

Safety & Risk Management



Rosse Posse Acres, Inc., Molalla, OR

In inviting guests onto your property brings many rewards, but there are risks, too. For the sake of your land, animals, family, and visitors, it's imperative that you understand the risks associated with agritourism and take measures to minimize your risk exposure. View agritourism safety as a program, encompassing steps to prevent exposure of visitors to farm risks and respond to adverse incidents when they do occur. This chapter will walk you through some safety considerations that will help you take your first step toward your farm safety program.

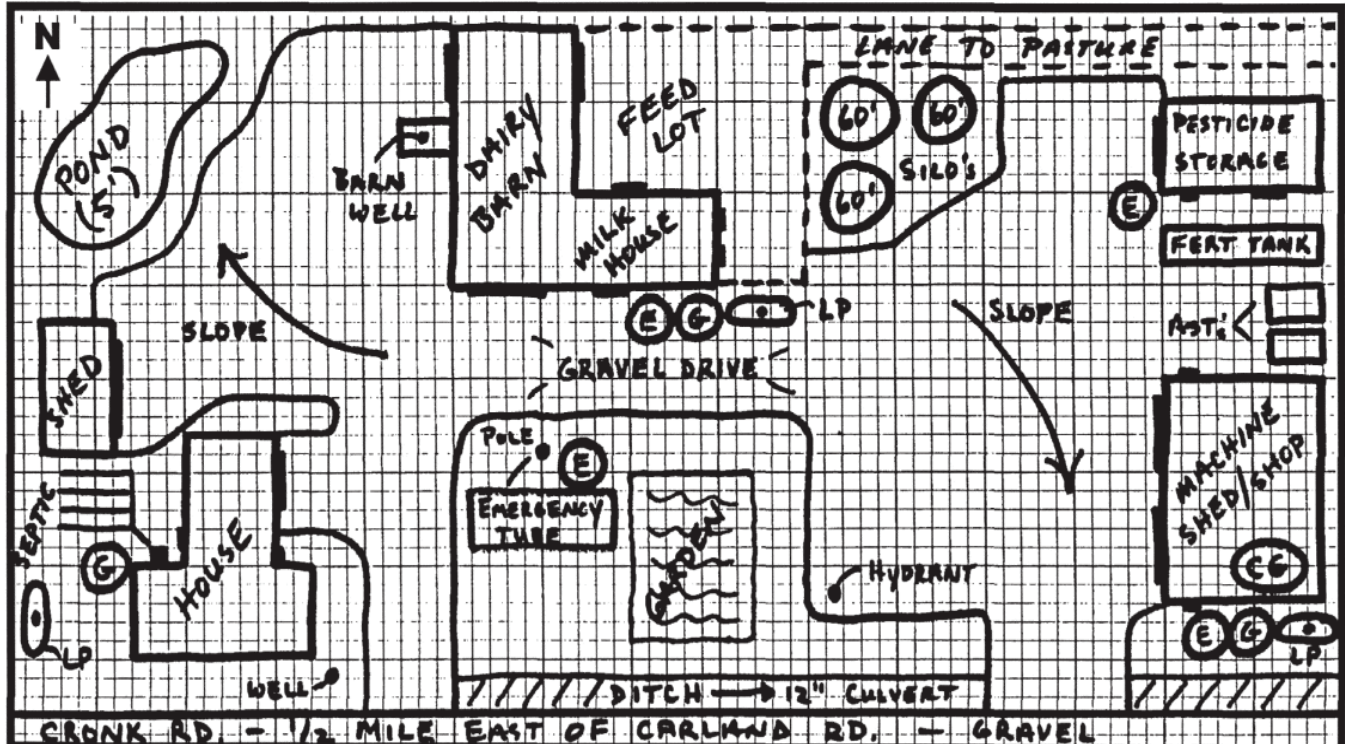
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Develop a Farm Safety Plan

Your plan should start with routine walk-throughs of all the areas that could be accessed by visitors (even those you wish to be off-limits). Keep a log of identified hazards and when you make property inspections. Consider inviting someone else (an extension professional, emergency responder, insurance provider, etc.) to walk through the farm with you. Try to see your farm through the eyes of someone not familiar with farming and its inherent risks. Are there particular risks for children? Your animals? Your property?

