
it is not an accident!

IDENTIFY AND MANAGE HAZARDS

DEVELOP A FARM SAFETY PLAN

- **Inspect your farm regularly, walking through all areas that could be accessed by visitors (even those you wish to be off-limits)**
 - Keep a log of inspections
- **Identify farm hazards that could jeopardize the safety of your guests and employees**
 - Look at your farm through the eyes of someone not familiar with farming and its inherent risks
 - What hazards might a child encounter?
 - Invite someone else (an Extension professional, emergency responder, etc.) to walk through the farm with you
- **Develop and implement a farm safety plan to limit guests' exposure to safety risks**

PURPOSE OF A FARM SAFETY PLAN

- A written farm safety plan for an agritourism operation outlines safety rules and procedures to maintain a safe environment for those living on the farm, employees, and farm visitors
 - Establishes safety procedures – or *plans of operation* – for specific activities on the farm (e.g., parking, hayrides, foodservice, animal handling, etc.)
 - Designates areas that are off-limits to the public
 - Provides a basis for training farm employees how to properly manage farm attractions/activities, identify safety issues, and monitor activity on the farm
- A farm safety plan also facilitates emergency response if an accident occurs by providing:
 - Contact information for farm owner(s) and employees
 - A farm map detailing important locations
 - Emergency contacts for the farm owner(s) and employees

KEY FARM SAFETY PLAN ELEMENT

PLAN OF OPERATION

- For each attraction or agritourism activity, develop a written *plan of operation* that:
 - Describes the activity
 - Identifies potential risks
 - Outlines strategies for minimizing risks to guests
 - Identifies the location(s) for posting rules or warnings
- Plans of operation also provide evidence of efforts undertaken to protect the safety of farm visitors – an important component of protecting the farm from liability in the event of an accident

Plan Of Operation

Activity (one per page)	Risk	Suggestions to Minimize Risk	Placement of Warning Signs
<p>EXAMPLE:</p> <p>Wagon Ride</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Wagon not stopping <input type="checkbox"/> Wagon becoming detached from transportation vehicle <input type="checkbox"/> Passengers falling out of the wagon <input type="checkbox"/> People standing up while wagon moving and becoming injured <input type="checkbox"/> Passengers dangling hands and legs outside the moving wagon 	<ul style="list-style-type: none"> <input type="checkbox"/> Be sure the tractor is heavier than the loaded wagon for adequate braking ability <input type="checkbox"/> Use a locking coupler and safety chain <input type="checkbox"/> Put front, rear and side walls or rails on wagons to keep people from being jostled off <input type="checkbox"/> Require every passenger to stay seated with no legs or arms dangling over the sides or ends of the wagon <input type="checkbox"/> Require steps and/or sturdy rails for loading passengers onto trailers or wagons <input type="checkbox"/> State the safety rules after everyone is seated <input type="checkbox"/> Travel at speeds safe for the operating <input type="checkbox"/> Use an experienced operator who can start and stop smoothly 	<ul style="list-style-type: none"> <input type="checkbox"/> Place a warning sign at the entrance to the wagon ride.

Plan of Operation Example Form

From Agritourism Plan of Operation, LSU AgCenter Research & Extension

POTENTIAL SAFETY RISKS ON AN AGRITOURISM FARM

Examples

- Parking & traffic
- Buildings & bathrooms
- Kids on the farm
- Animals
- Hay rides
- Disability accommodations
- Food services (food safety)
- Weather & fire prevention
- Farm equipment & machinery
- Security measures
- Lagoons & irrigation ponds
- Pesticides/chemicals

PARKING & TRAFFIC CONSIDERATIONS



- Is driveway/entrance visible from either direction on road?
- Are parking spaces adequate for expected peak # of visitors?
 - Are there overflow parking areas?
- Are internal (farm) traffic lanes wide enough?
- Are there areas for drop-off/pick-up for buses (if needed)?
- Do you prevent guests from parking on public roads?
- Is there a separate entrance and exit?

PARKING & TRAFFIC CONSIDERATIONS



- Are parking areas firm, adequately drained, level, without obstructions, and (if applicable) mowed?
- Is there adequate lighting between dusk & dawn (if needed)?
- Is parking easily identifiable and safe for pedestrians?
- Do workers assist with directing traffic (as needed)?
- Are there contingencies in place in the event of rain/mud/snow?

