

## Chapter 7

# Safety Considerations



### Disclaimer

Information contained in this chapter does not constitute legal counsel. The information is believed to be correct and current with regulations in force and information available at the time of publication. Regulations, however, are subject to interpretation and are often amended, repealed or added.

### Chapter Overview

**A**gritourism enterprises offer farmers opportunities to diversify and increase their income. Opening the farm to these new opportunities, however, also introduces new risks and legal obligations that should not be ignored. It is vitally important that the safety risks be identified and properly managed in order to minimize the potential for injuries, illnesses and resulting financial losses.

Agritourism enterprises must provide a safe and healthy environment for customers and employees — usually defined in regulations as anyone other than owners, their spouses and their dependents who work for the enterprise. The purpose of this chapter is to highlight potential safety risks and provide suggestions and information that can help agritourism operations run safely and in compliance with relevant regulations.

### Hazards Inherent in Agriculture

**F**arms are typically production-oriented and also include homes for most of the nearly 2 million United States farmers and their families. Although farming is often portrayed as a laid-back lifestyle, people who have lived or worked on farms most of their lives understand that farming is, in reality, a challenging occupation with inherent risks. Powerful machinery, large animals, exposure to the elements, varied and physically demanding tasks and often long working hours leave little room for error. Consequences of unsafe actions can be severe, and the National

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Safety Council has ranked agriculture among the deadliest occupations in the United States for many years. Agritourism operators must understand that risks they are willing to accept as farmers cannot be imposed upon customers or employees.

In addition to the hazards inherent in running a farm, opening the farm to customers introduces new risks. You may have

- Additional employees who may not be familiar with agricultural practices or the risks of working on a farm or running a retail business
- Increased vehicular traffic, especially on your driveways and farm roads
- Customers who may
  - not understand hazards that exist on a farm
  - not follow your instructions
  - steal/vandalize your property
  - be involved in an “accident”

Do not assume customers will understand the hazards and risks present on the farm or that they will pay attention and follow instructions. The challenge will be to operate the farm and the agritourism enterprise in ways that protect the customers and the farming operation from each other.

Risks, liability exposures and legal obligations of agritourism operations will vary greatly, depending on the nature of the businesses and location and condition of the facilities. However, regardless of the nature of the business, it is imperative that the owner becomes familiar with the relevant local, state and federal rules and regulations from which traditional farms may have been exempt.

You might consider including farm safety as part of the education provided through your agritourism enterprise. This could be incorporated into the customer's experience by providing

brochures or signs explaining why certain areas are off-limits and why you will not provide tractor rides for children. Many customers do not realize the risks that exist on your farm, and most will accept gentle but firm explanations for not doing certain things. In certain situations, carefully planned demonstrations can be staged to educate employees and customers. Contact your local UT Extension staff, the UT Extension Agricultural Safety Web site (<http://bioengr.ag.utk.edu/agsafety>) or other sources of information listed at the end of this chapter for safety education information.

## What Is an Accident?

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**B**efore going any further, pause for a moment to consider the meaning of the term "accident." When someone gets hurt or something gets damaged or broken, we often refer to it as an accident. But, is it really an accident? The following definitions were taken from *Webster's New Collegiate Dictionary*.<sup>1</sup>

### **ac·ci·dent**

- a. an unforeseen and unplanned event or circumstance
- b. lack of intention or necessity; chance (met by *accident* rather than by design)
- c. an unexpected happening causing loss or injury which is not due to any fault or misconduct on the part of the person injured but for which legal relief may be sought.

These definitions suggest that an "accident" is something that cannot be predicted. And, if it cannot be predicted, then it cannot be prevented. While there are some unforeseeable events that lead to accidents, most of the events we call accidents really are not. Why? Because, in most cases, we can predict the outcome of a chain of events. We make the decisions along the chain of events, so the undesirable outcomes should not be called accidents. We should not use terms that imply an event was unpredictable and unpreventable. Some appropriate terms we can use in place of the word "accident" are incident, event, occurrence and mishap. Conscientiously planning for safety can help reduce the incidence of mishaps.

### **Put it in Perspective**

If it can be **predicted**,  
it can be **prevented**.

If it can be **prevented**,  
**it is not an accident!**

<sup>1</sup>*Webster's New Collegiate Dictionary*. G. & C. Merriam Co. 1981.

## Planning for Safety

**S***afety First* is a slogan we have all heard before. Safety is likely not the primary goal of your agritourism enterprise, however; if you fail to provide a safe and healthy environment for employees and customers, it is likely that your business will not be profitable. Therefore, you must make a conscious effort to plan and operate a safe agritourism operation. Safety does not happen by itself. You must identify the safety risks, develop plans for managing the risks and have a plan for dealing with emergencies as they occur.

