

## **Colorado Farmers' Market Association 2011 Farmers' Market Safety Guidelines**

Providing a safe and accident-free market is one of a market manager's primary responsibilities. By planning and taking steps to minimize risks, you can keep your sellers and customers safe, you can respond effectively to issues that may arise, and you can keep your insurance premiums down.

The most important thing is that no one gets hurt or sick at your market. If there is an accident or injury at your market, the insurance company will first decide if that incident is covered by your policy. If it is, then they will go to work to either pay the claim or hire a lawyer to negotiate a settlement. If a claim is not covered by the policy, then you will be on your own. Be sure you know what is covered by your insurance. Many special activities like animal displays are not covered. Be prepared to require some activities or participants to buy additional coverage or to prove to you that they have coverage. Read the latest "CFMA Insurance Information Sheet" document. Ask CFMA staff if you have questions about your policy or activities at your market.

These general points are worth considering:

1. Be sure your sellers know what insurance the market carries and what is covered and what is not. Provide written notice in your rules, membership application, or other means to be sure they accept this coverage and thus take any action they need to take on their own, and that you may suggest or require.
2. Check your entire market every day for common safety hazards. A nice walk around after everything is set up and running well is best. Walk around the edges of your market and then through it, looking for things like:

Trip hazards – be sure electrical extension cords are covered with mats, taped down or run up and over or around walkways.

Outdoor electrical outlets and cords must be protected by GFCIs (low amperage circuit breakers), should be firmly attached to equipment, and must be undamaged (no cracks, torn wires, etc).

Sidewalk and curb areas or other places where a person could trip are painted, have orange cones nearby, or are highlighted with some other indicators.

Sharp or pointed objects on equipment or edges of tables or tents are covered with duct tape, are repaired or removed immediately.

Tent weights--Pop-up canopies and market umbrellas must be weighted or staked down to the ground– or they will blow over, even in small breezes. This is the most frequent incident at outdoor markets! Buckets with water or concrete to hang or sit on the base of a tent can help. One canopy manufacturer recommends at least 40 pounds on each corner of a 10x10 tent; double that on a 10 x 20 tent.

All market-owned equipment must be checked often for damaged legs, fully-locked legs, general cleanliness, sharp edges, etc. Remove any damaged equipment immediately and do not use until it is fixed or replaced.

Keep a daily market activity record: after each market write down any warnings to sellers about safety.

Use checklists to do a periodic safety check. Keep these records in case you need to demonstrate you have done all you can.

3. If you have to tow a vehicle blocking your market area, use a professional towing company, and take photos (keep a camera in your market "kit") of the car before and after it is moved to prevent a claim of damage during the moving process.

4. Check with your landlord to see if you can control dogs, bikes, or petitioners who want to be at your market. If, because you are on a public street or park, you cannot control them, then you need not worry about them too much. If they become a problem to your market you can call the police or refer customer complaints about them to the landlord. If you are allowed to control them, and wish to, then you should adopt market rules and policies, written down and enforced consistently.

5. If you have an accident or injury at your market, a theft, or any other problem, be sure you and your staff, or a trusted seller if you are not present, are ready to respond: Use your camera to document any damage. Take names and phone numbers of all persons involved and any witnesses. Have a first aid kit and make it available. Know if any of your sellers are trained in first aid or CPR. Call for police or ambulance as soon as it is clear it is needed. Be positive and helpful in your assistance.

6. Be sure to tell your contractors, such as food vendors, craft fairs, and special events, if they are not part of the market that you directly supervise, and thus are not part of any insurance coverage you have under the CFMA policy, that they must provide any insurance they need or think they need. This should be clear in the written contracts you should have with them. Such contracts can be simple, even just the application form that includes your basic rules and releases, but should be written and signed by both parties.

7. Tell your sellers to keep their cash close to them and out of sight. Have them pay you any daily fees by check to minimize your personal cash and security exposure.

8. Include in your rules or market application that any health department or other regulatory rules (scales, labeling, organic, food temperatures, sales tax, etc) may not be enforced by you, but that the agencies are expected to visit, or if they will not, that you are generally aware of their rules so you can call them to investigate a possible problem before it causes a bigger problem. While compliance with the various government rules may be up to the sellers, and a government inspector may not issue a “ticket” to you, your market’s reputation depends upon its safety record. Use the agencies to help you.

10. Know which areas are yours to control and which are the landlord’s, e.g. park benches, parking lots, side walks, and if your lease or permit gives you responsibility for those areas. Incidents at locations which are not your responsibility can be referred directly to the landlord.

11. Requiring market sellers to have their own insurance can be hard. Many smaller sellers can try to get extensions to their homeowner’s or farm insurance, or can get product liability insurance. “General liability” (tents falling on someone, tripping on electric cords, etc) vs. “product liability” (products causing injury or making someone sick) are the two areas of concern. High risk sellers, that is people who sell products more likely to be a problem (such as any cooked food served ready to eat, or processed foods, and any sampling of raw produce or prepared foods) are more likely to be an issue than fresh raw unsliced produce, or even “low hazard foods” (a health department term) such as most bakery items.

You need to decide if you want to be very safe, and thus very restrictive, and require everyone to have total coverage (which can be expensive and may exclude many sellers from your market), or if you can draw a line at low vs. high risks. You should require all hot food vendors to have health department permits, provide you with copies of the inspections of the food preparation areas, and have the inspector come to the market to see that the food is served safely. If someone sells processed foods like jams, (which are low hazard products) or salsa (which can be high hazard), or if a seller wants to offer samples, then health department inspection is important, and product liability insurance may be a good idea for those vendors. Remember, when faced with regulatory issues, you are not the expert. Getting the health department’s input early and using their continued guidance is very helpful if there is a problem, and will help reduce the chances of problems occurring.

**Disclaimer** – You are responsible for safety at your market. Don’t get too paranoid about safety issues, but always be ready to protect your market, your sellers and your customers. Use your common sense.

These guidelines are intended only to help you and are not legal advice.

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