

Farm Visitor Liability & FDA Concerns

Montana Emu Ranch Company wrote...

Some people might want to check out liability laws for their own safety, when they are allowing the public onto their property. Be aware that there are handicapped laws in some states. I found this out by accident in Montana. If you allow the public onto your property, whether it is for a tour or, especially, if you are selling product while they are there, you are required to have handicapped access to the area or buildings that the public has access to.

We had a Food & Drug Administration (FDA) inspection last summer and one of the first questions out of the inspector's mouth was whether or not we allowed the public onto the property. I was glad I said no because later I read on their website some of the regulations pertaining to visitors.

Minnesota Emu wrote...

We had an FDA inspection last year and they immediately notated that we have ramps, handicapped accessibility to everything, signage, precautionary handouts and full insurance for tours, product liability and operations. All of this got an at-a-boy from the inspector.

Be safe not sorry. A word to the wise... have all Code of Federal Regulations (CFR) required paperwork for products from all sources that have your label on it. Keep it all in a notebook ready for the inspector. Read up on your Master Manufacturing Records (MMR) and avoid a prolonged stay by FDA.

And, you must have all product processing areas perfectly in accordance with Good Manufacturing Practices (GMP), when the inspector comes unannounced. We saved a lot frustrations by following all of our written programs, including labeling, internal documentation and batch reporting. We, also, made sure that working employees were following all procedures and noting all documentation.

For the good of our customers, we were happy that the inspectors were thorough with their inspection.

4 D Acres wrote...

We have had the FDA visit our operation several times – no mention of being Americans with Disabilities Act (ADA) compliant, as we are a working farm and visitors come out under the state law concerning Agri-tourism.

Insurance is a must.

As for farm visits check with your state/county/parish/township for zoning restrictions, signage laws, parking regulations, etc. Then, check your state laws for Agri-tourism and Business laws. Kansas has liability coverage for normal farm hazards (this means that people cannot sue because they fell on uneven ground, etc.). The only requirements for us was to post a sign and be registered with the state.

Be mindful of all federal representatives, as you can get conflicting answers from dealing with different employees. I question everything when the Feds stop by. It is their job to prove it – not to offer their personal opinion as law. You also have to talk to the correct agency. The Department of Commerce may tell you one thing, while the Department of Ag will tell you something else and the Department of Revenue will have their own opinion, as well.

I am not trying to scare anyone but, do your homework and know your rights.