A written safety and emergency response plan is important for all agritourism enterprises. While good insurance policies can help minimize the financial impacts of mistakes, implementing good safety management plans minimizes the likelihood of having to file insurance claims. Written safety and emergency response plans are also required by numerous state and federal regulations.

Safety plans need to be written so they can be used as a reference when training employees, planning activities and responding to various situations. The written plan and records of training, inspections, repairs and injury investigations can be helpful in the event of a lawsuit, an inspection or in dealing with the media.

While the content and degree of detail will depend on the size and scope of your business, certain components of the safety and emergency response plan should be included for every business. Components of safety and emergency response plans include, but are not limited to

1. Cover page
2. Emergency contacts and communication plan
3. Identification and business description
4. Emergency response plan
5. Maps
6. Purpose of the safety and emergency response plan
7. Responsible party
8. Applicable regulations
9. Procedures for compliance
10. Employee training requirements and records of training

11. Inspections and corrective actions
12. Records of all incidents and injuries

A description of each of the 12 components follows

- **Cover page** — Title the document “Safety and Emergency Response Plan,” and then list the name, address and contact information for the business.
- **Emergency contacts and communication plan** — Place this page inside the cover of the plan, as this information needs to be readily available. List the telephone numbers of appropriate emergency agencies. In most of Tennessee, the first call for any serious or life-threatening emergency should be to the 911 dispatcher. Because there can be non-life threatening emergencies that need specific responses, list additional emergency contacts, such as your electric utility, gas company and veterinarian. List the name, address and directions to the agritourism enterprise. Also, list the addresses and telephone numbers for each owner, manager and supervisor. Place copies of this page at each telephone and in each vehicle. (There should be a telephone or two-way radio at each area of the agritourism business during operating hours.) Also, provide a copy for each owner, manager and supervisor.
- **Identification and description of the business** — List the name, address and contact information for the business, each owner and each manager or supervisor. Provide a brief description of the nature of the business and of any significant hazards that might be of interest to emergency responders and regulators.
- **Emergency response plan** — You should have a plan for responding to any foreseeable emergencies such as injury, medical emergency, fire and severe weather. The plan should include procedures for seeking assistance, detailed directions to your operation for responders, crowd control and traffic control. If it would normally take more than three minutes for emergency medical services to respond, employees and volunteers should be trained in first aid and CPR.

- **Maps** — An accurate map of the farm that identifies all structures and significant hazards can be helpful during planning, training and emergency response and should be included in your plan. Write street addresses on the map for the driveway or entrance to each farm or field. Having these addresses on a map can improve response times from emergency personnel. There have also been reports of emergency agencies failing to respond to non-life-threatening emergencies because the caller on a cell phone was unable to provide a street address. Keep copies of the maps at the office, at telephones and in vehicles so they can be readily accessed for use during emergencies.

- **Purpose of the safety and emergency response plan** — The plan should include a statement that explains why you are creating a safety plan and whom the plan covers. This may seem obvious, but the statement of purpose is important for establishing the authority and credibility of the safety and emergency response plan. A statement of purpose might look like this:

*The purpose of this safety, health and emergency response plan is to establish procedures for protecting the ACME Agritourism Farms from losses due to injuries, illnesses or property damages that could occur during the course of normal business and to establish procedures to be followed during emergency situations including, but not limited to, severe weather, fire or criminal activity. This plan covers all ACME Agritourism Farms activities, employees, volunteers, customers and guests. This plan is accomplished through regular training, inspections, repairs and improvements to correct unsafe conditions and through maintaining records of these actions. This plan will be reviewed at least annually as well as whenever there are significant changes in the nature of the operations of this establishment.*

- **Responsible party** — You must designate a person, either by name or position, to be responsible for implementing the plan. This person must have the ability, knowledge and authority to do the job. The responsible party must also be held accountable for the success or failure of the plan.

- **Applicable regulations** — List the rules and regulations that apply to the business. It may be helpful to develop a list for each aspect of the agritourism operation. For example, the

list of regulations that apply to the agricultural production portion of the enterprise is quite different from the regulations for a food-service portion of the enterprise. Refer to Chapter 8 of this guide for an overview of the various rules and regulations that may apply to your business.

- **Procedures for compliance** — Applicable regulations generally provide the minimum standards for performance but do not describe how these minimum standards must be accomplished. Business owners must develop their own procedures. The procedures may include specific items, such as inventories of hazardous materials, proper disposal of hazardous wastes or used hypodermic needles, records of pesticide applications, posting required warning signs and proper dish washing procedures in food-service kitchens.

