



Liability & Safety Considerations for Agritourism Operations

John Pike



Crowd Control

- Directing foot traffic can also be necessary
 - Good signage helps here too!
- Install adequate barriers to direct flow or restrict access
- Traditional farm fencing may not be adequate



Thought Provoking Facts

- It was once illegal to serve ice cream on cherry pie in Kansas.
- There would be about 14.5 million dollar bills in a 1 mile high stack.
 - A stack of 3 Trillion would be 206,896 miles high

Disclaimers

- I'm not a Lawyer!
- I'm not an Insurance Agent!



Liability Concerns

- To protect asset base
- To protect customers/guests
- To protect employees

- When you are inviting the public to a place that contains numerous health and safety hazards you assume a responsibility to maintain a safe environment for the customer

Hurdles for Agritourism

- Wide variety in facilities and product offerings make almost every situation unique
- Failure to realize not all (few) customers understand risks and hazards associated with farm life
- Local insurance professionals are not always familiar with commercial/recreational coverage

What is a “normal” farming activity?



Copyright 2004 World Championship Pumpkin Chunkin' Association

Copyright 2004 World Championship Pumpkin Chunkin' Association

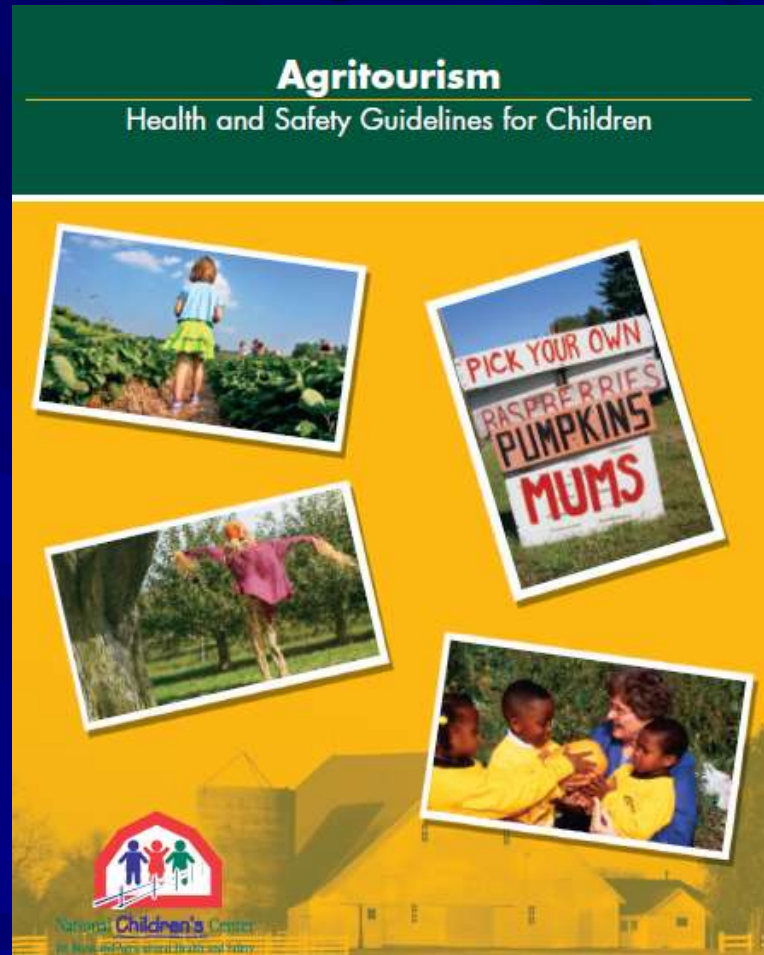
Liability Issues

- The first mental roadblock to evaluating the potential of many farm based businesses
- As with any business consult the proper advisors
 - Attorney
 - Insurance agent
 - CPA
 - Etc.