BUILDINGS & BATHROOMS

- Be aware of all building codes that apply to the property and remain in compliance
- All public areas must be lighted if customers are present at night
 - Parking lot, public farm area, public buildings stairs/steps, walkways, etc.
- Provide clean, well-stocked bathrooms or regularly maintained portable toilets
- Keep portable toilets in a cool, dry area

PROVIDE MULTIPLE HAND WASHING STATIONS AND/OR ALCOHOL-BASED HAND SANITIZER

- Inspect facilities regularly to ensure they are clean, functioning, and stocked with supplies



KIDS ON THE FARM

- **Remove or properly secure “attractive nuisances”**
 - These are any inherently hazardous object or property condition that can be expected to attract someone, particularly children, to investigate or play
 - Ex. swimming pool, hay storage areas, ponds/lagoons, ATV's, bee hives, construction sites, etc.

Recommended reading for agritourism & children safety guidelines:

- “Agritourism: Healthy and safety guidelines for children” – including the worksite guide and policies and procedures guide. National Children’s Center for Rural and Agricultural Health and Safety.
- Farm safety just for kids (website).
 - Provides fact sheets, lesson plans, puzzles, etc.

ANIMALS – PETTING ZOO

- Animals in contact with visitors should be clean, well-mannered, vaccinated (when applicable), and monitored daily for health problems
- Decide on the level of contact between guests and animals
 - E.g., if animal feeding is an option, will it be by hand or a feeding chute?
- Be sure that animals are properly contained or secured
- Remove & dispose of manure in timely manner
- Replace animal bedding daily
- Clean and sanitize fencing/rails daily
 - Clean fecal matter from surfaces accessible to guests in a timely manner



Photo – Samantha Rich

ANIMALS – PETTING ZOO

- Inform visitors (visually & verbally)...
 - about animal behavior (e.g., animals may bite, do not touch or feed, correct way to feed, etc.)
 - to wash hands (or use alcohol-based hand sanitizer) after touching animals
 - that food & drink is prohibited in the animal areas
 - to closely supervise children interactions with animals
- Route visitors to hand washing stations/hand sanitizer after animal area
- Prevent visitor contact with manure, water troughs, & animals that should not be touched
- Provide an area for eating/drinking that is well separated from animals

DISABILITY ACCOMMODATIONS

**All businesses are required to comply with the
Americans with Disabilities Act (ADA)**

When private owners of places with public accommodations or commercial facilities design and construct new facilities or alter existing facilities, they must comply with the ADA Standards for Accessible Design:

<http://www.usdoj.gov/crt/ada/adastd94.pdf>

Refer to the ADA Standards for Accessible Design for more information

FOOD SERVICES & FOOD SAFETY

- Comply with health department regulations
 - Contact county health department regarding permits & requirements
- All food and drinks must be stored, prepared, served and sold in compliance with health department regulations and guidelines
- Food service establishments should pass health inspection
- Use a sanitizing solution on all areas that come in contact with any food products
- Provide multiple hand washing stations
- Use proper labeling & handling techniques



Refer to 'Food Safety at Farmers Markets and Agritourism Venues' by University of California Small Farm Center for a good overview of food safety.

PRODUCE SALES & FOOD SAFETY



AVOID PRODUCT CONTAMINATION

- Educate employees about worker health and hygiene
- Provide appropriate restrooms and hand washing facilities, including signage about proper hand washing
- Use display materials that can be cleaned easily and appropriately (e.g., tables, table coverings etc.)
- Use product display containers that can be cleaned prior to use
- Buildings and structures used for sales, storage and packing of fresh produce should be cleaned regularly and not pose a risk for product contamination
- Train employees to be mindful of potential contamination from the consumer

WEATHER



- Keep informed of changing weather conditions
- Ability to communicate to employees of weather conditions
- Ability to communicate to visitors if closing due to weather?
 - Website, hotline, email, signs, etc.
- Designate shelters
- Provide water or access to water & cool areas during hot temperatures

