

Agritourism Liability Risks

July 16, 2023



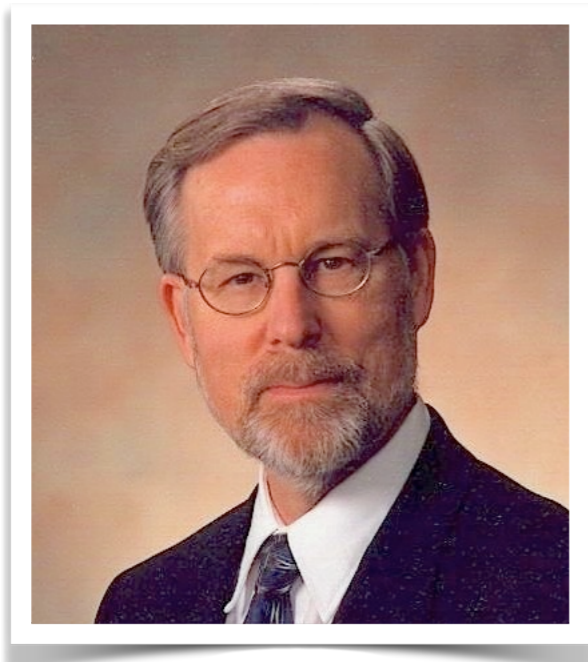
Randy White, CEO

randy@whitehutchinson.com

whitehutchinson.com



29-years' agritourism feasibility, design & consulting



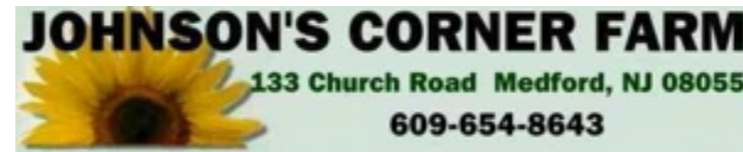
- Market feasibility
- Concept & mix development
- Master plans
- Site & architectural design
- Food & beverage
- Management consulting
- Business audits



Clients have included:

- Fall festivals with mazes & pumpkin patches
- Food/alcohol themed festivals
- U-pick
- Farm markets
- Wedding & private event venues
- Cattle ranches
- Children's discovery farm
- Ciders
- Breweries
- Christmas tree farms

A few of our agritourism clients



Hayride Safety

(& other tractor-drawn rides)

#1 cause of injuries & deaths



ST. LOUIS POST-DISPATCH

•• SATURDAY, OCTOBER 16, 1999

Hayride accident kills Girl Scout, injures others

■ At least 20 Girl Scouts from a St. Louis school and one adult are hurt. The brakes on their wagon apparently failed near High Ridge in Jefferson County.

BY TIM ROWDEN
Of the Post-Dispatch

A 12-year-old Girl Scout was killed and at least 20 other Girl Scouts were injured near High Ridge in northern Jefferson County when the brakes apparently failed on a tractor-driven hayride, causing the rig to careen down a hill

and crash into some trees.

The girls were thrown from the wagon.

Witnesses said that trees and the hilly terrain prevented rescue helicopters from landing close to the accident scene. The victims had to be carried on stretchers to the helicopters.

High Ridge Fire Chief Steve Davis said one of the injured girls was in critical condition Friday night and two were in serious condition. An adult, 30, also was among the injured.

The injured were transported to St. John's Mercy Medical Center in Creve Coeur, St. Joseph Hospital of Kirkwood, St. Anthony's Medical Center in south St. Louis County and Missouri Baptist Hospital in Town and Country.

The girls were among 72 Scouts from St. Raphael School, 6100 Jamieson Avenue in St. Louis. They were Brownies, Daisies and Junior Girl Scouts at the school.

Authorities said Rocking J Ranch has offered hayrides in High Ridge for six or seven years. The owners of the ranch could not be reached for comment Friday night.

• A Jefferson County Sheriff's Department accident reconstruction team will be at the ranch today to try to determine what went wrong.

The injured girls were in the last of a line of three wagons carrying the Scouts. Officials said none of the girls on the other wagons was injured.

The names of the victims were being withheld Friday night, pending notification of relatives.

Since 2000, hayride accidents in the U.S. have resulted in at least 224 serious injuries and 24 deaths, 14 of which were children.

Hayride Accidents & Deaths 1990-2022			Injuries	Deaths	Children Deaths
Aug-01	Winona, WI	1 women killed and 18 injured when hayride collided with pickup truck	18	1	
Oct-01	Kentucky	Women killed when hayride jackknifed		1	
Nov-01	Healdton, OK	9-year-old girl fell from hayride and crushed		1	1
Oct-05	Florence, SC	3 adults and one child killed in hayride when truck crashed into hayride	12	4	1
Oct-05	Youngstown, OH	9-year-old boy falls off hayride and is permanently brain damaged	1		
Jul-06	Mount Bethel, Pa	4-year-old boy falls off hayride and is crushed		1	1
Oct-08	Greensboro, NC	Trailer hit by car 5 injured	5		
Oct-08	Oklahoma City	18-month-old infant falls when hayride jerks and is crushed		1	1
Oct-09	Salt Lake City	5 year old killed when lowered from wagon when it was still moving		1	1
Nov-09	Honolulu, HI	7 year old crushed when jumps off trailer at end of hayride		1	1
Oct-10	Santa Clarita	Teenage employee slipped and run over by hayride		1	1
Oct-10	Biloxi, MS	12-year-old boy tangled in wheels on trailer while jumping on and off hayride		1	1
Oct-10	Douglas, GA	27 injured after a car stuck a hayride	27		
Sep-11	Charlottesville, VA	Man dies when he falls off hayride		1	
Jun-13	Finley Township, PA	8 people injured when hayride overturned	8		
Jul-13	Molino, FL	11 children injured when hayride trailer broke	11		
Oct-13	Milford Township, MI	9 people injured after hayride tipped over due to drunk operator	9		
Sep-14	Mankato, MN	Man killed when moving from one hayride trailer to other, fell and crushed		1	
Oct-14	Shreveport	10-year-old girl falls off hayride and is crushed		1	1
Oct-14	Mechanic Falls, ME	20 injured, 1 teen killed when hayride overturned	23	1	1
Oct-14	Idaho	Teenage employee slipped and run over by hayride		1	1
Nov-14	Seattle, WA	40 Injured when hayride trailer jackknifed	40		
Sep-15	Hankinson, ND	1 child injured after run over by hayride	1		
Oct-15	Bosworth, MO	1 child injured after falling off hayride and run over	1		
Dec-15	Waterville, ME	7 injured when car hit hayride	7		
Oct-16	Hagerstown, ME	3-year-old died after falling under wheel of hayride		1	1
Oct-16	Homer Glen, IL	3 injured when a hayride tipped over	3		
Oct-16	NYC	1 injured when a fog machine fell on her head during hayride	1		
Nov-16	Chunky, MS	1 adult and 2 children killed and 9 injured when hayride was rear ended	9	3	2
Oct-17	Jasper, GA	2 Adults injured after trailer came unattached and crashed into tree	2		
Oct-17	Panama City, FL	1 child seriously injured after falling off and runover by hayride	1		
Oct-17	Ridgeland, SC	6 Injured when truck hit hayride	6		
20-Oct	Hancock County IL	1 killed and 17 injured when tractor lost control and flipped	17	1	
21-Oct	Lee's Summit, MO	1 child killed after falling off ride and getting hit by tractor		1	1
22-Oct	Grove, OK	12 year old injured after falling off ride and getting run over by tractor	1		
22-Oct	Fresno, CA	Employee injured after falling and hitting trailer during haunted hayride	1		
			204	24	15
			Injuries	Deaths	Children Deaths

