



# Agritourism

## BEST MANAGEMENT PRACTICES & Plan of Operation



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## BEST MANAGEMENT PRACTICES

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### Introduction

Throughout the United States, farmers are recognizing that agritourism has the potential to sustain the farming industry and grow rural economies through tourism. Recent statistics provided by the Louisiana Travel Promotion Association in 2007 suggest that Louisiana has potential to grow an agritourism industry. This report cited that one in four travelers to Louisiana came to enjoy the great outdoors.

Those numbers aren't surprising to owners of bed and breakfasts located on working farms and ranches who have hosted guests for years. To foster the statewide growth of this industry known as agritourism, the 2008 Louisiana Legislature passed a bill limiting liability for agritourism professionals known as La R.S. 9:2795.5.

The legislation provides that the Louisiana Department of Agriculture and Forestry will develop a set of rules and regulations and that the LSU AgCenter will define a "plan of operation" for an agritourism venture. This publication contains the definition for the plan of operation and suggests best management practices for agritourism professionals to follow to minimize their risks.

A copy of the plan of operation is included in this brochure. The plan can also be found online at [www.lsuagcenter.com/agritourism](http://www.lsuagcenter.com/agritourism).

With much of Louisiana's agriculture in a challenging economic situation, specialty crops offer growers alternatives to consider. Specialty crops are crops new to a region where they have not been grown commercially before. Ranging from sweet and hot peppers to more commonly known crops like sweet potatoes, specialty crops generally introduce farmers to a new way of growing. These crops and others have enabled the continuance and even growth of the family farm with an economic impact on the state of more than \$300 million. Many specialty crops are used as staples in our cuisine and help make our food and culture unique. We encourage you to visit our Louisiana agritourism operations, where you can enjoy our specialty crops, including:

- Blackberries
- Blueberries
- Cabbage and other winter vegetables
- Christmas trees
- Citrus
- Cut flowers
- Figs
- Foliage
- Garlic and onions
- Mushrooms
- Okra
- Organic fruits and vegetables
- Peaches and other fruit crops
- Pecans and other tree nuts
- Southern peas
- Strawberries
- Sweet and hot peppers
- Sweet corn
- Sweet potatoes
- Tomatoes
- Watermelons
- Wine

# What Is Agritourism?

Agritourism is a business operation on a working farm, ranch or agricultural enterprise that offers educational and fun experiences for visitors while generating supplemental income for the owner.

Visitors participate in friendly “discovery” and learning activities in natural or agricultural settings. Because it blends entertainment and education, agritourism is also known as “agrientertainment,” “agritainment.” (See LSU AgCenter Publication AC-5.)



## A Plan of Operation

A plan of operation is a planning document that assists agritourism professionals in identifying and addressing possible inherent risks on their operations through recommended best management practices. Components of the plan include listing of activities, their risks, suggestions for minimizing those risks and a plan for the location of warning signs.

Under La R.S. 9:2795.5, agritourism activities are defined as activities related to agritourism as defined in rules and regulations adopted by the Commissioner of Louisiana Agriculture and Forestry (LDAF). A copy of those rules and regulations can be obtained by logging onto the LDAF Web site at [www.ldaf.state.la.us](http://www.ldaf.state.la.us)

Risks shall be defined as the “inherent risks of agritourism activity” as described in La R.S. 9:2795.5. “Inherent risks” mean those conditions, dangers or hazards that are an integral part of an agritourism activity, including surface and subsurface conditions of land and water; natural conditions of vegetation; the behavior of wild or domestic animals; those arising from the form or use of structures or equipment ordinarily used on a working farm, ranch or other commercial agricultural, aquacultural, horticultural or forestry operation; and the mistakes or negligent acts of a participant that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity, according to La R.S. 9:2795.5.

## Best Management Practices

Best management practices are suggested practices that an agritourism professional can use to minimize risks in an agritourism enterprise. These best management practices can be used in the plan of operation under “suggestions to minimize risks.”

When reviewing or inspecting the various areas and activities around an agricultural enterprise, identify potential hazards, try to consider how others without your agricultural knowledge and experience would view each situation. Consider the perspectives of customers with little or no knowledge of potential agricultural 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 agricultural 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 your enterprise.