- **Employee training requirements and records of training** — The Occupational Safety and Health Administration (OSHA) requires employers to provide employees with safe working conditions and train employees to perform their jobs safely. For each category of employee, list the training requirements. There may be specific training required by law for some tasks, such as for agricultural tractor operators. Keep written records of all training completed for each employee.

- **Inspections and corrective actions** — Develop a procedure for conducting routine safety and health inspections. Some inspections may need to be made only once or twice a year, but some areas may require more frequent or even daily inspections. Using an appropriate checklist, inspect every building or structure, machine, workspace, hazardous materials storage area, and attractive nuisance, as well as any area open to the public. Keep records of the date of each inspection, any items that need correction and the corrective actions taken. A sample inspection checklist is included on page 133 of the Appendix.

- **Records of all incidents and injuries** — Even with diligent planning and implementation of safety procedures, injuries and other incidents will likely occur. It is important to keep detailed records of all injuries and incidents. When possible, include photographs or other evidence that can help explain the causes and outcomes. Take corrective action when needed. Consult your insurance

provider for recommended procedures and be sure to inform your agent of incidents that may result in a claim.

## Managing Safety Hazards

The remainder of this chapter will review some of the safety hazards found in agritourism enterprises and some possible solutions.

There are numerous other safety risks not covered. The uniqueness of your enterprise requires that you examine each area carefully in order to develop your own list of hazards and procedures for safeguarding the customers, employees and the business.

When reviewing or inspecting the various areas and activities around the farm to identify potential hazards, try to consider how others without your farm knowledge and experience would view each situation. Consider the perspectives of customers with little or no knowledge of potential farm hazards, especially your most at-risk customers such as children or the elderly. Also consider the perspectives of your employees who may also have little or no knowledge of potential farm hazards and may need training in identifying and handling hazards.

You may consider asking a friend or representative from an appropriate agency to assist in this process. Friends who have operated similar enterprises can point out potential hazards or management difficulties. Your insurance agent may be able to identify items with a history of contributing to claims. Activities subject to regulation should be reviewed and may require inspection prior to opening as well as at other times. It is better to discover and correct problems before injuries and, perhaps, legal problems occur.

### Access to the Enterprise

You have heard the old adage, "You never get a second chance to make a first impression." The entrance to your enterprise is often one of the first impressions customers will have of your business, and the entrance should, of course, be

free of hazards. In particular, make sure traffic can safely enter and leave the farm. The following suggestions may help to ensure safe access to your enterprise. Use the check boxes provided to indicate items relevant to your planned or existing venture. You may also want to mark actions you want to explore further.

- Your driveway or entrance should be visible from at least 500 feet in either direction so motorists can see vehicles entering and leaving your driveway and have time to stop safely. According to the *Tennessee Driver's Handbook*, the total stopping distance for a car traveling at 50 mph is 201 feet, and at 60 mph the total stopping distance is 281 feet. But, a large truck traveling at the same speeds can take more than 450 feet to stop. In low traction conditions, such as wet roadways, dirt roads, mud or leaves on the road, and snow or icy conditions, stopping distances from a speed of 20 mph can be as much as 200 feet.<sup>2</sup>
- Keep the entrance free of brush, weeds, signs, junk and other obstructions that could block drivers' views of the driveway and highway from all vehicle heights (low cars to high SUVs or pickups). Signage must not be on the public right-of-way and must not obstruct visibility for people entering and leaving your property.
- The driveway entrance must be wide enough and must provide turning space for the longest vehicles, such as school buses, to enter and leave without swinging across the highway center line into oncoming traffic, dropping wheels off the drive or backing up.
- Remove limbs, brush and other items that can scratch or damage vehicles.
- The driveway should be wide enough for the largest vehicles to meet and pass. If not, provide pullouts adequate for even the largest vehicles or use one-way routing.
- If your driveway has a steep slope, sharp turn or other characteristics that could be problems, create a plan for alternative routes, closures or transportation for customers. Consider the hazards in both good and bad weather conditions.

<sup>2</sup>Tennessee Department of Safety. *Tennessee Driver Handbook*. Nashville, Tenn. Pp 53, 77, 99. Available online <<http://www.tennessee.gov/safety/handbook.html>>. Accessed April 11, 2005.

- ❑ If there are bridges on the property, they should be inspected by a professional engineer and posted with the maximum load limit. Your highway department may be able to provide assistance or the names of qualified inspectors.
- ❑ All bridges and drop-off hazards, for both vehicles and pedestrians, should have adequate guardrails that will prevent vehicles from falling from the roadway or people falling from the walkway and must be designed by qualified engineers. Railings or barriers for people should meet standards published by OSHA and the National Fire Protection Association (NFPA) or the building codes for your jurisdiction. If the drop-offs are along a public road, contact the highway department for assistance.
- ❑ If vehicles are required to drive through a creek, ditch or other waterway, you must have a plan to prevent vehicles from attempting to cross during flash floods. As little as a foot of flowing water pushing against the body of a vehicle can lift and carry it away.
- ❑ If your driveway is along a busy highway or if you are planning a major event, consider hiring off-duty law enforcement officers to provide traffic assistance.