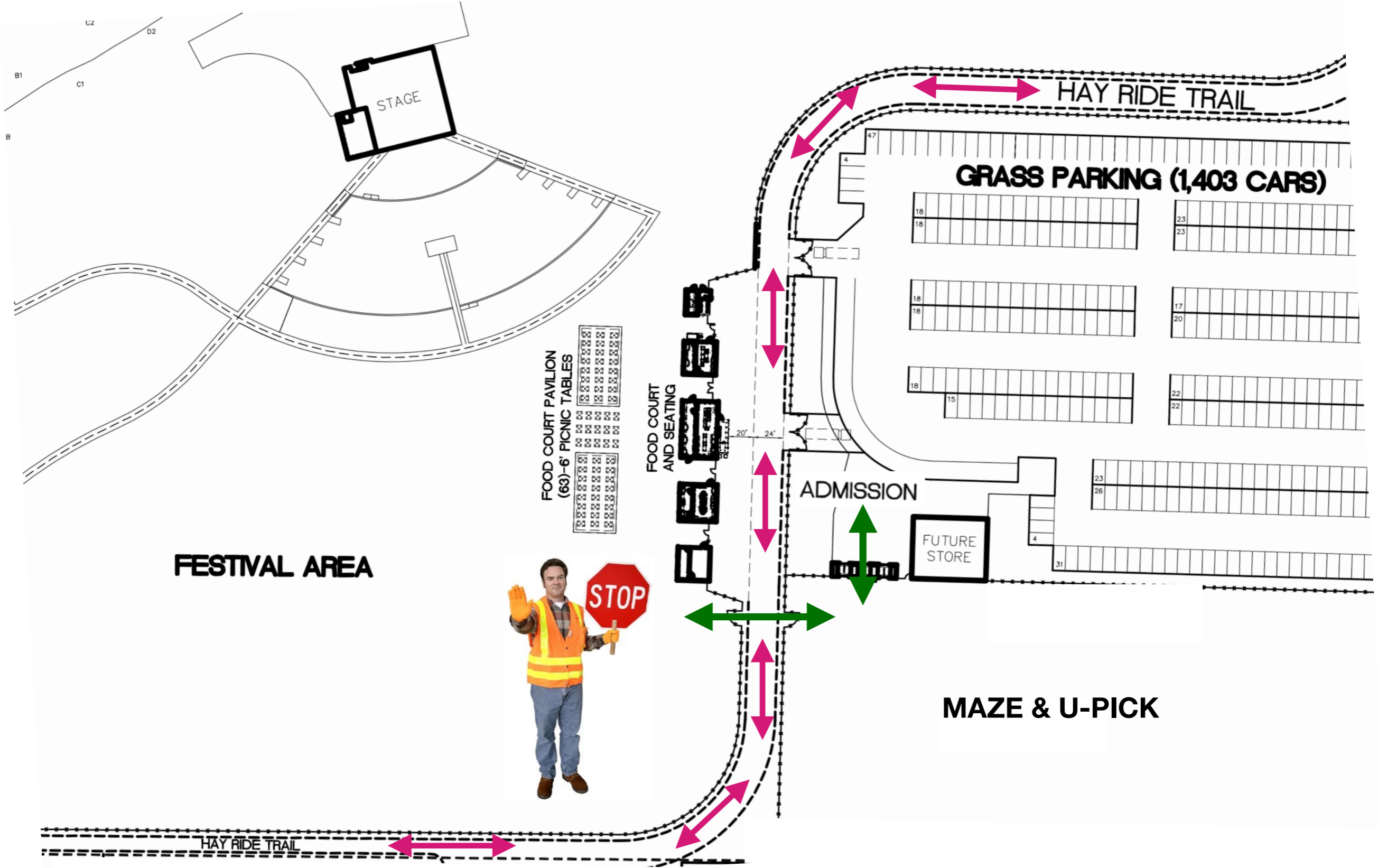
Causes of accidents & deaths:

- Falling off ride
- Tractor loses control
- Wagon disconnected from tractor and crashes
- Hayride wagon overturns
- Collides with vehicle on public road
- Hayride wagon jackknives
- Young children jumping off hayride
- Moving from one wagon to the other wagon

When the hayride route is in or near areas where the public will be, the route should have non-climbable barricade-type fencing.



The hayride should **NEVER** cross or travel through areas where the public is located.



↔ = hayride route

Wagon design standards

- Railings/sides 30”+ high that children can’t crawl through
- Seating
- Entry/exit opening with gate or enclosure that is kept shut
- Sturdy steps with handrails
- No double wagons



This bulkhead is too low

Unsafe wagons



Unsafe wagons



Unsafe wagons



Safe wagons



Safe wagons



Safe wagons



Handicap Accessible



Other equipment standards

- Tractor should weigh more than gross weight of wagon full of people
- Tractor should have rear-view mirrors

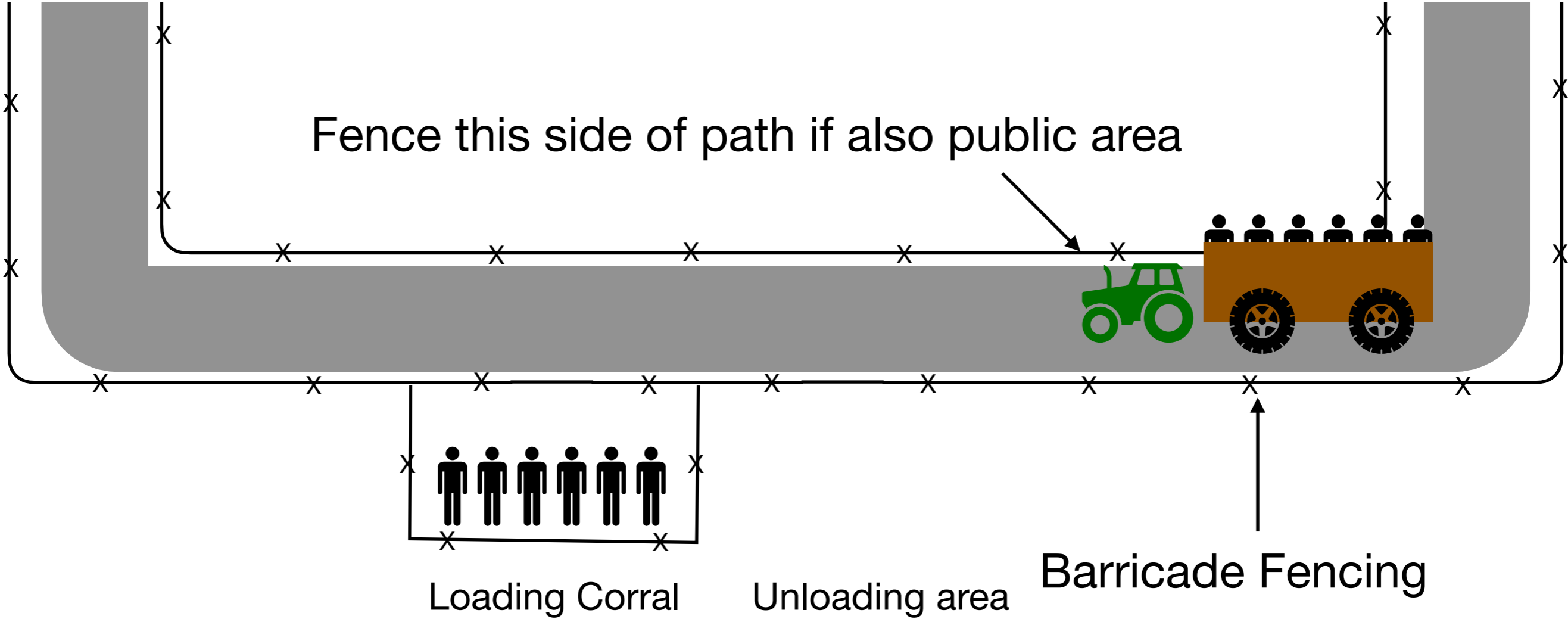


- Tamper-proof locking hitch pin connecting wagon to tractor
- Locking safety chain
- 2-way radio communication between driver and wagon tour guide