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 operation. You may also want to mark actions you want to explore further.

- Make your driveway or entrance visible from at least 500 feet in either direction so motorists can see vehicles entering and leaving with time to stop safely. According to the Louisiana Office of Motor Vehicles Handbook, the total stopping distance for a car traveling at 55 mph is 228 feet, and at 60 mph the total stopping distance is 305.7 feet.
- 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.
- Make the driveway entrance wide enough to allow a 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.
- Make the driveway wide enough for the larg-

est vehicles to meet and pass. If you can’t, 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.
- If there are concerns about load limitations on bridges on your property, consult with an engineer or your highway department to check maximum load limit.
- Make sure all bridges and drop-off hazards, for both vehicles and pedestrians, have adequate guardrails that will prevent vehicles from falling from the roadway or people falling from the walkway. 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, have a plan to prevent vehicles from attempting to cross during flash floods. As little as 1 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

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.
- Make traffic lanes in the parking area 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.
- Make parking areas 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 negative publicity by maintaining good drive-ways and parking areas.
- If used between dusk and dawn, provide the parking area with 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:
  - A pick-up and drop-off location closer than the parking area
  - Wheelchair/handicap accessible parking spaces that are level, on a firm surface and as close as possible to activities
  - Valet parking or golf cart shuttle services for customers with disabilities.

## Walkways

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 75 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.
- Avoid steep grades whenever possible. The



maximum grade for walks and ramps used by wheelchairs is 1:12; that is, 1 inch rise for every 12 inches (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 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

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 Americans With Disabilities Act manual online at <http://www.ada.gov/>

### **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.
- Make sure doorways 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.
- Make sure door hardware have handles that do not require a strong grip. Replace round knobs or install handle extensions. Test existing doorknobs, 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.
- Make wheelchair-accessible bathroom stalls a minimum of 5 feet by 5 feet to accommodate the wheelchair. If using portable toilets for events, you must provide a wheelchair acces-

sible 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

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

It is important for your customers to feel safe and secure at your operation. 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

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 operation. 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.
- Hand-washing facilities or hand sanitizers should be available and all visitors instructed to wash their hands upon leaving the petting zoo area.
- Customers should not be permitted to bring personal pets to the operation.
- Customers from other farms or who have recently returned from other countries should be restricted to nonlivestock areas to prevent introduction of diseases.



## Water Features

Natural water features – ponds, lakes, streams, rivers or swimming pools maybe part of the landscape in agricultural enterprises. Because water poses a danger, care should be given by:

- Posting warning signs near the water features
- Fencing in or fencing off the water feature from customers
- Instructing children not to go near the water without an adult
- Providing rescue equipment nearby the water surface in case of an accident

## Pest Control

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

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 parish health department regarding permits and requirements. Contact the LSU AgCenter for information on proper food handling and your parish 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

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.

- Store flammable and combustible materials properly. That's one of the first rules of fire prevention. This means 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

Farm machinery is fascinating to children of all ages. Tractors and other machinery, however, 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 or arms dangling over the sides or ends of the wagon
- Requiring steps and/or sturdy rails for loading passengers onto trailers or wagons
- Stating the safety rules after everyone is seated
- 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. As with other aspects of the enterprise, however, 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 — Use approved eye protection (ANSI Z87 rating) and hearing protection.
  - Boating — Use 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.



## Storage Areas

Storage areas are necessary for agritourism ventures, but they also can pose danger if not properly secured by a lock. Storage areas can be used to store unused equipment that poses danger to children. Having a storage area that can be locked will eliminate the need for roping or fencing off areas. When selecting storage items:

- Store equipment not in use.
- Store sharp equipment such as tools and power tools.
- Place chemicals that are used on the farm, such as fertilizers, pesticides and fuels, in a storage facility.
- Store loose grains, bags of feed, etc. behind locked doors.

## Attractive Nuisances

Some states have attractive nuisance laws that require property owners to safeguard customers, visitors and even trespassers from attractive nuisances. Their 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.