FIRE PREVENTION

- Regularly inspect and maintain working smoke detectors in buildings
- Properly store flammable & combustible materials
- Maintain fire extinguishers strategically throughout farm
 - Be sure workers are trained to use a fire extinguisher
- Enforce a strict no-smoking policy
- Post “In Case of Emergency” signs, with contact person, emergency phone numbers, farm address & farm phone number
- Provide emergency vehicle access
- Arrange a farm walk-through with fire/EMS personnel



FARM EQUIPMENT & MACHINERY



- Ensure everyone who operates farm machinery has been properly trained
- Fully shut down equipment & remove keys when not in use
 - Make sure all hydraulics are down or have pressure relieved
- Take measures to prevent visitors from climbing on, walking into, or otherwise accessing farm equipment
- Never allow visitors to operate farm equipment
- Do not allow visitors to ride on tractors, all-terrain vehicles, etc.
- All tractors should be equipped with rollover protective structures
- Store ladders away from trees & public spaces

LAGOONS & IRRIGATION PONDS

- Water may attract guests, particularly children. Be sure that:
 - Access to open water has barriers
 - Warning signs are posted and visitors are advised that the area is off limits
 - Rescue equipment (buoy, rope and pole) is readily available



From Bill Bamka, Rutgers NJAES Cooperative Extension

PESTICIDES/CHEMICALS

- Always use pesticides in strict compliance with label instructions
- Lock pesticides, fertilizers, pharmaceuticals in an inaccessible cool, dry, well ventilated storage area
- Post signs designating the area as “restricted”
- Keep records of all pesticide applications
- Alert first responders to the location of chemical storage areas



GENERAL SECURITY MEASURES TO IMPROVE FARM SAFETY

- Determine how many employees are necessary to ensure an appropriate level of safety and security
 - Maintain ability to communicate with employees while working on the farm (e.g., cell phones, radios, etc.)
- Clearly identify all staff, volunteers, security, etc. so visitors can easily recognize & ask for assistance
- Post signs in parking area disclaiming liability for any lost or stolen items from vehicles
- Require parents to maintain control of their children

GENERAL SECURITY MEASURES TO IMPROVE FARM SAFETY

- Limit access to specific areas if a child is not accompanied by an adult
- Check restricted/off-limit areas often
- Have an information booth, lost & found (for children & items)
- Post 'in case of emergency signs' with contact name, phone numbers, farm name & address
- Require proper personal protective equipment (PPE) as needed
 - Ex. Horseback riding, boating, shooting, etc.

SAFETY IN ACTION - HAYRIDES

- Many farms offer hayrides as a primary agritourism attraction, or use them as a means of moving guests within the farm
- The following are specific examples of how to offer a hayride safely for the enjoyment of guests

Information taken from: Bamka and Komar (2011). [Agritourism: Keeping Passengers Safe on Hayrides](#). Rutgers Cooperative Extension Fact Sheet FS1145. Available at: <http://njaes.rutgers.edu/pubs/publication.asp?pid=FS1145>

HAY RIDES BEFORE THE RIDE:



■ Route inspection & maintenance

- ID any potential risks that must be addressed or avoided
 - Overhead branches, wires, sharp turns, irrigation heads, uneven ground, poorly drained soil
- Avoid on-road travel
- Can emergency access vehicles access route if needed?

■ Tractor & equipment preparation

- Use a tractor with rollover protective structure (ROPS)
- Conduct visual inspection of tractor & wagon before & after each ride
- Check tires, fuel, oil, draw bars, lights, brakes, hitch pins, loose boards, screws, splinters, etc.
- Consider use of a safety chain
- Never use more than 1 wagon per tractor

■ Training & communication

- Train all employees coming in contact with the hay ride
 - Driver, loader/unloader, supervisor. Tour guide
- Suggest all hay rides have a supervisor or tour guide
- Have two-way radios on board (or other communication device) to ensure contact at all times & during an emergency

■ Crowd control

- Communicate clearly where visitors are to load/unload, wait, etc.