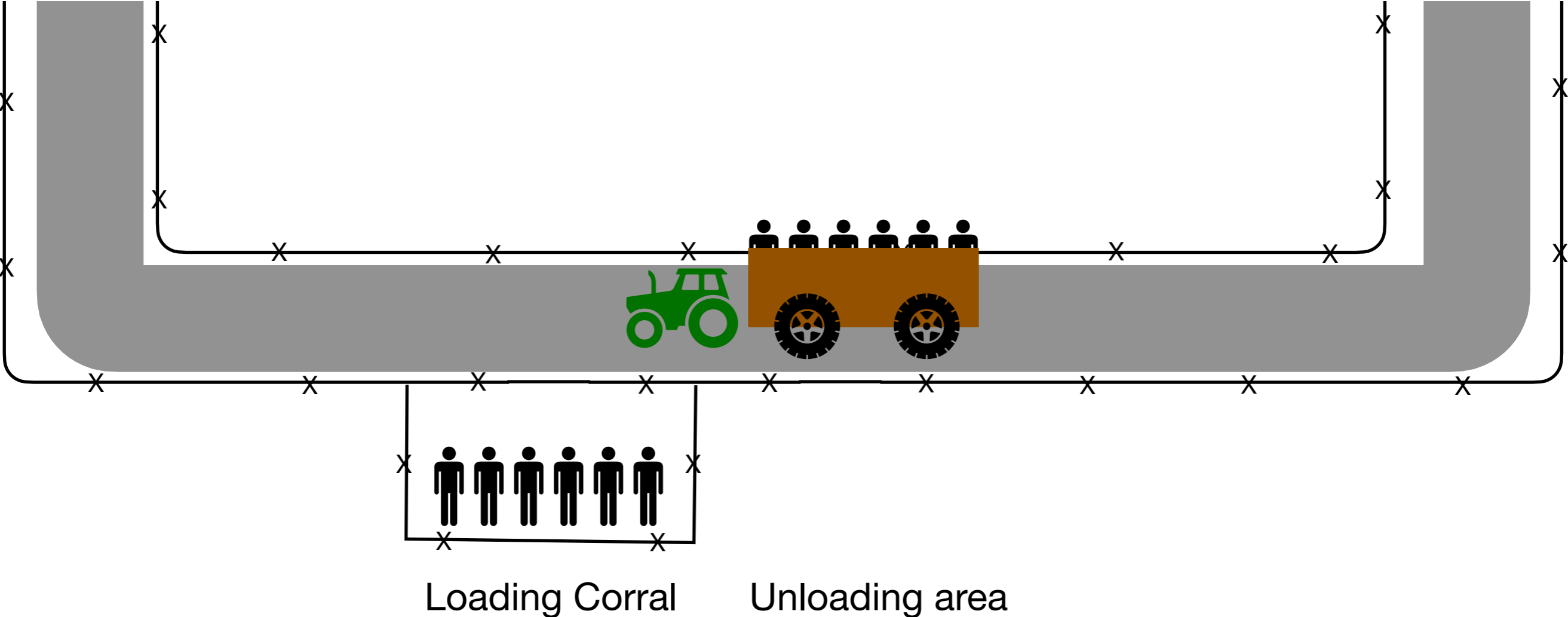
Hayride route standards:

- Smooth
- No depressions or ruts
- No steep areas
- Trees & bushes trimmed so riders not hit
- NEVER on or crosses a public road

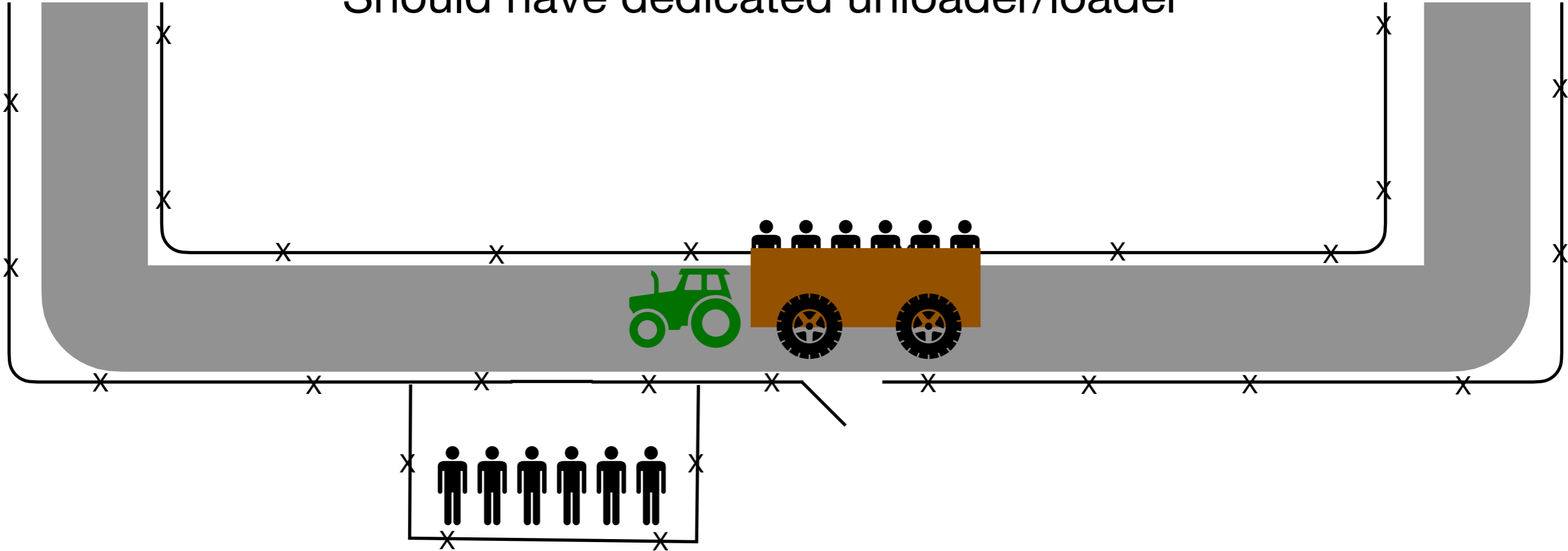
Route should be fenced off in any public areas



Before loading or unloading, the tractor shall come to a complete stop, put in neutral and the brake engaged. If the average grade of the ground is greater than 2%, then the driver shall remain in the tractor.