Liability Issues

- Liability must be considered but it is generally not a prohibitive factor
 - Realize that not everything is covered under a general farm owners policy**
 - When charging admission or serving customers on site, additional coverage may be needed
- Notify your insurance company
- Commercial Coverage might be necessary

General Safety Considerations



http://agmarketing.extension.psu.edu/Retail/PDFs/agri_child_guide.pdf

General Safety Considerations

- Don't assume that your customers are familiar with customary farm hazards
 - Animals
 - Equipment
 - Ponds
 - Fences
 - Etc.

Conduct Regular Risk Assessment

Item	Yes	No
1. Has a method for communicating safety information to children and other guests as well as employees, family members and volunteers been established?		
2. Is the farm ready to handle vehicle traffic safely?		
3. Are all necessary safety barriers in place and storage areas secure?		
4. Is the equipment and machinery ready to be displayed safely?		
5. Do all ponds, water sources and manure pits on the farm have proper barriers, warning signs and the necessary equipment available in case of a water emergency?		
6. Are fire extinguishers present throughout the farm, and has the local fire department been made aware of the fire safety plan?		
7. Have attractive nuisances been identified and eliminated?		
8. Have steps been taken to ensure the safety of food prepared or consumed on the farm?		
9. Are there adequate restroom facilities and properly stocked hand washing facilities?		
10. Has an emergency response plan been prepared and practiced?		
11. Is the farm prepared to handle visitors during inclement weather?		
12. Is a NOAA weather radio present and operational?		
13. Are farm animals and animal holding areas ready for safe viewing by children?		
14. Are animals that will be in direct contact with children should be clean and properly vaccinated?		
15. Do all family members, employees and volunteers at the operation have cell phones, walkie-talkies or other methods of communication?		
16. Are the parking area, all paths, all buildings, restrooms and attractions accessible to individuals with disabilities?		
17. Are employees, volunteers and family members trained in basic first-aid and CPR?		

Work to Develop Age Appropriate Activities

Table 2. Child development and appropriate safety strategies

	Developmental Characteristics	Safety Strategies
2 years old and under	<ul style="list-style-type: none"> • Able to walk • Experiments by touching, smelling and tasting • Enjoys simple pretend play • Explores and gets into everything • Cannot sit still for more than a few minutes • No sense of danger 	<ul style="list-style-type: none"> • Provide constant supervision • Do not assume children can be completely controlled • Avoid uneven or slippery surfaces • Keep away from moving machinery • Lock up or place chemicals and sharp objects out of reach
3 to 5 years old	<ul style="list-style-type: none"> • Energetic • Can jump over objects 5 to 6 inches high • Can solve problems if simple and concrete • Will play alone or with others • Enjoys mimicking adults • Has illogical or imaginative thinking • Is attracted to adult farm activities 	<ul style="list-style-type: none"> • Provide constant supervision • Requires a physical barrier between work areas • Watch for tripping hazards • Store ladders out of sight and reach • Block off or remove ladders on buildings such as silos and grain bins
6 to 8 years old	<ul style="list-style-type: none"> • Poor hand-eye coordination • Seeks parental approval • Operates with concrete facts • Unable to have abstract thought • Enjoys quiet activities • Curious about how things work • Short attention span, likely to remain active • Will attempt adult activities to impress parents 	<ul style="list-style-type: none"> • Provide constant supervision • Set rules and discuss safe behavior • Talk openly about types of injuries and consequences
9 to 10 years old	<ul style="list-style-type: none"> • Has good coordination skills, but will have awkward moments • Desires peer and social acceptance • Desires to be independent from adults, will attempt to do activities without them • Successes are important • Improvements in reaction time • Specialized motor skills have developed • Body strength and dexterity increase • Does not fully understand consequences • Risk taker 	<ul style="list-style-type: none"> • Provide periodic supervision • Set simple rules with consistent consequences

