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NYS Issues Inherent Risk Guidance for Farms

The New York State Department of Agriculture and Markets released guidance today that clarifies the responsibilities of agri-tourism and equine business operators and their visitors under the Safety in Agricultural Tourism Act. New York Farm Bureau advocated for inherent risk reform for years and was ultimately successful in getting it passed and signed into law last year. The guidance document is the first step to help farms meet their obligation in hopes of reducing liability insurance costs.

The guidance establishes enhanced protection for farm owners from liabilities associated with inviting the public onto their farms for agricultural tourism events and activities. This includes farm and winery tours, equine activities, and u-pick operations that are conducted for educational or recreational purposes, and that benefit the farm through the sale, marketing, production, harvesting or use of the farm's products.

According to NYSDAM, the guidance, found [here](#), provides an overview of the Safety in Agricultural Tourism Act and best practices for farmers in evaluating the possible risks of the agricultural tourism activity. It also helps operators to create effective and informative signs. In addition, the document describes the public's responsibilities when visiting these agri-tourism locations.

As part of the guidance, the Department outlines the major requirements of business operators, which includes:

- posting warning signs in conspicuous locations on the potential risks of the on-farm activities and the responsibilities of visitors;
- distributing written information to visitors directing them to the posted signage;
- posting directional signage;
- taking reasonable care to prevent foreseeable risks; and
- providing training to employees.

The Department recommends that farm operators consult with insurance and legal professionals to identify potential risks to visitors specific to their farms by performing a "risk assessment." In addition, these business owners should periodically review their operation to determine whether any changes are needed to the signage, training or operations to better ensure the safety of visitors and protection under the statute. The new law provides increased protection from lawsuits only to farms that provide the required disclosure and follow the additional requirements of the new law.

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