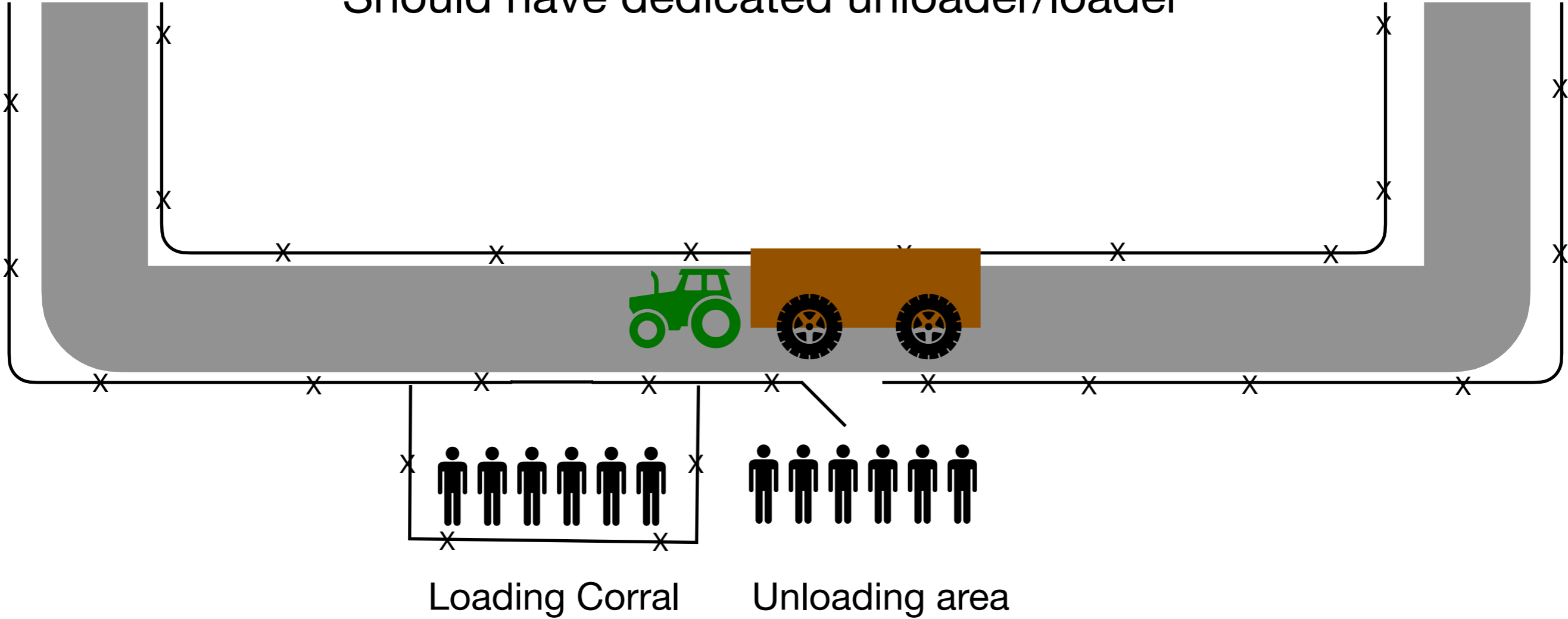
Should have dedicated unloader/loader



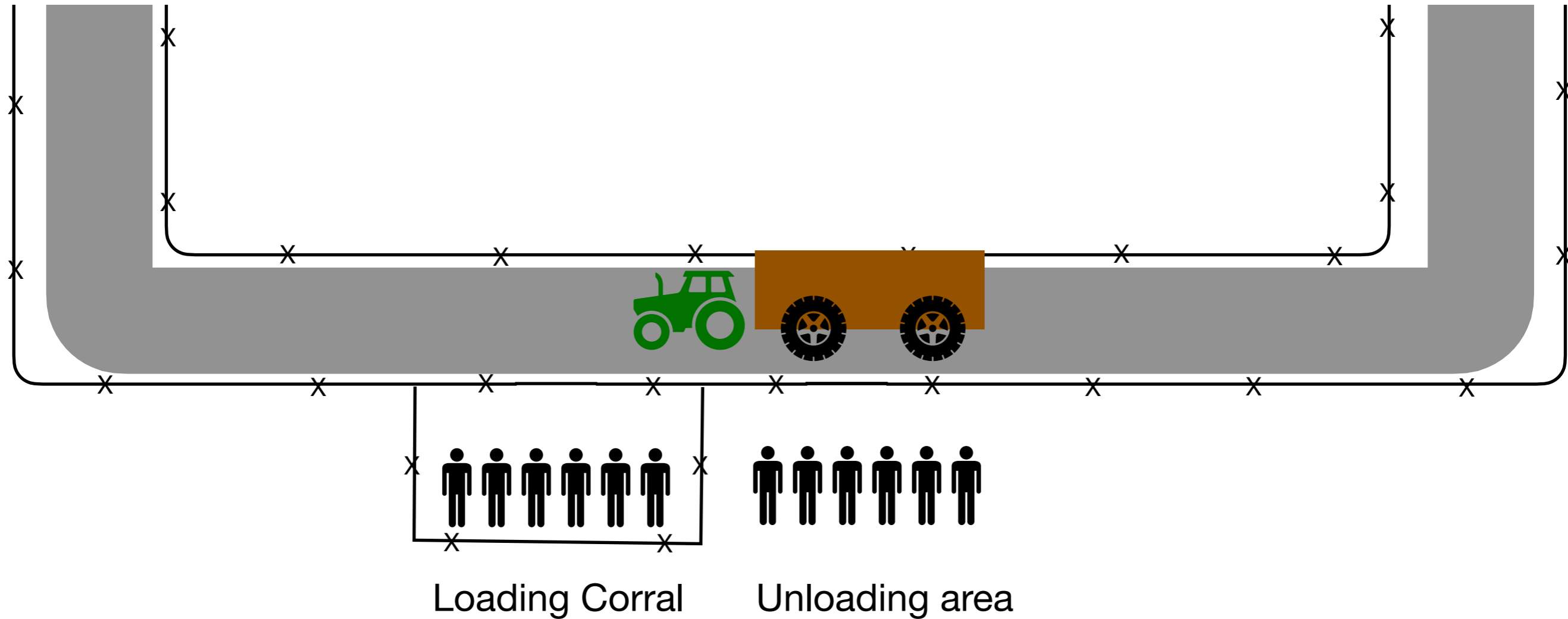
Loading Corral

Unloading area

Should have dedicated unloader/loader



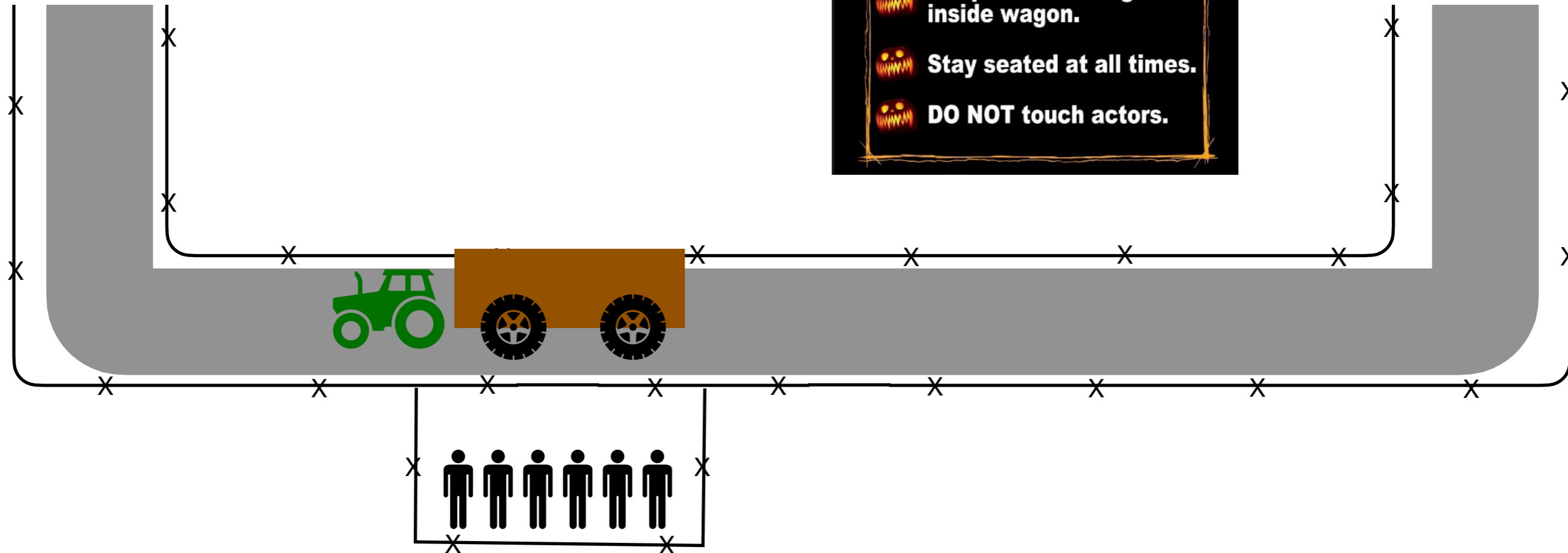
After closing the gate, the wagon should be inspected for lost items, tire inflation eyeballed, and the area around and under the wagon inspected to make sure there are no people or children. Only then should tractor driver be instructed to proceed.



There should be rider instruction signage

RULES:

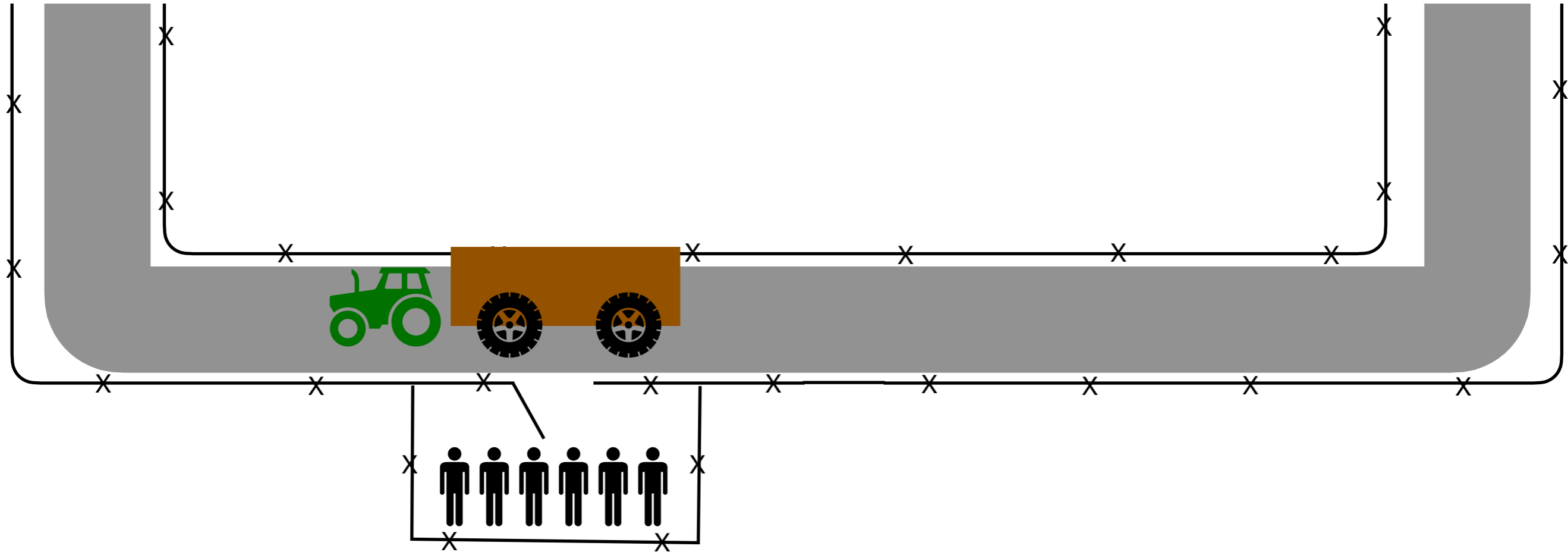
- 👹 Wait to be loaded.
- 👹 DO NOT stand while wagon is moving.
- 👹 Keep arms and legs inside wagon.
- 👹 Stay seated at all times.
- 👹 DO NOT touch actors.