Age Appropriate Considerations

11 to 13 years old	<ul style="list-style-type: none"> • Growing at a steady rate • Small muscles are developing rapidly • Has same coordination as adults but lapses of awkwardness are common • Has increasing physical and mental skills • Desires peer and social acceptance • Wishes to try new skills without constant adult supervision • Signs of independence emerging • Success important for self-concept 	<ul style="list-style-type: none"> • Provide periodic supervision • Set clear and consistent rules, discuss consequences and rewards • Provide specific education on farm hazard prevention
14 to 16 years old	<ul style="list-style-type: none"> • Growing rapidly and physically changing • Has moved from concrete thinking to abstract; enjoys mental activity • Can find solutions to own problems but still needs adult guidance • Feels need to be accepted by peers • Resists adult authority • Rebellious, risk-taking, mood swings and aggressiveness are typical behaviors • Feels immortal • Needs independence and identity 	<ul style="list-style-type: none"> • Provide periodic supervision • Be consistent with rules • Provide safety education using specific examples of injuries
17 to 18 years old	<ul style="list-style-type: none"> • Awkwardness overcome, mastery of small and large muscles basically complete • Knows abilities, becoming independent person • Feels immortal • May act like child one day, adult the next • Rebelliousness, risk-taking, aggressiveness typical behaviors • Consistent treatment from adults important • Need independence and identity • Has increased sense of adult responsibilities, thinking of future 	<ul style="list-style-type: none"> • Provide rules and allow open communication • Encourage/Ask to serve role model for teaching younger children about farm safety • Provide safety education and remind of serious and real consequences of risk-taking

Concepts referenced from:

Fahs, RM and Lee, BC (2004). *Intervenor Demonstrations of Safe Play Areas*. Marshfield, WI: Marshfield Clinic

Murphy, D and Mackel, K (1997). *Children and Safety on the Farm*. University Park, PA: Pennsylvania State University

General Safety Considerations

- Develop a Safety Management Plan
 - Make sure all employees, helpers and family members are aware
 - Post emergency contact information in appropriate locations around the farm
 - Invite emergency responders to your farm so they are familiar with the location
 - Also get their advice on identifying potential hazards.
 - Locate basic first aid kits at appropriate locations

Crowd Control

- Provide adequate signage
 - Directions from main roads
 - “Turn Left 500 feet”, etc.
 - It may be appropriate to remove trees, fences and other obstacles around entrance or exit
 - Additional access points may be needed
 - Direct on-farm traffic with fencing, barricades, signs and farm personnel during very busy times

Attractive Nuisances

- These are hazards that naturally attract the interest of ordinary people
- Ponds, open fields, trees, machinery, ladders, etc.
- Signage AND verbal education (warnings) can reduce these risks
- Elimination of these risks is not always practical so extra precaution is needed
 - Chaperones, extra staff, barriers, etc.

Attractive Nuisances



Hayrides

- From an insurance point of view these activities are often the most hazardous aspects associated with agritourism
- Wagons should have sides
 - Old cotton wagons work well
 - If building or modifying a wagon make sure to “over build”
- Tractor cab windows should be open to allow operator to hear passengers
- Install wide angle rear view mirrors

Hayrides



Ideas to Reduce Risk

- Do an assessment of the property
- Clean up
- Fix up
- Install barriers
- Address customer flow
 - Auto and foot traffic
- Develop an emergency action plan
 - Communicate that plan!

Ideas to Reduce Risk

- Invite comments/advice from others
 - Insurance company reps.
 - Local fire/rescue officials
- Think about signage
 - Informational or educational signs can direct customer flow
 - Keep out, Keep off, Park here

Signage

- Use contrasting colors
- Use contrasting colors
- **Use contrasting colors**
- Keep it simple
- Make it readable at 15mph over posted speed limit
- Don't mistake "clever" for "confusing"

Some Signage Possibilities Or Not



Other Signing Options



Food Service Concerns



Weather Hazards

- Invest in a NOAA Weather Radio
 - Keep up to date on incoming storms
 - Inform customers of potential danger
 - Reassure customers if weather looks worse than it really is
- Have shelter areas identified ahead of time and be proactive in using them
- Evacuate customers from farm if necessary and PRACTICAL

Employee Training

- Make sure that all employees are aware of the emergency action plan
- Instruct employees on basic procedures to follow if an accident should occur
- If customer activities occur over a large area insure that communication is maintained
 - Cell phone, radio, etc.
- Providing basic first aid training may be appropriate

Fire Safety

Have appropriate extinguishers on site

Know how to use them



Other Suggestions?