### ***Parking and Traffic Control***

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The second impression customers get of your business might be the parking lot. Check local ordinances regarding parking requirements for businesses. Some local jurisdictions may have specific requirements based on the type of business and expected number of vehicles. Here are some general recommendations for parking areas:

- ❑ Provide parking spaces adequate for the largest expected crowd, including spaces for both automobiles and larger vehicles such as RVs and buses, depending upon the customers you expect.
- ❑ Traffic lanes in the parking area must be at least 20 feet wide so automobiles can enter and leave parking spaces easily. Lanes and turnarounds in bus parking areas must have a minimum turning radius of 55 feet.

- ❑ Parking areas must be firm, smooth and adequately drained to minimize the risk of vehicles getting stuck.
- ❑ Fill all holes to prevent falls and injuries.
- ❑ Keep the area mowed low so customers' shoes and clothes do not get wet from dew or rain on the grass.
- ❑ If the parking area also serves as a pasture, remove the livestock a couple of days before parking vehicles there and use a drag harrow to scatter manure piles.
- ❑ Be prepared to order a load of gravel to fill muddy areas that develop in the drives and lanes during wet weather. You can avoid the expense and potential liability of towing stuck vehicles, as well as the negative publicity certain to follow, by maintaining good driveways and parking areas.
- ❑ If used between dusk and dawn, the parking area should have adequate lighting for security and for customers to see where they are going.

You must provide parking and reasonable accommodations for people with disabilities or mobility limitations. Reasonable accommodations could include the following:

- ❑ Provide a pick-up and drop-off location closer than the parking area.
- ❑ Provide wheelchair/handicap accessible parking spaces. These spaces must be level, on a firm surface and as close as possible to activities.
- ❑ Offer valet parking or golf cart shuttle services for customers with disabilities.

### ***Walkways***

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The walkways between parking and other facilities may be the next opportunity to make a good impression and prevent safety hazards. Walkways should be easily identified, with clear signage directing customers to the areas they wish to visit.

- ❑ Walkways must have firm, smooth surfaces to minimize risk of trips, slips or falls. The surfaces should be safe for all customers, including customers with disabilities. Avoid loose materials like sand, gravel and mulch. However, a smooth surface of firmly packed crusher-run

3/8 inch and under gravel (includes particles 3/8 inch diameter down to fines) can accommodate wheelchairs and scooters.

- ❑ Walkways must have a minimum clear width of 36 inches for wheelchairs and scooters used by individuals with disabilities.
- ❑ Walkways must have adequate drainage and be free of puddles and mud.
- ❑ Steep grades should be avoided whenever possible. The maximum grade for walks and ramps used by wheelchairs is 1:12 (1 inch rise for every 1 foot of horizontal run).
- ❑ Minimize the use of steps and stairs as much as possible. They are not only tripping and falling hazards but are also barriers to customers with some disabilities.
- ❑ Provide handrails on all stairways and guardrails or other barriers around all drop-offs, including wheelchair ramps.
- ❑ Remove or barricade all overhangs, obstructions, sharp objects or other hazards that could cause injury if customers bumped against them. Check regularly for loose bolts, nails and other protrusions and correct identified hazards immediately.

### ***Access to Buildings, Food Services and Rest Rooms***

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Customers must have safe access to business facilities. While regulations permit some exceptions to the accessible design guidelines, you must provide reasonable accommodations for all customers. Building codes for both new construction and for remodeling older facilities require accessible design. Structures that can accommodate individuals with disabilities are also easier for able-bodied people to use. Refer to the section on the *Americans With Disabilities Act (ADA)* in Chapter 8. Consider the following access guidelines:

- ❑ Provide step-free access to the entrance, either by designing the ground surface and doorway at the same elevation or by installing an ADA-compliant ramp. Many customers will use the ramp instead of the stairs because they feel safer. You can also use hand trucks and carts on the ramp.