A farm safety plan for an agritourism operation should:

- Assess risks and define guidelines for maintaining a safe environment for those living on the farm, employees, and farm visitors.
- Establish plans of operation for specific activities on the farm (e.g., parking, hay rides, food service, animal handling, etc.).



Creating a map of important farm features, including those that pose a risk and those that don't, can help emergency responders and staff in the case of an emergency. SOURCE: *Emergency Planning for the Farm*. Michigan State University Extension Bulletin E-2575.

- Provide a basis for training farm employees.
- Facilitate emergency response in the event that an accident occurs.

Maintain a Safe Environment

Assessing your farm for risks is an important part of your planning process. The following checklists will guide you through risk assessment for many aspects of your farm operation.

When thinking about safety on your farm, always remember:

- Every farm has its own unique safety risks.
- Risks can be managed and reduced, but never fully eliminated.
- You must become familiar with all applicable federal, state, and local laws and regulations.
- The safety of your guests is non-negotiable.

PARKING

- Driveway/entrance is visible from either direction on road.
- Parking spaces are adequate for your peak number of visitors.
- Overflow parking areas are available.
- Internal (farm) traffic lanes are wide enough.
- Areas for drop-off/pick-up for buses are available (if needed).
- Guests are prevented from parking on public roads.
- There is a separate entrance and exit to ease traffic flow.
- There is adequate lighting between dusk and dawn (if needed).
- Parking is easily identifiable and safe for pedestrians.
- Workers help direct traffic and wear bright/reflective colors (as needed).

- Contingencies are in place in the event of rain/mud/snow.
- Handrails are placed along walkways where needed.

BUILDINGS AND BATHROOMS

- You are aware of and in compliance with all building codes that apply to the property.
- Public areas are lighted if customers are present at night.
- You have clean, well-stocked bathrooms or regularly maintained Port-O-Lets.
- Port-O-Lets are in a cool, dry area.
- You have properly functioning handwashing stations.
- You know where the 100-year flood line is, and electronics are above it.
- You know where fire extinguishers and water for fire trucks are located.
- You test your smoke alarms at least once a year.
- You maintain Material Safety Data Sheets, so you know the ingredients and directed usage of cleaning products in your buildings.
- You established visitor capacity limits (buildings, attractions, etc.).
- You posted “In Case of Emergency” signs, with easy to read instructions.

Emergency Preparation

To prepare for emergencies, you need to practice for them. You and your employees should know where the first aid kits and fire extinguishers are located. Plan to run at least one practice drill per year. Also, make sure family members and employees are trained in first aid and CPR.

While a working farm with fewer than ten full-time employees does not have to be certified under the fire code, any building that has overnight accommodations, retail facilities, or structures for public or outdoor assembly must follow the fire code. Contact your state’s division of fire safety to learn whether your business must be certified under the fire code.

“Attractive nuisances” are inherently hazardous objects or property conditions that can be expected to attract people, particularly children, to investigate or play. Examples include swimming pools, hay storage areas, ponds/lagoons, ATV’s, bee hives, construction sites, etc. **Make sure that “attractive nuisances” are secured or removed from your visitor area.**

“ **If it can be predicted, it can be prevented. If it can be prevented, it is not an accident!**”



Green Chimneys Farm and Wildlife Center, Brewster, NY

“ We welcome families and children in our fields but ask that you please leave your dogs at home. We do not allow dogs in our fields and our parking lot is very sunny with no good shady spot to park a car with a dog.”

— Cedar Circle Farm, East Thetford, VT

ANIMALS AND VISITORS TOGETHER

If animals and visitors will come into contact on your farm, make sure that you keep the animals clean, monitor them daily for health problems, have them up-to-date on their vaccinations, and keep good health records on them.

- Install appropriate signage and be ready to provide verbal reminders about how to act around animals.
- Decide on the level of contact between guests and animals and reinforce guidelines with appropriate signage.
- Be sure that animals are properly contained or secured.
- Remove manure and replace animal bedding daily.
- Clean and sanitize fencing/rails and other surfaces exposed to visitors daily.
- Leave large animals in their enclosure at all times.
- If using horses to pull a wagon, hitch them before people enter the wagon.
- If visitors have come from another farm, provide them with booties or a disinfecting shoe wash.
- If visitors have compromised immune systems or open wounds, do not permit them to have contact with animals.
- Provide a straightforward way for visitors to inform you if they are bitten or scratched by an animal. Have them fill out your incident report form.
- Your veterinarian can teach you about additional biohazard risks and zoonotic diseases.