Loading Corral

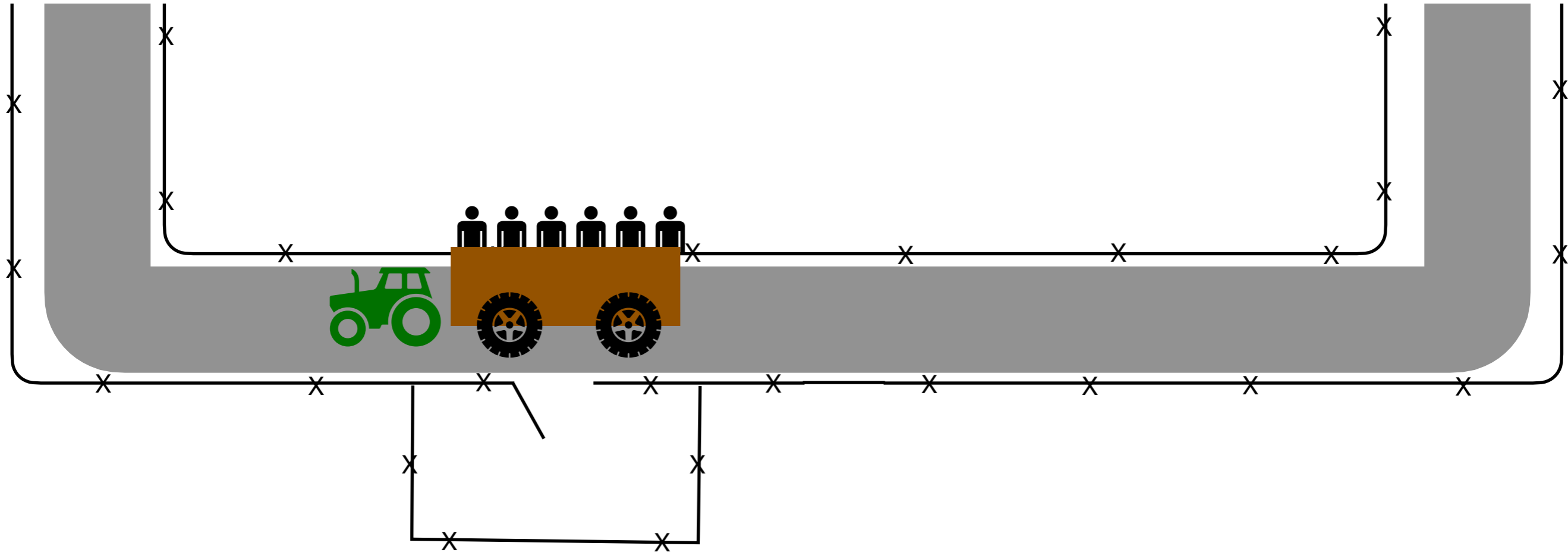
Unloading area

Before loading or unloading, the tractor shall come to a complete stop, put in neutral and the brake engaged. If the average grade of the ground is greater than 2%, then the driver shall remain in the tractor.