- ❑ Doorways must have a minimum clear-opening width of 32 inches to accommodate wheelchairs.
- ❑ Avoid installation of raised thresholds and elevation changes from room to room. These can trip customers and are also difficult for wheelchair users.
- ❑ Door hardware must have handles that do not require a strong grip. Replace round knobs or install handle extensions. Test existing door-knobs, bathroom fixtures and other fixtures yourself. You should be able to operate them with a closed fist. If not, the devices should be replaced or upgraded.
- ❑ Wheelchair-accessible bathroom stalls should be a minimum of 5 feet by 5 feet to accommodate the wheelchair. If using portable toilets for events, you must provide a wheelchair accessible toilet. These also benefit customers with small children by providing enough space to change diapers or assist children.
- ❑ Place portable toilets in shaded locations, especially wheelchair-accessible toilets. Summertime temperatures can become dangerously high in portable toilets located in full sun. Customers with disabilities may require more time in the toilet, and heat-related conditions are a real threat to those who no longer have the ability to regulate their body temperature.

### ***Lighting***

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Proper lighting is essential both for preventing injuries and as a security measure. Lighting considerations include the following:

- ❑ All public areas must be lighted if customers are present at night. If darkness is a key ingredient of parts of the business, walkways can have low-level lighting to help prevent trips and falls.
- ❑ All stairs or steps must be lighted to minimize trips and falls.
- ❑ Position lights so they do not blind drivers using driveways or public roads.

## **Security**

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It is important for your customers to feel safe and secure at your enterprise. Customers may be unlikely to return if they feel unsafe or uneasy, for either their personal safety or the safety of their vehicle and belongings. Adopting the following procedures will help customers feel safe:

- ❑ Clearly identify all staff, whether paid employees or volunteers, so customers will know whom to contact for assistance.
- ❑ Train all staff to recognize potential safety and security threats and to implement proper communications and response procedures.
- ❑ Monitor parking, walkways and other public areas. Staff should occasionally walk or ride through the various areas to look for problems and offer assistance.
- ❑ Check off-limits and restricted areas for trespassers, who should be escorted back to the proper locations. If they refuse to cooperate, contact law enforcement for assistance. Be sure to document any incidents.
- ❑ Enforce a zero-tolerance anti-drug policy — including illegal use of tobacco and alcohol. Contact law enforcement for assistance immediately upon discovery of illegal activities and document any incidents.

## **Animal Control and Biosecurity**

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Animals are part of the farming experience, but safety should be a major consideration when deciding how animals are to be included in your agritourism enterprise. Animal control and biosecurity procedures may include the following:

- ❑ Dogs and other farm pets should not be permitted to roam freely. Some people are afraid of dogs, and many people are allergic to cats. Maybe your dog has never bitten anyone, but there is a first time for everything. Also, customers may not want your dog marking their vehicles as his territory.
- ❑ All livestock pens, stables, dairies, pastures and kennels should be secured and off-limits. This is necessary for the safety of people as well as the animals and also as a biosecurity measure to prevent introduction of diseases.

- ❑ Petting zoos, in addition to the federal licensing requirements, should have animals appropriate for the intended audiences. Supervision by adults with proper training and experience can minimize injuries to customers.
- ❑ Provide hand-washing facilities and insist that everyone wash their hands upon leaving the petting zoo area.
- ❑ Customers should not be permitted to bring personal pets to the enterprise.
- ❑ Customers from other farms or who have recently returned from other countries should be restricted to non-livestock areas to prevent introduction of diseases.

## **Pest Control**

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West Nile Virus and other diseases can be spread to animals and humans by insects and other vectors (a vector is an organism that does not cause disease itself but which spreads infection by conveying pathogens from one host to another). Rabies can be spread by mammals, particularly skunks, raccoons and bats. Flies, roaches, mice and other pests can also be vectors for diseases. Therefore, a pest control program must be in place. Consult regulations for the particular enterprise you will be operating to determine specific requirements. Pest control methods may include the following:

- ❑ Develop an Integrated Pest Management (IPM) plan. An IPM is a safer and usually less costly option for effective pest management. It employs commonsense strategies to reduce sources of food, water and shelter for pests. IPM programs take advantage of all pest-management strategies, including judicious, careful use of pesticides when necessary.
- ❑ Always use pesticides in strict compliance with label instructions. Restricted-use pesticides should be applied only by licensed applicators.
- ❑ Keep records of all pesticide applications. Areas that have been treated with pesticides must be posted as required by the EPA Worker Protection Standard. Contact your county Extension office for information on the EPA Worker Protection Standard requirements for worker training and compliance, or visit [http://eppserver.ag.utk.edu/PSEP/Worker\\_Protection.htm](http://eppserver.ag.utk.edu/PSEP/Worker_Protection.htm).

## ***Food Safety***

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All food and drinks must be stored, prepared, served and sold in strict compliance with health department regulations and guidelines. All food service establishments should pass the health department inspection, even concession stands that may not require a permit. Contact your county health department regarding permits and requirements. Contact UT Extension for information on proper food handling and your county health department for information on food service employee classes.