Inform visitors (visually and verbally) about animal behavior, and ask them to wash hands (or use alcohol-based hand sanitizer) after touching animals.

Make sure that food and drink is prohibited in the animal areas and that the eating/drinking area is well separated from animals. Closely supervise all visitors' interactions with animals.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) requires compliance by all businesses. This act ensures that persons with disabilities are afforded equal opportunity in employment, transportation, commercial facilities, and accommodation in public places. To confirm that you are in compliance with ADA, obtain a copy of the Department of Justice's [ADA Guide for Small Businesses](#), or call the Department of Justice's toll-free hotline at (800) 514-0301. The Small Business Administration (SBA) also helps businesses understand how to comply with the ADA, and they have offices throughout Vermont.

FOOD SAFETY

- Comply with all health department regulations. Your local Department of Health sanitarian can assist with questions on planning your operation.
- All food and drinks must be stored, prepared, served, and sold in compliance with Department of Health regulations and guidelines.
- Food service establishments should pass health inspection.
- Use a sanitizing solution on all areas that come in contact with food products.
- Use proper labeling and handling techniques.
- Avoid product contamination.
- Educate employees about worker health and hygiene.
- Provide appropriate restrooms and hand-washing facilities, including signage about proper hand-washing.
- Provide multiple hand-washing stations.
- Use display materials that can be cleaned easily and appropriately (e.g., tables, table coverings, etc.).
- Use harvesting and display containers that can be cleaned prior to use.

- Regularly clean buildings and structures used for selling, storing, and packing fresh produce so they do not pose a risk for product contamination.
- Train employees to be mindful of potential contamination from consumers (i.e., they just changed a diaper in the back seat, and now they are buying fruit in your farm stand).
- Establish a dog policy.

FIRE PREVENTION

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

FARM EQUIPMENT AND MACHINERY

- Ensure all farm staff who operate farm machinery have been properly trained and are appropriately licensed.
- Instruct staff to fully shut down equipment and remove keys when equipment is not in use.
- Develop a “key storage” location and make sure staff know where it is.
- Make sure all hydraulics are down or have pressure relieved.
- Take measures to prevent visitors from climbing on, walking into, or otherwise accessing farm equipment.



Cedar Circle Farm, East Thetford, VT.

- Never allow visitors to operate farm equipment.
- Do not allow visitors to ride on tractors, all-terrain vehicles, etc.
- Make sure all tractors are equipped with rollover protective structures and guards.
- Store ladders away from trees and public spaces.
- Develop an inspection process and record information from each inspection.

WATER/LAGOONS

- Install barriers to block access to open water.
- Post warning signs and advise visitors that all water features are off-limits.
- Ensure that rescue equipment (buoy, rope, and pole) is readily available.
- Ask parents to keep an especially close eye on their children near water/lagoons.
- Train staff in water rescue techniques, first aid and CPR.



Philo Ridge Farm, Charlotte, VT

PESTICIDES AND CHEMICALS

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

GENERAL SECURITY MEASURES

- Determine how many employees are necessary to ensure an appropriate level of safety and security.
- Maintain ability to communicate with employees while working on the farm (e.g., by cell phones, radios, etc.).
- Clearly identify all staff, volunteers, security, etc., so visitors can easily recognize them and ask for assistance.

- Post signs in parking area disclaiming liability for any items lost or stolen from vehicles.
- Establish a policy that requires children under age 16, for example, to be accompanied by a parent or chaperone.
- Request that parents take responsibility for their children.
- Limit access to specific areas for children not accompanied by an adult.
- Designate areas that are off-limits to the public and check these areas often.
- Have an information booth and lost and found (for children and items).
- Post “in case of emergency signs” with contact name, phone numbers, farm name, and address.
- Require proper personal protective equipment (PPE) as needed.
- Develop an incident response form for documenting accidents/incidents.
- Designate protected areas on the farm, and plans on how to get off the farm in inclement weather.
- Provide visitors with a map that helps orient them to your farm.