Loading Corral

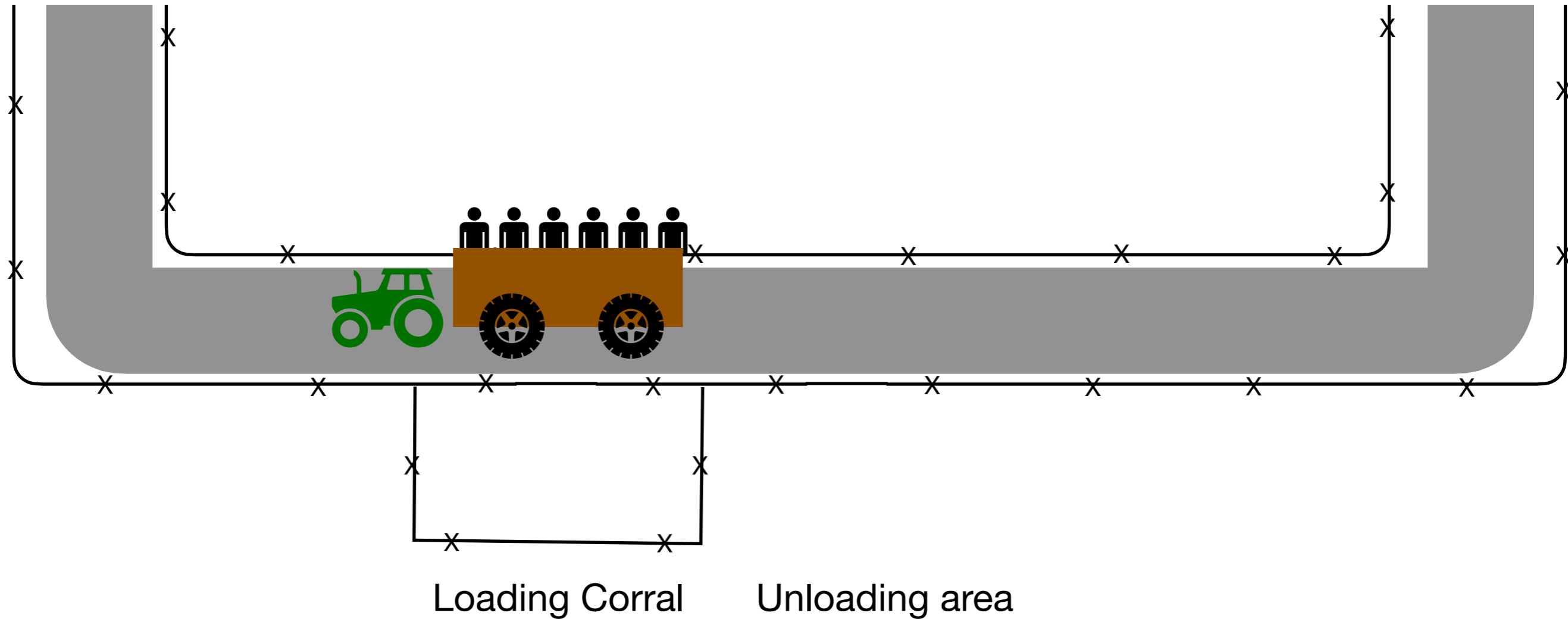
Unloading area



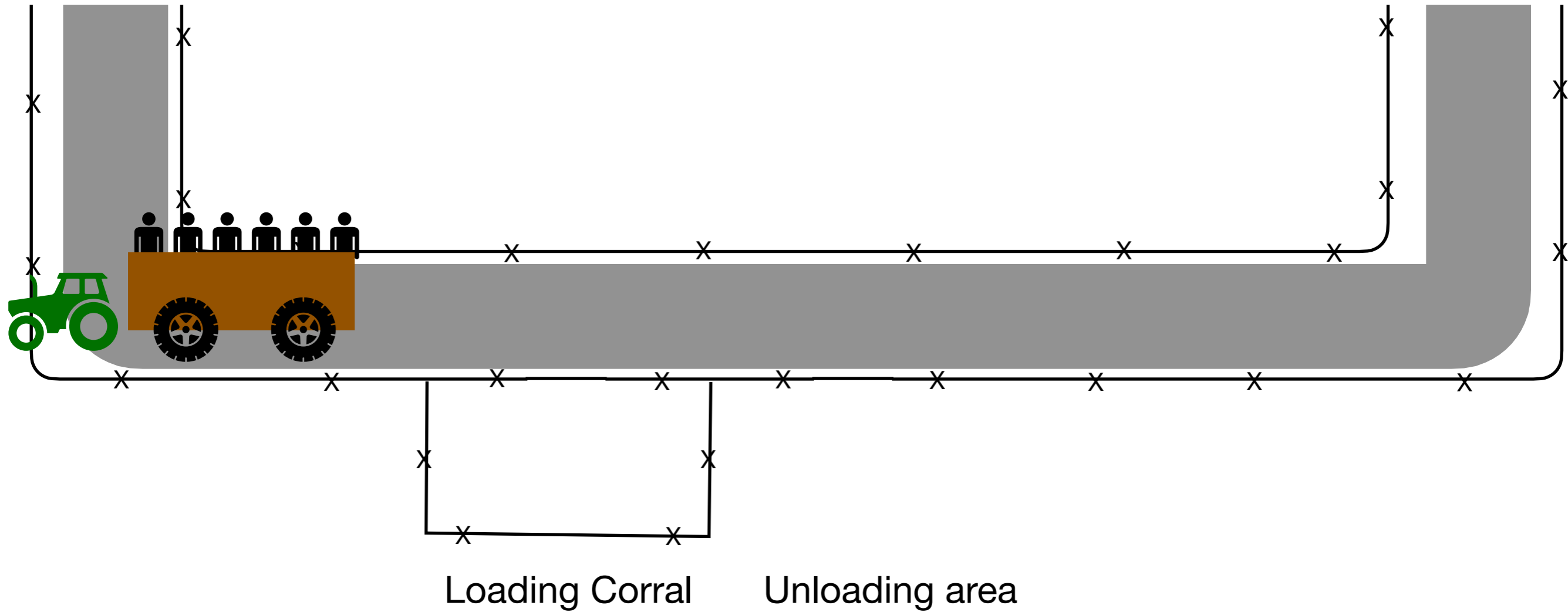
Loading Corral

Unloading area

After closing the gate, verbal safety instruction given to riders, riders checked that all are seated and the area around and under the wagon inspected to make sure there are no people or children. Only then should tractor driver be instructed to proceed.



During the hayride, there should be a tour guide on the wagon with a two-way radio with the tractor driver



Checklists, Rules & Training

- Daily hayride path inspection
- Daily wagon checklist
- Daily tractor checklist
- Annual wagon checklist
- Annual tractor checklist
- Driver safety rules
- Tractor driver road test
- Procedures and training for unloading & loading staff
- Rules for haunt actors and staff

Children's field trips

Recommended adult to child ratios for hayrides

Children ages	Adult to child ratio
2	1:3
3-4	1:4
5-9	1:6
10-17	1:10

ASTM safety standards



Designation: F3168 – 20

Standard Practice for Hayride Attractions¹

This standard is issued under the fixed designation F3168; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This practice applies to hayride attractions used primarily in amusement, entertainment, recreational or agritourism applications. Such applications include but are not limited to family entertainment centers, camps, shopping centers, malls, seasonal attractions, pumpkin patches, corn mazes, farms, tree farms, temporary special events, fairs, carnivals and municipal parks.

1.2 This practice is intended to provide consistent criteria, references and operational considerations in the specifications, management and operation of hayride attractions.

1.3 This practice establishes guidelines that will provide a level of conformity for the purpose of reducing potential hazards to patrons, attendants, actors and spectators.

1.4 This practice is intended to be taken into consideration by architects, designers, engineers, construction contractors, manufacturers, appropriate inspectors, owners and operators who are involved with the design, construction, manufacture, installation, operation, maintenance, inspection or major modification of hayride attractions.

1.5 This practice specifically *includes* the following types of devices or attractions:

1.5.1 Hayride attractions used as an element or in combination with another hayride attraction, corn maze, zombie walk, paintball game, tree harvesting farm, seasonal attraction, haunted house, haunted attraction, fair, exposition or agritourism event.

1.5.2 Hayride attractions used primarily in off road applications, fixed courses or designated areas.

1.6 This practice specifically *excludes* the following types of devices or attractions:

1.6.1 Hayride attractions designed exclusively for private or home use.

1.6.2 Amusement rides, devices or attractions with a mechanical horse power rating of 27 (hp)I (27.37 (hp)M) or less

¹ This practice is under the jurisdiction of ASTM Committee F24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F24.61 on Adventure Attractions.

Current edition approved April 1, 2020. Published May 2020. Originally approved in 2019. Last previous edition approved in 2019 as F3168 – 19. DOI: 10.1520/F3168-20.

and commonly referred to as a trackless train, mall train, tandem wagon or barrel train.

1.6.3 Animal powered or drawn carriages, wagons or trailers.

1.6.4 Human powered or drawn carriages, wagons or trailers.

1.6.5 Passenger trams used primarily in amusement parks, theme parks, zoos, wildlife parks or water parks.

1.6.6 Amusement rides, devices or attractions where the passenger carriers are guided by a rail or track system.

1.6.7 Parade floats.

1.7 This standard practice does not purport to address all of the hazards associated with hayride attractions. The practice's existence alone will not prevent injuries. Like other physical activities, hayride attraction use involves the risk of injury, particularly if the equipment is used improperly or if users fail to follow the posted rules or fail to follow attendant's instructions. The text of this standard practice references notes and footnotes which provide explanatory material. These notes and footnotes (excluding those in tables and figures) shall not be considered as requirements of the standard.

1.8 This practice includes an appendix (non-mandatory), which provides additional information (for example, rationale, background, interpretations, drawings, commentary and so forth) to improve the user's understanding and application of the criteria presented in this practice. The appendix information shall not be interpreted as mandatory criteria.

1.9 This standard includes the following sections:

	Section
Scope	1
Referenced Documents	2
Terminology	3
Significance and Use	4
Design	5
Ownership, Operation, Maintenance, Inspection and Training Requirements	6
Requirements	6.1
Adjustments	6.2
Loading and Unloading	6.3
Owner Responsibilities	6.4
Inspection Program	6.5
Maintenance of Tow Vehicles and Wagons/Trailers	6.6
Driver Training	6.7
Driving Speeds	6.8
Operating on Non-Private Roads	6.9
Communication System	6.10
Emergency Access	6.11



Designation: F770 – 18

Standard Practice for Ownership, Operation, Maintenance, and Inspection of Amusement Rides and Devices¹

This standard is issued under the fixed designation F770; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This practice provides guidelines for operations, maintenance, and inspection procedures for amusement rides and devices to be performed by the owner/operator.

1.2 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety, health, and environmental practices and determine the applicability of regulatory limitations prior to use.*

1.3 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 *ASTM Standards:*²
F1193 Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices

3. Significance and Use

3.1 The purpose of this practice is to delineate information and to establish procedures for the operation, maintenance, inspection, and training for amusement rides and devices.

4. Owner/Operator's Responsibility

4.1 The owner/operator shall develop a program with necessary tasks to operate and maintain the amusement ride or device. The program shall include but not be limited to:

- 4.1.1 An operations program as outlined in Section 5;
- 4.1.2 A maintenance program as outlined in Section 6;

¹ This practice is under the jurisdiction of ASTM Committee F24 on Amusement Rides and Devices and is the direct responsibility of Subcommittee F24.40 on Operations.

Current edition approved June 1, 2018. Published June 2018. Originally approved in 1982. Last previous edition approved in 2017 as F770 – 17¹. DOI: 10.1520/F0770-18.

² For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website.

- 4.1.3 An inspection program as outlined in Section 7, and
- 4.1.4 A training program as outlined in Section 8.

5. Operations Program Requirements

5.1 *Operating Document*—The owner/operator shall prepare an Operating Document for each amusement ride or device based on the recommended instructions and specifications provided by the manufacturer. This Operating Document shall be made available to each amusement ride or device operator and attendant. The Operating Document shall include but not be limited to:

5.1.1 Specific amusement ride or device operation policies and procedures with pertinent information from the manufacturer's instructions, including, but not limited to:

5.1.1.1 Description of the amusement ride or device operation;

5.1.1.2 Specific duties of each assigned operator(s) and attendant(s) position(s) of the amusement ride or device;

5.1.1.3 General safety procedures;

5.1.1.4 Instructions on specific procedures to follow in the event of unusual conditions or an interruption of operation, including an Evacuation Plan outlined in 5.2, and

5.1.1.5 Additional instructions from the owner/operator.

5.2 *Evacuation Plan*—The owner/operator shall have and maintain an evacuation plan for each amusement ride or device.