■ Loading & unloading

- Designate separate loading & unloading areas
- Loading platform designed to load/unload quickly, easily, and safely
- Consider use of handrail or employee to assist

HAYRIDE SAFETY DURING THE RIDE

- **Tractor operation**
 - Safe operation during entire hay ride
 - Start & stop smoothly
 - Drive slowly
 - No sharp turns
 - Stay on the designated route

- **Have a supervisor on board/in the wagon to enforce rules**
 - No standing, smoking, keep hands and feet inside, assist with loading/unloading, etc.

**EDUCATE & TRAIN
EMPLOYEES**

EDUCATE & TRAIN EMPLOYEES

- Make sure all employees are properly educated & trained regarding the:
 - Business
 - Employee expectations
 - Farm safety risks
 - Farm safety plan/plans of operation
 - Emergency response procedures
- Have a full staff training each year for new employees
- Have a refresher training each year for returning employees

COMMUNICATE RISKS & EXPECTATIONS TO VISITORS



INFORM VISITORS

- Explain they are visiting a working farm & certain hazards exist
 - Uneven ground
 - Insects
 - Farm odors
 - Farm animals
- Inform visitors that, by entering, they are accepting these risks and must exercise reasonable caution
- Clearly mark 'off limit' & public areas
 - Important to define areas visitors have permission to use/access
- Visibly post rules & expectations
- Clear rules & regulations = lower risk

• WARNING •

Under Maine law, there is no liability for injury to a participant in an agritourism activity conducted at this agritourism location if such injury results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment and animals, as well as the potential for injury if you act in a negligent manner. You are assuming the risk of participating in this agritourism activity.



SIGNAGE

Use signs to direct visitors where to...

- Walk
- Park
- Eat
- Wash hands
- Enter & Exit

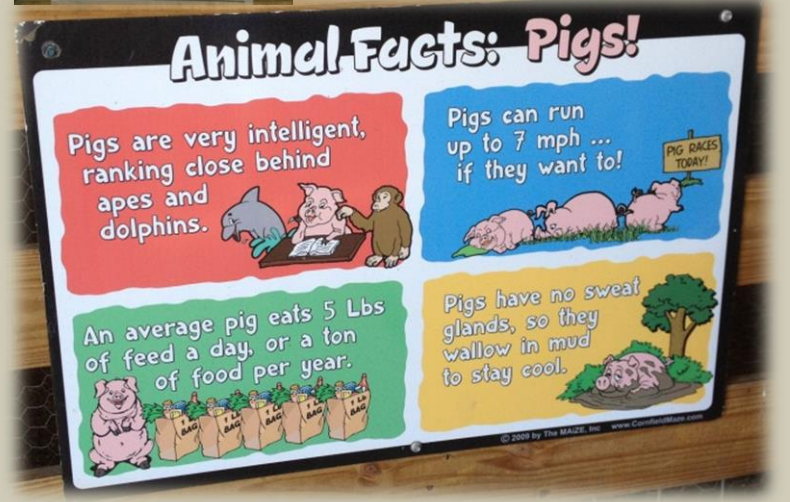
**Don't only use signs,
also verbally inform
visitors of dangers &
expectations**

Use signs to give good directions!

Use signs to educate!

Use signs to warn of known dangers!

Make signs age appropriate for expected visitors - use text & images



COMMUNICATE EXPECTATIONS

- Have fun!
- Obey posted rules
 - For example - No feeding animals, no smoking
- Use reasonable caution – visiting a working farm
- Wash hands often & before eating
- Wear appropriate clothing



RELEASE AGREEMENTS/WAIVERS

- Help limit risk – BUT DO NOT offer 100% protection
 - Are not protection against farmer negligence
- Should NOT be sole method of risk management!
- Do not absolve of responsibility for guests' health & safety, but they are legal documents valid in a court of law
- Act as a 'reality check' for users/visitors
- Each state treats liability waivers with different legal weight
 - Know your state rules
 - Ask your attorney or insurance provider for specific language
- Key element of any waiver is the 'indemnity by user' clause
 - Example - 'User agrees to indemnify and hold harmless the landowner from any claims made by the user or their parties arising from the use of the land or activities'

**ESTABLISH
EMERGENCY
RESPONSE
PROCEDURES**

EMERGENCY RESPONSE PLAN

All agritourism businesses should have emergency response procedures that are:

Reviewed regularly

Posted & shared with all employees

Part of employee training

EMERGENCY PLANNING AND RESPONSE

- Despite precautions, accidents will happen on the farm
- Having defined emergency response procedures is essential for:
 - Protecting the welfare of guests and employees
 - Assisting emergency responders
 - Limiting legal liability
 - Minimizing damages (personal, business)

EMERGENCY PLANNING AND RESPONSE

- **Be prepared - Steps to take before an emergency occurs**
 - Invite emergency responders (fire department, EMS) to tour the farm
 - Maintain current emergency contact information
 - Sketch a map of the farm
 - List locations of emergency response equipment (e.g., first aid kits, fire extinguishers, personal protective equipment)
 - Maintain Material Safety Data Sheets
 - Establish visitor capacity limits (buildings, attractions/rides, etc.)
 - Train employees on emergency response roles
 - Post “In Case of Emergency” signs
 - Develop an incident response form for documenting accidents/incidents

KEEP EMERGENCY CONTACT INFORMATION IN AN ACCESSIBLE LOCATION

- **Farm name and location**
 - Address
 - GPS coordinates
 - Directions from nearest major intersection
 - Landmarks
- **Name and telephone numbers for:**
 - Primary farm contact
 - Owner(s)/manager(s)
 - Employees
- **Emergency contacts for farm owner(s), managers, employees**