Louisiana is different with respect to attractive nuisance laws. “The traditional common law categories defining the duty of care to persons on the premises according to their status as invitee, licensee, trespasser or child trespasser were abandoned in the Shelton and Cates cases in 1976 and 1977. The attractive nuisance doctrine as to child trespassers was also abandoned. The resulting rule is that a landowner owes a duty of care according to the degree of danger and the foreseeability on the premises of those who might be harmed.” (Crawford, Willam E., James J. Bailey Professor Law, Louisiana State University, Louisiana Civil Law Treatise, Volume 12, Tort Law, St. Paul, MN, West Group 2000 pages 362-363.)

Duty of care for a landowner in Louisiana would require that the landowner take responsibility for the unseen; things that are not observable by an individual. For example, if a landowner allowed someone to swim in a pond that had old pier pilings hidden under the water’s surface, and the swimmer became injured, the landowner could be guilty of negligence because he did not warn the swimmer about the dangerous condition of the pond. In the same way, an agritourism business is protected from liability except for “An act or omission that constitutes willful or wanton disregard

for the safety of the participant and that act or omission caused injury, damage, or death to the participant” (5) (LA R.S. 9:2795.5); for example, a donkey that frequently kicks people being allowed to run loose among agritourism guests.

This immunity statute, gives further protection to agritourism businesses provided they follow the rules and regulations set forth by the Louisiana Department of Agriculture and Forestry in La R.S. 9:2795.5 and complete a plan of operation and post warning signs.

## Weather-related Emergencies and Natural Disasters

Perhaps no other business is as affected by weather as agricultural enterprises. Even the best plans can be wiped out by unfavorable growing conditions. Similarly, agritourism operations can be influenced by weather. Severe thunderstorms may be the most threatening situation. They pose multiple threats such as lightning, high winds and tornados, hail, heavy rains and flash flooding. They can also arrive quickly. Other elements such as heat, cold, sun and wind also can be hazardous.

Louisiana experiences almost every form of natural disaster. Some can be forecast several days in advance, such as tropical and ice storms. 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, also can 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 parish.
- 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. Your staff also should be familiar with at least basic first-aid measures.

## 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.

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.

## Warning Signs

According to La R.S. 9:2795.5, “Every agritourism professional shall post and maintain signs that contain the warning notice:

### **WARNING**

Under Louisiana law, R.S. 9:2795.5, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death 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 you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.

It shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice shall consist of a sign in black letters, with each letter to be a minimum of 1 inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the warning notice above.”

## Liability Insurance

It is suggested that agritourism professionals purchase liability insurance. Insurance provides coverage to protect your investment and the safety of others. La R.S. 9:2795.5 does not exist to replace insurance but provides a limitation of liability for certain agritourism activities.

### To learn more about your needs:

- Consult with your present insurance agent for price quotes.
- Ask the agent to walk through your venture and point out ways you can reduce your risk.

## La R.S. 9:2795.5

Failure to comply fully with the requirements of La R.S. 9:2795.5 shall prevent an agritourism professional from invoking the limitation of liability provided by the law. A plan of operation must be approved by the LSU AgCenter to show compliance with LA R.S. 9:2795.5.

## Review

Although 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.

For assistance from the LSU AgCenter contact, Dora Ann Hatch, by calling (318) 927-9654 or e-mailing dhatch@agcenter.lsu.edu

## Disclaimer

This brochure is intended to provide useful information, but it does not constitute legal counsel. Information provided is understood 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. All agritourism ventures are unique, and the authors recognize that no one document can address all the needs of any agritourism professional.