5.2.1 The owner/operator shall consider:

5.2.1.1 Standard load/unload area evacuation as the preferred protocol;

5.2.1.2 Amusement ride or device manufacturer's recommendations;

5.2.1.3 Conditions of the environment that could impact an evacuation;

5.2.1.4 Personnel responsible for performing an evacuation;

5.2.1.5 Notification and cooperation with the outside agencies and entities intended to participate in an evacuation;

5.2.1.6 Identification and location of equipment to support an evacuation;

5.2.1.7 Equipment that may be required to communicate with riders during an evacuation process;

5.2.1.8 Access and egress requirements for personnel and equipment to evacuate the amusement ride or device;



Additional information on operating safe hayrides



March 2023 issue - Operating safe hayrides

E. Coli 0157 menace at petting zoos



E. Coli outbreaks at Farms, Fairs & Petting Zoos					
Year	State	Event Type	Sickened	Hospitalized	Died
2000	PA	Farm	51	16	
2000	MN	Farm	2	2	
2000	WA	Petting Zoo	5	3	
2000	SD		2		
2001	OH	Fair	91	6	
2001	OH	Fair	88		
2001	HI		3		
2001	PA		12		
2001	WI	Fair	55	6	
2001	WI	Fair	34	6	
2002	CA		4		
2002	OH	Fair	92	2	
2003	Canada BC	Petting Zoo	44		
2003	MN		5	2	
2003	TX	Fair	25	19	
2003	VT		6	1	
2004	CA		3		
2004	NC	Fair Petting Zoo	108	20	
2004	SD		4		
2005	FL	Fair Petting Zoo	63	7	
2004	PA	Petting Zoo	29	10	
2005	FL	Fair Petting Zoo	63	7	
2005	CA		9	1	
2005	CA		4		
2005	AZ	Petting Zoo	2	2	
2006	NC	Fair	5	3	
2007	FL	Petting Zoo	7	2	
2007	MN	Fair	8		
2008	MN	Farm	2	2	
2009	IN	Fair	6	3	
2009	MN	Petting Zoo	2	2	
2009	CO	Animal Exhibition	30	9	
2011	MN	Fair	2		
2011	WA	Farm	6	5	
2011	NC	Fair	25	8	
2012	WA	Petting Zoo	4		
2012	NC	Fair	106	13	1
2012	OR	Fair	15		1
2013	MN	Petting Zoo	3	1	
2014	MN	Petting Zoo	13	7	
2015	AZ	Petting Zoo	20	4	
2015	WA	Fair	25	10	
2015	ND	Fair	5	4	
2015	AZ	Petting Zoo	20	4	
2015	ME		2	2	1
2016	CT	Fair	6		
2017	MN	Petting Zoo	2	2	1
2019	CA	Fair	3		1
2022	TN	Petting Zoo	3		1
2022	VA	Petting Zoo	4		
Total			1,128	191	6
			Sickened	Hospitalized	Died

Most recent child death from E. coli 0157 was in Tennessee in 2022 when 2-year old died.

Children under five years old who have not yet fully developed their Immune systems are especially susceptible to both E. coli 0157 and the development of HUS, which is the leading cause of kidney failure in children in the U.S. Of children affected with HUS, 3% to 5% will die. As many as 30% will have lifelong medical problems

High risk animals

- Cattle
- Sheep
- Other ruminants



E. coli 0157 can live for months in animal bedding and soil. E. coli 0157 infections have been traced to manure dust in areas where cattle had been removed 10 days earlier.

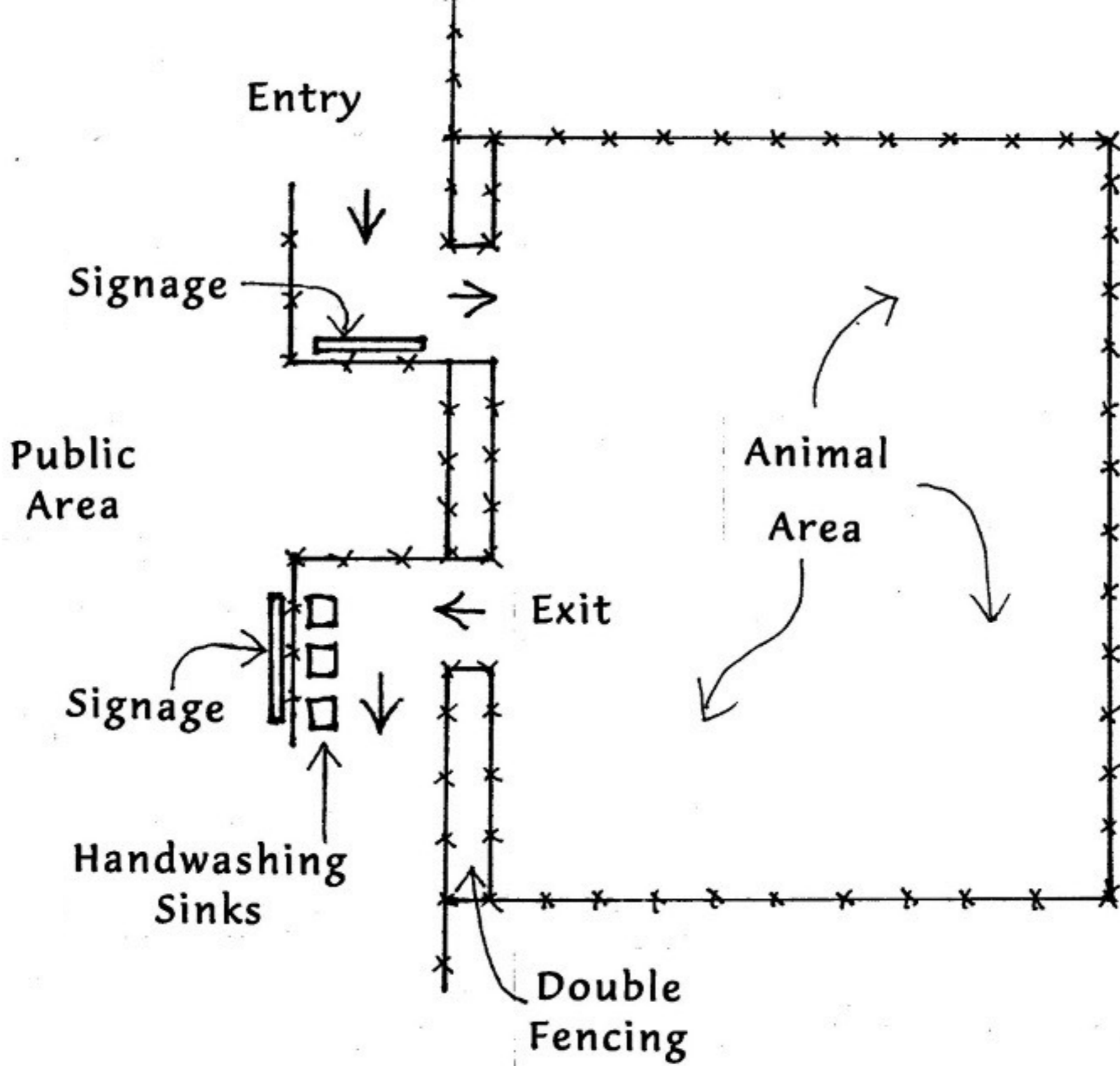
Studies by the U.S. Department of Agriculture have found cattle testing positive for E. coli 0157 in every herd that has been tested.