One often-ignored aspect of food safety is customer sanitation practices, particularly hand washing. Provide hand-washing facilities and/or waterless hand sanitizers and post signs encouraging proper sanitation. When hosting school groups and similar tours, direct employees or chaperones to require hand washing before serving snacks or meals.

## ***Fire Prevention***

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A fire can have a devastating impact on any business, but particularly if it occurs in crowded areas. Therefore, you should develop a fire prevention and control strategy for your agritourism enterprise.

- ❑ One of the first aspects of a fire prevention strategy is proper storage of flammable and combustible materials. This includes minimizing the accumulation of combustible materials against and near buildings. Maintain fire-safe zones that are kept clean and green — free of combustible debris — and use low-flammability landscaping plants and materials.
- ❑ Enforce a strict no-smoking policy except in designated smoking areas located downwind of other customers. Smoking, besides its negative health impacts, contributes to many fires. Careless disposal of ashes or cigarette remnants can ignite hay, dead grass, crop stubble and other materials.
- ❑ Purchase and install Class A-B-C multipurpose fire extinguishers in all vehicles; on all tractors and major equipment; and in the office, cooking areas, barns and fuel storage areas. These extinguishers are safe for almost all fires likely

to be encountered on the farm. If you have sufficient pressure and flow, water hoses can be installed for controlling small fires in barns and outdoors.

- ❑ Finally, develop an emergency exit plan for all areas of the enterprise and train all staff on how to evacuate customers in the event of a fire or other emergency.

## ***Operation of Machinery***

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Farm machinery is fascinating to children of all ages. However, tractors and other machinery are designed for one operator and no passengers, with few exceptions. Therefore, operation of machinery should be kept to a minimum and incorporated in only very carefully planned activities that do not place staff and customers at risk. Some safety procedures for machinery operation include the following:

- ❑ Do not operate tractors or other machinery in public areas. There can be significant blind spots around farm machinery, and children in particular can be run over. Mowers and other machinery that can eject objects should never be operated near people.
- ❑ Do not permit passengers on tractors for any reason.
- ❑ Keep all guards and shields in place on all machinery or equipment, even tabletop exhibits. In cases where installing guards would be impractical or detract from the historical significance of the machine, such as with antique engines, rope off or barricade safety zones to prevent access and contact with the equipment.
- ❑ Equipment must never be left running unattended. Instruct staff to shut down any unattended equipment.
- ❑ Chock wheels on all parked equipment, even on level ground, and never rely solely on parking brakes. People examining or climbing on the equipment could release the brake, resulting in a runaway.
- ❑ Lower all implements to the ground and cover all blades and sharp protrusions.

## ***Transportation of Employees and Customers***

When transporting employees and customers, use vehicles designed for that purpose. When transporting people on public roads, use only licensed motor vehicles with manufacturer-provided seating for each passenger. Golf carts and other off-road utility vehicles are suitable choices for many off-road trips.

As suggested earlier, there may be times when it is desirable or necessary to transport personnel and customers for events such as hayrides. This should be done with great care. Properly used, tractors and wagons can be safe for off-road transportation. Proper use includes

- ❑ Being sure the tractor is heavier than the loaded wagon in order to have adequate braking ability
- ❑ Using a locking coupler and safety chain
- ❑ Putting front, rear and side walls or rails on wagons to keep people from being jostled off
- ❑ Requiring every passenger to stay seated with no legs dangling over the sides or ends of the wagon
- ❑ Traveling at speeds safe for the operating
- ❑ Using an experienced operator who can start and stop smoothly

## ***Recreational Activities***

Providing recreational activities can increase customers' enjoyment of their visits and allows them to spend more time or visit more often, perhaps increasing sales. However, as with other aspects of the enterprise, recreation is not without certain risks. Research the activities and learn the potential risks; then select appropriate activities and enforce safe behavior. Here are some examples:

- ❑ Require proper personal protective equipment (PPE) for the activity.
  - Horseback riding — Proper dress is long pants, shirt, shoes or boots with heels, and approved equestrian riding helmet
  - Bicycling — Proper dress is close-fitting pants and shirt, closed-toe shoes, and approved cycling helmet

Shooting — Approved eye protection (ANSI Z87 rating) and hearing protection

Boating — U.S. Coast Guard approved Personal Flotation Device (PFD)

- ❑ Use only large-diameter natural fiber ropes for tug-of-war games because they will not stretch and cause recoil injuries if broken. The working load limit should be at least 100 pounds times the number of children on each side and 200 pounds times the number of adults on each side of the game. Never use nylon ropes for tug-of-war as they can stretch considerably and will recoil like a giant rubber band if they break, severing fingers and causing other injuries in the process.