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

SOURCE: Rutgers Cooperative Extension. *Managing the Safety Risks of Agritourism Farms*. 2013

Clear communication both verbally and through signage is key to maintaining a safe environment. Use signs to direct visitors where to walk, park, eat, wash hands, enter and exit the property, etc. Make signs age-appropriate for your expected visitors. Use both text and images to give good directions and, of course, to educate about your farm!

You will also want to inform visitors of risks and expectations. Explain that they are visiting a working farm, and certain hazards exist, including uneven ground, insects, farm odors, and farm animals.

Wagon Rides: Visit [VT Agritourism Collaborative website](#) for a fact sheet on how to safely operate a wagon ride.

Fencing: Fencing intended to keep people out of a specific area should be at least 4 feet high and designed so that children cannot climb under or over it.

Inform visitors that, by entering, they are accepting risks and must exercise reasonable caution. Help them understand what they can and cannot bring onto the farm (water, alcohol, pets, insect repellent, sunscreen, etc.), and how they can dress appropriately (long pants, closed-toed shoes, etc.). Clear rules and suggestions equal lower risk.

Plans of Operation

For each agritourism activity you offer, develop a written plan of operation, which provides evidence of efforts undertaken to protect the safety of farm visitors—an important component of protecting the farm from liability in the event of an accident. (See example in table above). The plan of operation for each activity should:

- Describe the activity
- Identify potential risks
- Outline strategies for minimizing risks to guests
- Identify the location(s) for posting rules or warnings related to the activity

Staff Education and Training

Make sure all employees are properly educated and trained regarding your:

- Business
- Employee expectations
- Farm safety risks
- Farm safety plan/plans of operation
- Emergency response procedures

Plan to have a full staff training each year for new employees and a refresher training each year for returning employees. Document these trainings.

Emergency Response

Review your emergency response plan regularly, and include it in your employee training. It should include:

- Contact information and emergency contacts for farm owners and employees that are easily accessible
- Incident report forms for documenting accidents or other adverse incidents that occur on your farm. You can model the form on a sample (there are several available online). Be sure it includes the injured person's name, address, and contact information, a detailed description of the incident (what happened, time, location, who, weather, number of visitors on property, type of medical assistance provided, witness accounts), and contact information for person completing the report.
- Farm map detailing important locations with 9-1-1 addresses and geographical features and GPS locations
- Directions from the nearest major intersection
- Locations of emergency response equipment (e.g., first-aid kits, fire extinguishers, personal protective equipment)
- Emergency contacts
 - Fire department
 - EMS
 - Police
 - Local doctor/hospital

- Local/county Office of Emergency Management
- Poison control
- Utility companies
- Chemical suppliers
- Equipment suppliers
- Insurance provider
- Cooperative extension contact
- Personal attorney
- Veterinarian

Is Someone Injured?

When a guest or employee suffers an injury on the farm:

- Evaluate the person's condition and provide or seek necessary medical attention
- Complete incident report form. See Appendix, "Sample Incident Response Form," p.
- Notify the farm's insurance provider

The Four P's of Liability

There are four broad ways a business or its owner may be found liable of negligence: 1) if something on the *premises* hurt somebody, 2) if a *product* hurt somebody, 3) if the *property* is causing an issue, 4) if an individual *personally* hurt someone. Liability means that you are legally responsible for your actions or inactions that could bring harm to others. If what you did or did not do lead in a predictable manner to harm, then you are negligent. This section outlines types of liability and strategies for reducing risk.

PREMISES LIABILITY

Owners and caretakers of land are held liable if visitors hurt themselves on some "defective" part of the property that they were not warned about. As you can see in the chart at left, your duty to protect changes depending on the status of your visitors. By inviting people onto your land as part of a business, you are creating a new category of visitor who must be protected from all dangerous conditions.

Types of Farm Visitors and Typical Duty of Care for Each

Status of Visitor	Examples	Possessor's Duty
Invitee	Customers, U-pick customers, clients, salespeople, delivery persons	Discover and eliminate all known dangerous conditions, or warn of all known dangerous conditions.
Licensee	firewood cutter, with permission	Eliminate known dangerous conditions or warn of known dangerous conditions.
Social guest	guests at social gathering	Eliminate known dangerous conditions or warn of known dangerous conditions.
Recreational user	hiker, hunter	No duty if meets the state's Recreational User's Statute
Known trespasser	without permission, possessor aware of	Eliminate known dangerous conditions or warn of known dangerous conditions.
Unknown trespasser	without permission, possessor unaware of	Refrain from harming by willful conduct.
Child trespasser	without permission, presence foreseeable	Protect from actively dangerous instrumentalities.