## Additional Resources

- The Access Board – a Federal agency committed to accessible design <http://www.access-board.gov/> (Information on accessibility issues, regulations and accessible design for businesses, recreation and public facilities.)
- Agricultural Safety and Health. A listing of sites by the University of California appropriate to agricultural health and safety issues. <http://are.berkeley.edu/APMP/links/agsafety.html>
- Interpretation of the First Aid Standard. U.S. Department of Labor. Occupational Safety & Health Administration, 200 Constitution Ave, 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.)
- Farm Safety 4 Just Kids <http://www.fs4jk.org/>
- UC Small Farm Center <http://www.sfc.ucdavis.edu/agritourism/>
- University of Tennessee Extension. Agritourism in focus a guide for Tennessee farmers. PB 1754. Available at <http://extension.tennessee.edu/publications/pbfiles/PB1754.pdf>
- Natural Resources Conservation Service <http://www.economics.nrcs.usda.gov/altenterprise/res-manual.html>
- Louisiana Department of Health and Hospitals provides contacts to local services pertaining to water and water disposal. Louisiana Department of Health & Hospitals, 628 N. 4th Street, Baton Rouge, LA 70802 <http://www.dhh.louisiana.gov/offices.asp>
- Louisiana Department of Agriculture and Forestry. A listing of the rules and regulations for the La R.S. 9:2795.5 can be found on their Web site at: [www.ldaf.state.la.us](http://www.ldaf.state.la.us)
- LSU AgCenter. Articles on agritourism are found under community or crops and livestock on the home page. <http://www.lsuagcenter.com/>

## References:

- 1) Materials adapted from Agritourism in Focus, A Guide for Tennessee Farmers, Extension PB 1754, University of Tennessee, 2005. [extension.tennessee.edu/publications/pbfiles/PB1754.pdf](http://extension.tennessee.edu/publications/pbfiles/PB1754.pdf).
- 2) "Who Visits Louisiana?" A Presentation For the Louisiana Travel Promotion Association: March 15, 2007 found on the Web at <http://www.latour.lsu.edu/presentations/WhoVisitsLa.pdf> August 21, 2008.
- 3) "Louisiana Driver's Guide, Classes D and E" Louisiana Office of Motor Vehicles found on the Web at [http://www.dps.state.la.us/omv/Guide\\_DandE.pdf](http://www.dps.state.la.us/omv/Guide_DandE.pdf)
- 4) Crawford, Willam E., James J. Bailey Professor Law, Louisiana State University, Louisiana Civil Law Treatise, Volume 12, Tort Law, St. Paul, MN, West Group 2000 pages 362-363.)
- 5) LA R.S. 9:2795.5

# Agritourism

## Plan of Operation



Check all that apply:

- First Application  
 Repeat application  
 Added activities application  
 Directory Application

Date Received: \_\_\_\_\_  
 (office use)

An *agritourism plan of operation* is a planning document that assists agritourism professionals in identifying and addressing possible inherent risks on their operations through recommended best management practices. Components of the plan will include listing of activities, their risks, suggestions for minimizing those risks and a plan for the location of warning signs.

### Eligibility Requirements

The Commissioner of Agriculture and Forestry shall make the determination as to whether an activity is considered an agritourism activity. A list of agritourism activities can be found in the rules and regulations prepared by the Louisiana Department of Agriculture and Forestry. Anyone can request an activity be added or deleted from the list of agritourism activities. The requesting party shall be notified of the commissioner's decision. A list of the agritourism activities shall be published annually in the potpourri section of the February issue of the State Register and on the Louisiana Department of Agriculture and Forestry's Web site.

### Instructions

Type appropriate responses in the spaces provided and return this form to Dora Ann Hatch, LSU AgCenter, 11959 Highway 9, Homer, LA 71040 or e-mail to: [dhatch@agcenter.lsu.edu](mailto:dhatch@agcenter.lsu.edu) If you have any questions, contact Mrs. Hatch at 318-927-9654 Ext. 229 or e-mail questions to address above.

La R.S. 9:2795.5 requires that an updated application be filed with the LSU AgCenter each time new activities are added to your venture; this can be done by completing a plan of operation form for each new activity and mailing it along with a copy of your previously approved application.

A plan of operation form is provided. Complete the plan of operation form for each activity located on your agritourism venture. An example is provided. Make as many copies of the plan of operation page as necessary to report all activities on your venture. List one activity per page. Number the activities consecutively.

For assistance in completing this form contact your local LSU AgCenter Extension Office and request a copy of the Agritourism Best Management Practices brochure to help with completing the suggestions to minimize risk section (also available online at [www.lsuagcenter.com](http://www.lsuagcenter.com)). Refer to La R.S. 9:2795.5 for proper placement of signs.