## ***Attractive Nuisances***

Some places and things around the farm and agritourism enterprise are what are called attractive nuisances. Although the legal definition of an attractive nuisance targets its risk to children, there are hazards that attract adults as well.

An attractive nuisance is any inherently hazardous object or property condition that can be expected to attract someone, particularly children, to investigate or play. Property owners are required to safeguard customers, visitors and even trespassers from attractive nuisances. Note that laws and court judgments concerning attractive nuisances address their risks to children, but similar concerns may exist for adults unfamiliar with farms and for individuals with developmental disorders.

There are five elements in the definition of an attractive nuisance:

1. Children are likely to trespass.
2. The possessor knows or has reason to know of reasonable risk of death or serious bodily harm.
3. Children are unaware of the risk.
4. The burden of eliminating the danger and benefit of maintaining safe conditions are slight when compared to the risk.
5. The owner fails to exercise reasonable care to eliminate the risk.

If you have areas on your property that correspond to the five elements listed above, then

you must take steps to either remove or prevent access to the attractive nuisance. It is your duty to take precautions that are reasonable in light of the normal behavior of young children, which is a much higher degree of care than required for adults, or to provide the same care as that owed to invited guests or customers.

- ❑ Swimming pools, old appliances and construction sites are often cited as examples of attractive nuisances. Other areas around the farm that might be attractive nuisances include
  - Pens or cages with animals
  - Hay storage areas
  - Grain bins and grain wagons
  - Tractors and other machinery
  - Barns
  - Water bodies such as ponds and lagoons
  - ATVs
  - Bee hives
- ❑ Attractive nuisances must be eliminated or properly secured with adequate fencing and locked gates, locked doors, or other appropriate security measures. Remember, attractive nuisances are attractive to children who cannot be expected to recognize the dangers. Simply posting Keep Out or No Trespassing signs will not be sufficient. Even when children were obviously trespassing, courts have passed judgments against property owners when children were injured by an attractive nuisance.

### ***Weather-Related Emergencies and Natural Disasters***

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Perhaps no other business is as impacted by weather as farming. Even the best plans can be wiped out by unfavorable growing conditions. Similarly, agritourism enterprises can be impacted by weather.

Severe thunderstorms may be the most threatening situation. They pose multiple threats such as lightning, high winds and tornados, hail, and heavy rains and flash flooding. They can also arrive quickly. Other elements such as heat, cold, sun and wind can also be hazardous.

Tennessee experiences almost every form of natural disaster. Some can be forecast several days in advance, such as tropical and winter storms. Others can occur without any warning, such as earthquakes. Your safety and emergency response plan should include procedures and preparations to protect customers and employees from weather or natural-disaster-related injury.

- ❑ You should have at least two ways to keep yourself and your employees informed of approaching storms. Most local radio and television stations routinely broadcast weather forecasts, and many broadcast emergency information from the National Weather Service. Cable television channels, such as The Weather Channel<sup>®</sup>, can also provide up-to-date radar images, forecasts and warnings. The Internet offers a variety of sources for weather information and warnings. The National Weather Service Web site provides local weather forecasts, current warnings and radar images. You can also subscribe to notification services that deliver e-mail and text messages for local warnings and watches. Finally, consider purchasing a NOAA Weather Radio, especially one of the newer models with Specific Area Message Encoding (SAME) that can be programmed to deliver warnings for only your county.
- ❑ Designate shelters for customers during storms. Shelters should be structurally sound and not in danger of collapse during severe thunderstorms and should provide protection from wind, blowing debris and lightning. Do not permit anyone to seek shelter near trees or other tall objects and keep them away from doorways, windows, electrical appliances and plumbing. Wired telephones should not be used during thunderstorms because of the risk of electrocution, but cordless and cellular phones are safe to use.
- ❑ Provide access to shaded or air conditioned areas during hot weather and access to heated areas in cold weather.
- ❑ Provide adequate supplies of cool drinking water and paper cups at various locations around the farm. Water coolers must be sanitized daily.

- ❑ Train staff to recognize symptoms of hypothermia and heat stress. They should also be familiar with at least basic first aid measures.
- ❑ Consider taking the National Weather Service Storm Spotter classes. You will learn to identify dangerous weather conditions and report them to the Weather Service to aid them in tracking and predicting storms. Contact your nearest National Weather Service office at <http://www.weather.gov> or SKYWARN group at <http://www.skywarn.org> for more information.

### ***Responding to Injuries and Medical Emergencies***

Because quick response is critical in medical emergencies, someone trained in basic first aid and CPR should be on the premises whenever the business is open. In fact, the Occupational Safety and Health Administration (OSHA) standard for general industry, 29 CFR 1910.151, requires that employers provide personnel trained to administer first aid and that first aid supplies be made available unless there is a hospital, clinic or infirmary in “close proximity” for treating all injuries.