SOURCE: Rutgers Cooperative Extension. *Agritourism Liability*, 2013.

PRODUCT LIABILITY

If someone is injured by something you sold, or prepared and served, you may be responsible for the resulting damages. Examples include designing an inherently dangerous product or selling a dangerously made product, such as a knife without a handle. A negligently produced product is one that is created in such a way that, by its deviation from the norm, it creates a danger to the consumer. You may be found liable for reselling a defective product if you could have identified the defect but did not.

PROPERTY LIABILITY

There are two kinds of property liability issues that can arise. First is the crime of a guest physically trespassing onto someone else's land. If a visitor to your farm accidentally parks on other people's land, runs through their property, or in any way harms their crops, you are liable for an injury. A good way to prepare for this is to have a good relationship with your neighbors.

Nuisance is the other kind of property liability issue. A nuisance charge concerns the unreasonable interference with another's use of one's property. It covers lights, smells, and actions that may upset neighbors, but that don't have a physical presence. The usual defense is your state's Right to Farm law.

PERSONAL LIABILITY

Personal liability is for actions that you directly take, or fail to take, that result in harm to others. Examples include running over someone's foot, not keeping your livestock safely penned, and employees stealing from customers. These aren't really new risks, just risks that are more likely to happen once your farm is open to visitors, and need new precautions to make sure they don't happen.

Protect Yourself Legally

There is no single strategy for effectively reducing your exposure to risk. Approach liability management holistically, as a program or series of activities. Add “layers” of protection that demonstrate a proactive, responsible, and comprehensive approach to farm safety.

INSURANCE

Always talk with your insurance provider to see if your agritourism activities are or can be covered. Also, make sure any contractors or farmers’ markets you work with carry appropriate insurance that reduces your risk. Remember that an insurance agents’ experience with agritourism may vary. If you don’t click with one agent, you can shop around to find others who may know how to work with your business.

Insurance Information Review and Worksheet

Provide insurer with detailed information regarding the hours/seasons of operation.

Evaluate the type of visitors and the number of visitors expected (adults, teenagers, school children).

Establish the number of employees.

Evaluate the potential gross sales/revenue.

Determine the required amount of coverage. \$_____

Is the premium a set fee? Yes No

Is the premium based on a percentage of gross sales or on visitor days? % Sales Days

How much is the premium? \$_____

What is the deductible? \$_____

Does the insurance apply to...

- Farm premises and operations liability? Yes No
- Farm products and operations liability? Yes No
- Farm contractual liability to others? Yes No
- Personal injury liability to others (libel, slander, invasion of privacy)? Yes No
- Advertising injury to others? Yes No
- Property liability damage to others? Yes No
- Incidental medical malpractice liability resulting from helping an injured person? Yes No
- Non-owned watercraft liability? Yes No
- Host liquor liability? Yes No
- Court costs for defense? Yes No

Are court fees covered *above* the liability coverage limit
or *included* in liability policy limit? Above Included

Are there any exclusions to the policy? Yes No

Are all employees insured under this policy? Yes No

SOURCE: “Agritourism On-Site Farm Safety Guide,” Northeast Kingdom Travel and Tourism Association

Several types of insurance may be relevant to agritourism enterprises, including:

- Commercial or general liability
- Product liability
- Special events liability
- Property and loss
- Health and disability
- Crop

When securing insurance, sharing your farm's plan of operation will help assure agents that you are working to mitigate risks. Below is a worksheet of information to review with your insurer before you welcome visitors to your farm.

RELEASE AGREEMENTS AND WAIVERS

A waiver is an agreement between you and your visitors that you will be held harmless for any hurt they receive, that they are aware of the risks, and they are still willing to proceed despite them.