Visitor risk factors

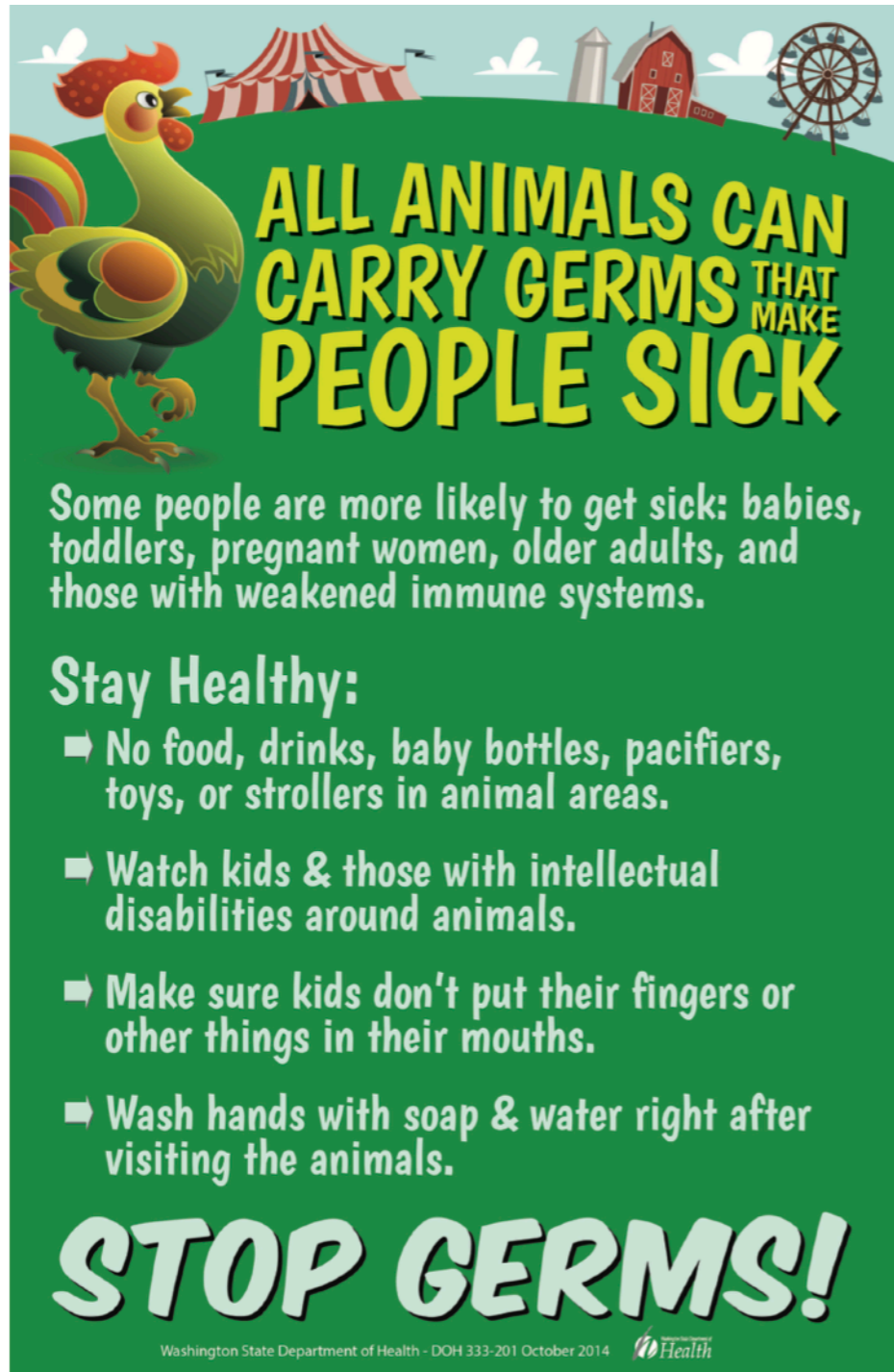
- Touching their faces while in the petting zoo
- Coming in contact with environmental surfaces such as handrails or benches
- Touching animals,
- Eating or drinking while in the area
- Not washing their hands after leaving the petting zoo
- Animal licking hands
- Children touching their mouths, putting objects in their mouths, biting nails, sucking thumbs or having soiled shoes when leaving

Preventative Measures

- Not having calves, cows, or other ruminant animals
- Separate animal areas from eating and drinking areas
- Ground water from animal areas drains away from eating and drinking areas
- Non-porous materials that can be cleaned and disinfected
- No strollers, toys, food & beverage, pacifiers, spill-proof cups or baby bottle in animal areas
- Handwashing sinks at exit
- Wash hands when leaving petting area
- Staff monitoring animal area



Signage



ALL ANIMALS CAN CARRY GERMS THAT MAKE PEOPLE SICK

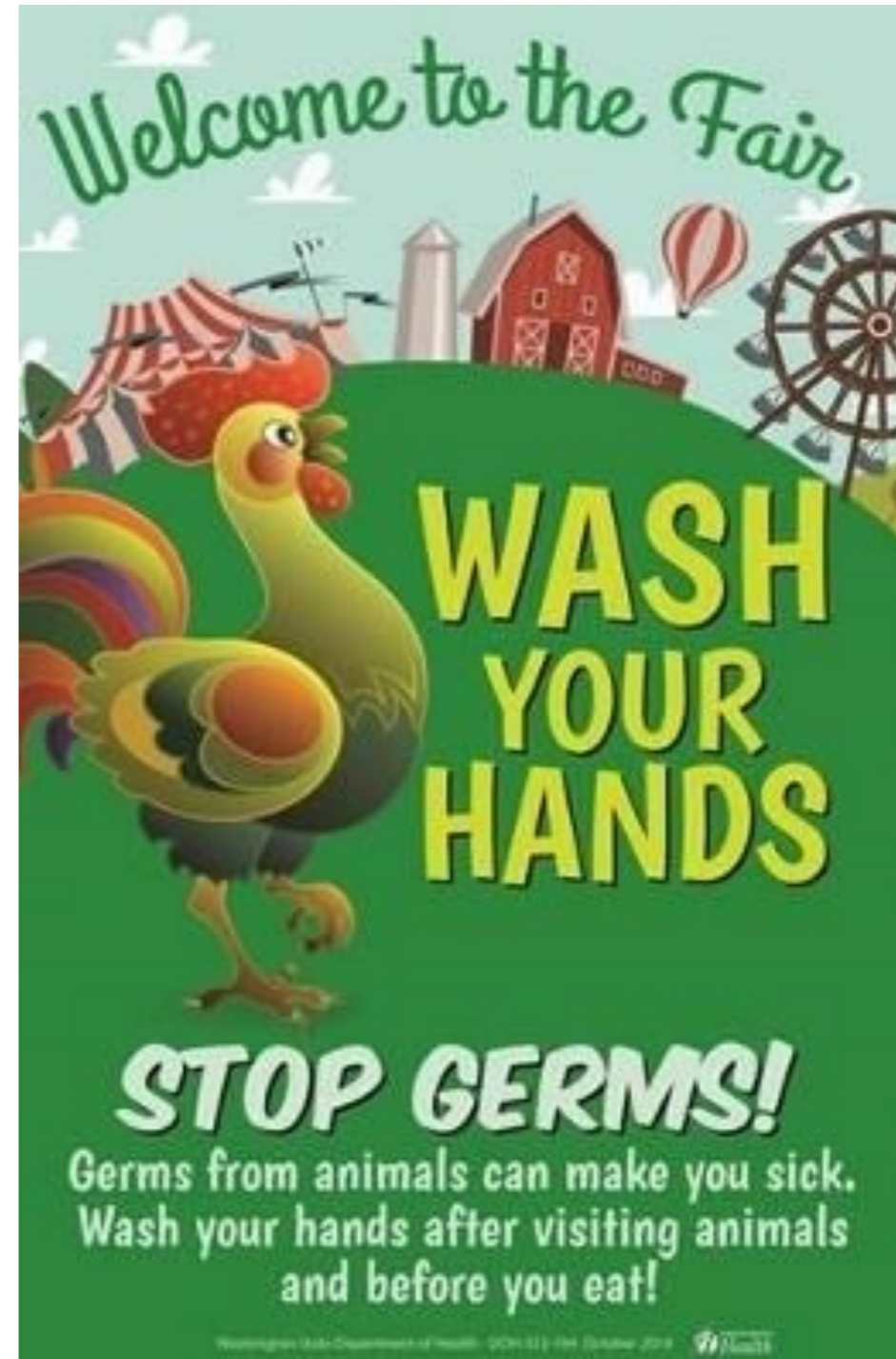
Some people are more likely to get sick: babies, toddlers, pregnant women, older adults, and those with weakened immune systems.

Stay Healthy:

- ➔ No food, drinks, baby bottles, pacifiers, toys, or strollers in animal areas.
- ➔ Watch kids & those with intellectual disabilities around animals.
- ➔ Make sure kids don't put their fingers or other things in their mouths.
- ➔ Wash hands with soap & water right after visiting the animals.

STOP GERMS!

Washington State Department of Health - DOH 333-201 October 2014



Welcome to the Fair

WASH YOUR HANDS

STOP GERMS!

Germs from animals can make you sick. Wash your hands after visiting animals and before you eat!

Washington State Department of Health - DOH 333-201 October 2014

Hand sanitizer will not kill E. coli 0157



Must use running water, liquid soap dispensers, and disposable paper towel dispensers within reach.

Check you agritourism liability
insurance policy to ensure it
protects against zoonotic diseases

Additional information on having safe animal petting areas



March 2023 issue - The E. coli 0157 menace

April 2023 issue - Can strollers be allowed in petting zoos?

Alcohol at agritourism events



Of **100** people in households with \$75,000+ income...

16 live in households with children 12 and under. They will come to a family venue.



58 are adults age 21-45. They will come to an adult venue.



Some will also come with their children to an adult venue



Need



- Liquor liability insurance
- Servers must be 21 or orders
- Requirements for server training program and certification vary by county or city

The end



Questions?

randy@whitehutchinson.com

816.931-1040, ext 100

whitehutchinson.com