The LSU AgCenter will review your application within 4-6 weeks after receiving your plan of operation.

### Applicant Information

Applicant Name:

Physical Address:

Mailing Address:

Town:

Zip Code:

Home Phone Number:

Other Phone Number:

Fax Number:

E-mail address:

<b>Agritourism Venture Information</b>	
Name of Agritourism Venture:	
<i>* If address and phone numbers are the same, indicate by circling YES. If different, provide the following information below:</i>	
Physical Address:	
Mailing Address:	
Town:	ZIP Code:
Business Phone Number:	Other Phone Number:
Fax Number:	E-mail address:
Web site address:	

<b>Agritourism Venture Structure</b>	
Provide a brief description of your venture:	
Are you a working: <input type="checkbox"/> Farm <input type="checkbox"/> Ranch <input type="checkbox"/> Commercial agricultural <input type="checkbox"/> Commercial aquacultural <input type="checkbox"/> Commercial horticultural <input type="checkbox"/> Forestry Operation	Select the appropriate response that defines your business structure: <input type="checkbox"/> Sole proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited liability company <input type="checkbox"/> Joint venture <input type="checkbox"/> Other
Hours of operation: <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input type="checkbox"/> Weekend only <input type="checkbox"/> Other	
Additional comments:	
Number of estimated visitors to your venture each year:	
How long have you been in business?	
<input type="checkbox"/> 0-1 years <input type="checkbox"/> 5-10 years <input type="checkbox"/> 20 or more <input type="checkbox"/> 1-5 years <input type="checkbox"/> 10-20 years	

*If you would like to be listed in the LSU AgCenter's Agritourism Directory do the following: send a copy of pages 1-2 of this form, check "directory application" on page one in the upper right hand corner, mail to Ms. Hatch between January 1- 31st of each year.*

## Plan Of Operation

Activity (one per page)	Risk	Suggestions to Minimize Risk	Placement of Warning Signs
EXAMPLE: Wagon Ride	<ul style="list-style-type: none"> <li><input type="checkbox"/> Wagon not stopping</li> <li><input type="checkbox"/> Wagon becoming detached from transportation vehicle</li> <li><input type="checkbox"/> Passengers falling out of the wagon</li> <li><input type="checkbox"/> People standing up while wagon moving and becoming injured</li> <li><input type="checkbox"/> Passengers dangling hands and legs outside the moving wagon</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Be sure the tractor is heavier than the loaded wagon for adequate braking ability</li> <li><input type="checkbox"/> Use a locking coupler and safety chain</li> <li><input type="checkbox"/> Put front, rear and side walls or rails on wagons to keep people from being jostled off</li> <li><input type="checkbox"/> Require every passenger to stay seated with no legs or arms dangling over the sides or ends of the wagon</li> <li><input type="checkbox"/> Require steps and/or sturdy rails for loading passengers onto trailers or wagons</li> <li><input type="checkbox"/> State the safety rules after everyone is seated</li> <li><input type="checkbox"/> Travel at speeds safe for the operating</li> <li><input type="checkbox"/> Use an experienced operator who can start and stop smoothly</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Place a warning sign as required by La R.S. 9:2795 at the entrance to the wagon ride.</li> </ul>

**Plan Of Operation**

<b>Activity (one per page)</b>	<b>Risk</b>	<b>Suggestions to Minimize Risk</b>	<b>Placement of Warning Signs</b>



The Louisiana Department of Agriculture and Forestry is proud to partner with the LSU AgCenter in a Louisiana agritourism initiative, a program whose goal is to provide economic development and cultural opportunities for our farms, ranches, forests and working lands.



## Author

Dora Ann Hatch, Area Agent  
Community Rural Development &  
Extension Agritourism Program Coordinator

## Visit our Web site:

[www.lsuagcenter.com/agritourism](http://www.lsuagcenter.com/agritourism)

**Louisiana State University Agricultural Center**  
William B. Richardson, Chancellor

**Louisiana Agricultural Experiment Station**

David J. Boethel, Vice Chancellor and Director

**Louisiana Cooperative Extension Service**

Paul D. Coreil, Vice Chancellor and Director

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