When creating a waiver, ask your attorney or insurance provider for specific language to use. The key element of any waiver is the "indemnity by user" clause, whereby the user agrees to "indemnify and hold harmless the landowner from any claims made by the user or their parties arising from the use of the land or activities." Release agreements and waivers help limit risk *but do not* offer 100% protection. They act as a "reality check" for users/visitors, and they are legal documents valid in a court of law, but they do not absolve hosts of responsibility for guests' health and safety. They should not be your sole method of risk management.

SIGNAGE

Signs perform a function similar to waivers. They don't solve every liability problem, but they warn visitors of potential dangers and help to limit your risk exposure if someone gets hurt.

Documentation

- Safety and emergency response plans
- Plan(s) of operation
- Employee training documents (certificates of CPR training, driver's licenses, etc.)
- Log of farm inspections
- Documentation (photographic and/or video) of farm premises
- A file of all incident report forms
- Record of the number of visitors to the farm
- Repairs done to machinery
- Any signed waivers
- Veterinary/vaccinations records



A full hay wagon at Smith Maple Crest Farm, a maple producer and B&B operator, Shrewsbury, VT.

EXCEEDING SCOPE

Exceeding scope means that your visitors were invited to do something, but they far exceeded the scope of the offer. Going through an “employees only” door or using your organic deer repellent as sunscreen are both examples of customers exceeding the scope of what they were invited to do.

ASSUMPTION OF RISK

Assumption of risk is a defense in which an injured party knew the dangers and still proceeded. For instance, if someone was warned that animals may bite but proceeded anyway, that person assumed the risk of actions taken.

CONTRIBUTORY NEGLIGENCE

Some states are contributory negligence states: if an injured party is more than 50% at fault for the injury, the defendant does not have to pay.

RIGHT TO FARM

The right to farm is a farmer’s defense against trespass and nuisance complaints. Some states have decided that the social benefits of a farm are great enough that “normal and reasonable” incidents relating to farming are not enough to bring a trespass or nuisance complaint. Barring a showing of an intentional, malicious act, most farms are immune from such complaints. However it’s important to remember that this applies to existing farm activities only. New farming activities that create new disturbances are not covered.

While many things can go wrong on a farm, many more things go right! Think positively about your agritourism business, but understand what the risks are and do your best to prepare for them. Once more, remember that this chapter does not constitute legal advice. Your farm, family, and market are always changing, so make a plan for evaluating your business regularly and adjust as needed. This flexibility will bring resilience to your business and is critical for helping your farm reach its overall goals.

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Also in this series:

How To...

- Host Weddings on Your Farm
- Host Dinners on Your Farm
- Host Summer Camp on Your Farm
- Develop a Farm Stand
- Develop a Farm Stay
- Develop a Farm Tour
- Develop a Pick-Your-Own Business

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Assessing Your Farm for Agritourism

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Business & Financial Planning

REFERENCES: “What Is a Business Plan?” from “Agritourism in Focus: A Guide for Tennessee Farmers,” University of Tennessee Extension, Center for Profitable Agriculture. “Choice of Business Entities” and “General Regulations” from “A Legal Guide to the Business of Farming in Vermont,” University of Vermont Extension and Annette Higby Esq., 2006. “Budgeting” from Roth and J.A. Hyde. “Partial Budgeting for Agricultural Businesses,” G.W. Penn State Agricultural Research and Cooperative Extension, 2002. “Navigating Local Land Use Regulations” from Agricultural Marketing Resources Center, 11111 NSRIC, Iowa State University. THIS CHAPTER was based on the Rutgers Extension training module, “Financial Management: Budgeting and Pricing for Agritourism.” It was adapted in 2014 by Barbara Noyes Pulling, Rutland Regional Planning Commission. Land use content was written by Barbara Noyes Pulling, Rutland Regional Planning Commission, with support from Stephanie Smith, Vermont Agency of Agriculture. Reviewed by John Ryan, Vermont Sustainable Jobs Fund and Sam Smith, Intervale Center. Chris Granstrom, Lincoln Peak Winery; Jordan Von Trapp, Bliss Ridge Farm; Peg Elmer, Community Resilience and Chairperson of Farm to Plate Agricultural Land Use Planning Task Force; Dean Pierce, Director of Planning and Zoning, Shelburne, VT; and Lisa Chase, University of Vermont Extension.

Offering High-Quality On-Farm Experiences

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