The purpose of this standard is to provide first aid until emergency medical services can respond. OSHA does not define “close proximity.” Past interpretations from OSHA, however, suggest that a response time of three to four minutes is needed in incidents involving suffocation, severe bleeding and other life-threatening or permanently disabling injuries.<sup>3</sup>

Other injuries or conditions may permit longer response times, but prompt treatment is still needed. Medical personnel often refer to the first hour immediately after a serious injury, when caring for the victim is critical to survival, as the golden hour. For many conditions, the prospects of survival and full recovery decrease drastically if medical care is delayed beyond the first hour.

- ❑ Several employees should complete the American Red Cross courses for Community First Aid and Safety, Adult CPR, and Infant and Child CPR. These employees should keep their certification cards in their possession.

There should be enough trained employees to provide emergency first-aid in all areas of the agritourism business. Each should have a functional cell phone or two-way radio available for emergency communications.

- ❑ Inform customers of the location of the first-aid station with an appropriate sign. There should be at least one first-aid kit that can be readily accessed by any staff member. Inspect the kit often, replacing any missing or out-of-date supplies. Additional first-aid kits might be placed at locations that are more than a few minutes walk from the first aid-station.

### **Chapter Review**

While the primary goal of a business is usually to earn a profit, failing to maintain a safe environment for your family, employees and customers can contribute to injuries, illnesses and property damage. This can result in significant financial losses from direct expenses, fines, legal fees and lost income due to disruptions in the business and negative publicity. In other words, safety matters. Developing and implementing a safety and emergency response plan should be an integral part of planning and starting an agritourism enterprise.

### **Additional Resources**

**The Access Board** – a Federal agency committed to accessible design. <http://access-board.gov> (Information on accessibility issues, regulations and accessible design for businesses, recreation and public facilities.)

**Accident Facts, 2004.** National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143-3201. Page 2. <http://www.nsc.org/product/samplechapters/if/injuryfactspreview.pdf> (Accident Facts is the National Safety Council’s annual publication of statistics for many categories of unintentional injuries and deaths. A preview of the publication is available at the Web site listed above.)

<sup>3</sup>Interpretation of the First Aid Standard. US Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington, DC 20210. Available online [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=22314](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22314). Accessed April 11, 2005.

**Agricultural Safety Resources.** National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143-3201. <http://secure.nsc.org/issues/agrisafe.htm> (An assortment of fact sheets related to agricultural safety and health.)

**Estimating the Costs of Unintentional Injuries,** 2003. National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143-3201. <http://www.nsc.org/lrs/statinfo/estcost.htm> (Provides estimated costs of unintentional injuries and deaths.)

**Health Status of Tennesseans,** Tennessee Health Status Report, 2001-2002. June 2003. Tennessee Department of Health, Cordell Hull Building, 3rd Floor, Nashville, TN 37247-0100. <http://www2.state.tn.us/health/statistics/index.html> (Statewide and county health and population statistics.)

**Interpretation of the First Aid Standard.** US Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210. [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=22314](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22314) (OSHA's requirements for providing first aid capabilities in the workplace.)

**Safety Matters: Protecting AgriTourism Enterprises from Unintentional Losses.** PowerPoint presentation for 2004 Tennessee Agritourism Workshops. Tim Prather, Extension Specialist, Department of Biosystems Engineering & Soil Science, University of Tennessee Extension, 2506 E.J. Chapman Drive, Knoxville, TN 37996-4531. <http://bioengr.ag.utk.edu/agSafety/Presentations/AgriTourism/SafetyMatters-AgroTourism.htm> (PowerPoint presentation presented during 2004 AgriTourism workshops.)

**Talking About Disasters: A Guide to Standard Messages.** National Disaster Education Coalition. <http://www.disastereducation.org/guide.html> (Developed by 17 agencies participating in the National Disaster Education Coalition (NDEC), contains educational materials and checklists for all major natural disasters. (The materials are available for free download.)

**Tennessee Driver Handbook,** Tennessee Department of Safety, Nashville, TN. <http://www.state.tn.gov/safety/handbook.html> (The complete Tennessee Driver Handbook in PDF format for free download.)

**UT Extension Disaster Education Network.** <http://bioengr.ag.utk.edu/eden> (UT Extension's disaster information web site that includes information specific to Tennessee plus links to other sources of information.)

**UT Extension Agricultural Safety Web Site.** <http://bioengr.ag.utk.edu/agsafety> (UT Extension's agricultural safety web site. Includes information specific to Tennessee plus links to other sources of information.)

#### Chapter 7 Author

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