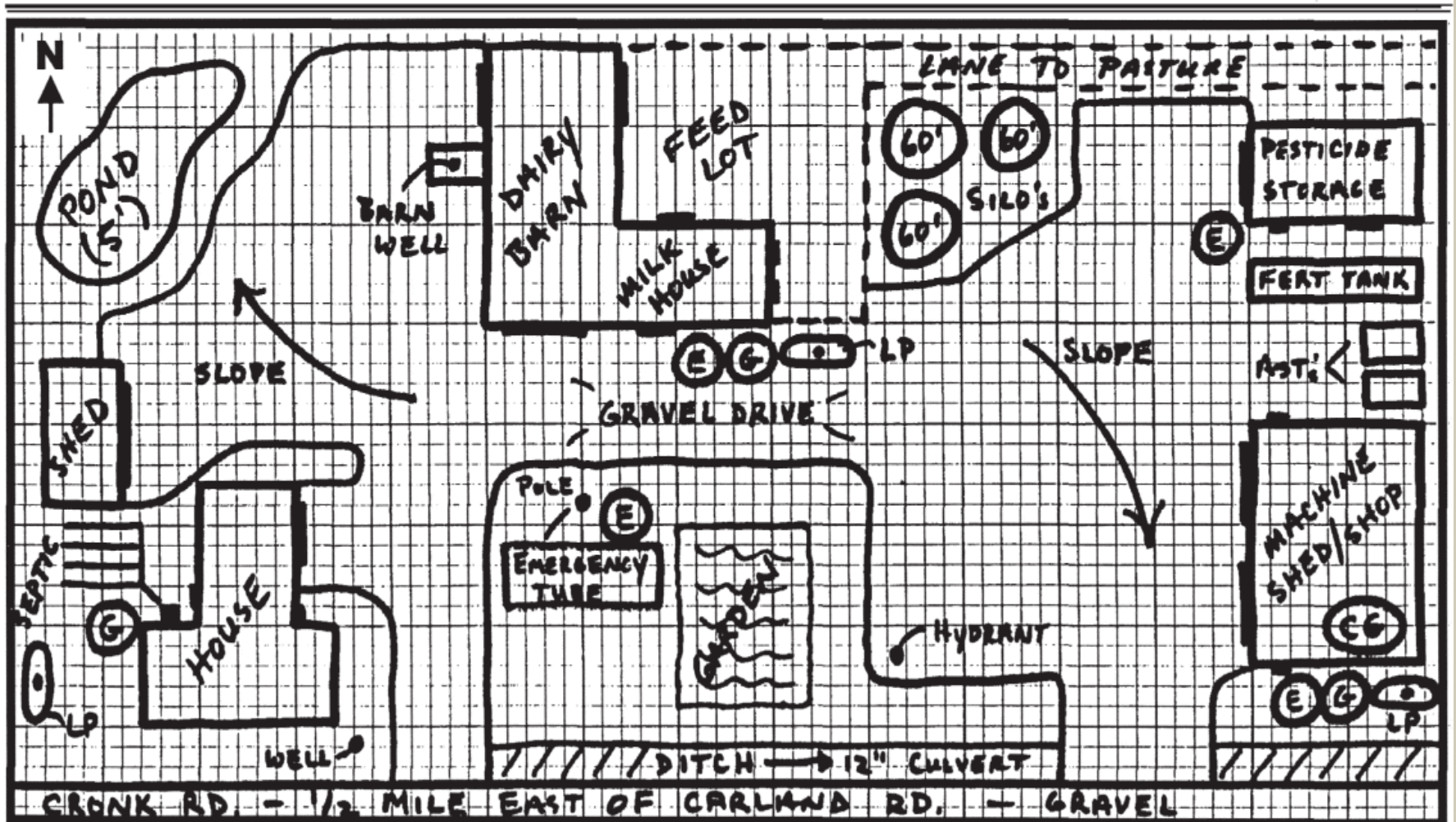
EMERGENCY CONTACT INFORMATION

- **Key business/emergency responder contacts, including:**
 - Fire department
 - EMS
 - Police
 - Local/county Office of Emergency Management
 - Local doctor/hospital
 - Poison control
 - Veterinarian
 - Utility companies
 - Chemical suppliers
 - Equipment suppliers
 - Insurance provider
 - Cooperative Extension contact
 - Personal attorney
 - Other key contacts critical to your operation

MAP OR SKETCH OF FARM

- **Have a farm map or sketch showing location of:**
 - Road access to the property
 - Roads, lanes and driveways within the farm
 - Farm house
 - Buildings and other structures
 - Chemicals, fertilizer and fuel / other potentially hazardous materials
 - Utilities, including water access and power & gas lines
 - Livestock
 - Machinery and equipment
 - Key box
 - Major geographic features (e.g., ponds, streams, ditches, etc.)
 - Other important farm features

SAMPLE FARM SKETCH



INCIDENT REPORT FORM

- Develop an incident report form (various examples are online) for documenting accidents or other adverse incidents that occur
- Information to include:
 - Name, address, and contact information of the injured person
 - A detailed description of the incident
 - What happened?
 - Time and location of incident?
 - What type of injury/harm was incurred?
 - How/why did the incident occur?
 - Visitor's status (e.g., employee, invited guest, trespasser, etc.)
 - Farm conditions (e.g., weather, number of visitors, etc.)
 - Describe any medical assistance provided, or offered
 - Names and contact information for witnesses to the incident
 - Record any accounts of what was witnessed
 - Name, address & contact information of person completing the report

FARM ACCIDENTS - RESPONSE AND DOCUMENTATION

- **If a guest or employee suffers an injury on the farm:**
 - Evaluate the person's condition and provide or seek necessary medical attention
 - Complete incident report form
 - Notify the farm's insurance provider

KEEP GOOD RECORDS

- Safety & emergency response plans
 - Plan(s) of operation
- Employee training documents
- Log of farm inspections
- Documentation (photographic and/or video) of farm premises
- Maintain a file of all incident report forms

BE AS PREPARED AS YOU CAN!



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**QUESTIONS?
COMMENTS?**

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PROJECT TEAM

Project Director

- Brian Schilling, Rutgers University

Co-Project Directors

- Lisa Chase, University of Vermont
- Stephen Komar, Rutgers University
- Lucas Marxen, Rutgers University

Program Development Team

- William Bamka, Rutgers University
- Richard Brzozowski, University of Maine
- Michelle Infante-Casella, Rutgers University
- Meredith Melendez, Rutgers University
- Samantha Rozier-Rich, EnRiched Consulting
- Kevin Sullivan, Rutgers University
- Laurie Wolinski, University of Delaware

CONTACTS

Project Director

Brian Schilling

Assistant Extension Specialist

Rutgers Cooperative Extension

Rutgers, The State University of New Jersey

Cook Office Building, Room 108

55 Dudley Road

New Brunswick, NJ 08901

Tel: (848) 932-9127

schilling@aesop.rutgers.edu