

AGRICULTURAL SOCIETY LOSS PREVENTION BEST PRACTICES GUIDE



TABLE OF CONTENTS

Introduction	1
1. Governance	4
Operations	
Transparency	
Equal Opportunity	
2. Americans with Disabilities Act (ADA) Compliance	7
Fair and Festival Investments in Access	
Maintaining Accessible Features in Buildings and Grounds	
Maintaining Accessibility in Fair Policies, Practices, Procedures	
Best Practices	
3 Priorities for Maintaining Access to and Within Individual Booths	
Fair Websites Should be Accessible	
3. Immunity Defenses	14
Park and Recreation Immunity	
General Common Law and Statutory Defenses and Immunity Arguments	
Manage Risks with Forethought	

RISK MANAGEMENT

4. Alcohol Policies	19
Recommendations	
Considerations	
Beer Gardens	
Law Enforcement/Security	
5. Camping	22
State and Local Requirements	
Camping Agreements	
Camp Hosts	
6. Property and Injury Claims	27
Claim, Near Miss Procedures	
Property Damage	
Injuries	
Internal Procedures	
7. Facility Use and Lease Agreements	32
Facility Request Procedures	
Event Preparation	
Maintenance	
Off-season Storage	
Collecting Data	
8. Independent Contractors	37
Determining Insurance Requirements	
Other Contractual Considerations	
Keeping Contractors Independent	



TABLE OF CONTENTS

- 9. Property Coverage 40
 - Valuation
 - Buildings
 - Contents of a Building
 - Property in the Open
 - Contractors Equipment
 - Electronic Data Processing Equipment (EDP)
 - Miscellaneous Personal Property
 - Notable Exclusion
- 10. Special Events 44
 - Risk Management Recommendations
- 11. Vendors and Exhibitors 48
 - Step 1: Hold Harmless and Indemnification
 - Step 2: Require Sufficient Insurance
 - Step 3: Require Adequate Insurance Limits
 - Step 4: Verify Financing—Certificate of Insurance
 - Recommendations
- 12. Volunteers 51
 - Who Are Volunteers?
 - Whose Volunteer Are They?
 - Exposures
 - Risk Management

SAFETY

- 13. Animal Contact 55
 - Reduce Transmission of Disease
 - Transition Zones
 - Transition Zone Designs
- 14. Bleachers and Grandstands 57
 - Minnesota Bleacher Safety Act
 - Items for Regular Inspection and Maintenance
- 15. Chemical Safety 59
 - Safety Data Sheets
 - Hazardous Chemicals
 - Chemical Container Labeling
 - Chemical and Flammable Storage
- 16. Cooking Facilities 62
 - Fire Prevention
 - Sanitation
 - Cross-contamination
 - Cooking Equipment



TABLE OF CONTENTS

17. Electrical	68
Permanent Electrical Systems	
Portable Temporary Power	
Extension Cords	
18. Emergency Action Plans	71
Written Plan	
Evacuation and Shelters	
19. Ergonomics	73
Stretching	
Take Micro Breaks	
Plan Ahead	
Reduce Vibration	
Use Safer Lifting Techniques	
Vehicle Ergonomics	
20. Fire Prevention	78
Egress	
Fire Extinguishers	
P.A.S.S. Technique	
Flammable Storage	
Fire Doors	
21. First-aid Kits, Blood-Borne Pathogens	81
First-aid Kits	
Blood-borne Pathogen Exposure	
Garbage Handling	
22. Grounds Keeping	84
Walking Paths and Parking Areas	
Building Condition	
Vermin	
23. Housekeeping	87
Housekeeping and Cleanliness	
Trash Disposal	
Mezzanine Storage	
24. Inflatable Amusements	90
Safety Recommendations for Inflatables	
Risk Management Recommendations	
25. Overhead Garage Doors	92
Overhead Garage Door Requirements	
26. People Movers and Hayrides	94
People Movers	
Hayrides	



TABLE OF CONTENTS

- 27. Propane Storage 99
 - Propane Cylinders
 - ASME Above-ground Tanks
- 28. Sanitation 101
 - Handwashing Stations
 - Animal Areas
 - Outhouses and Restrooms
 - Drinking Water and Backflow Prevention
- 29. Security 104
 - Environmental Design
 - Presence of Security and Patrols
 - Signage
 - Money Controls
 - Enforce Rules
- 30. Site Control 107
 - Raising Awareness
 - Training
 - Barriers
- 31. Tools and Equipment 111
 - General Safety
 - Power Tools
 - Ladders
- 32. Vehicle Use 114
 - Vehicle Safety
 - Vehicle Use and Minnesota Child Labor Laws

CHECKLISTS 116

- Risk Management Checkup
- Fair Policies and Procedures Checkup
- All Buildings/Main Office Inspection Checklist
 - Cooking Facilities Inspection Checklist Supplement
 - Grandstands/Bleachers Inspection Checklist Supplement
 - Maintenance Shop/Storage Room Inspection Checklist Supplement
 - Outdoor Grounds/Camping Areas/Event Spaces Inspection Checklist Supplement
 - Restroom Inspection Checklist Supplement

This manual is intended for general information purposes only and should not be construed as legal or coverage advice for any specific matter. The appropriate experts should be consulted when making decisions regarding the information provided in this guide.

Questions concerning this guide should be directed to MCIT Loss Control at 1.866.547.6516.

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MCIT.org

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INTRODUCTION

County fairs are an integral part of Minnesota culture, but for fairs to be a positive force in the community, they need to be safe. The public puts its trust in agricultural societies (a.k.a. fair boards) to ensure that they have a positive experience when attending the fair and other events at the fairgrounds.

Producing a county fair is a large responsibility that includes maintaining a safe environment for workers, volunteers, vendors and attendees, as well as protecting fair resources.

INTRODUCTION



THIS GUIDE

Keeping people safe and property protected is a priority for an agricultural society. This guide provides information and recommendations to help recognize and reduce risks and hazards associated with fair operations and protect such organizations from liability and loss.

This guide is designed to help agricultural societies make informed decisions about how to protect their organizations, property, fairgoers and users of the facilities. The book is divided into four general sections:

1. Governance concerns (e.g., Open Meeting Law compliance and safeguarding private information), Americans with Disabilities Act compliance and immunity defenses related to fairgrounds (Chapters 1-3): This guide presumes that agricultural societies are formed under Minnesota Statutes, Chapter 38, which qualifies them as municipalities subject to certain laws, protections and regulations. Agricultural societies must adhere to various laws protecting people's rights and for conducting its business in the open, as well as having potential immunities apply to their operations. These chapters discuss pertinent details for fair operations relative to these laws.
2. Risk management (Chapters 4-12): From working with volunteers, vendors and contractors,

MCIT and Members: Managing Risks Together

Minnesota Counties Intergovernmental Trust is not an insurance company. Rather MCIT is a governmental joint powers entity that operates as a risk sharing pool dedicated to providing coverage and risk management services for its members, Minnesota counties and associated public entities, such as agricultural societies. MCIT offers property, liability and workers' compensation coverage.

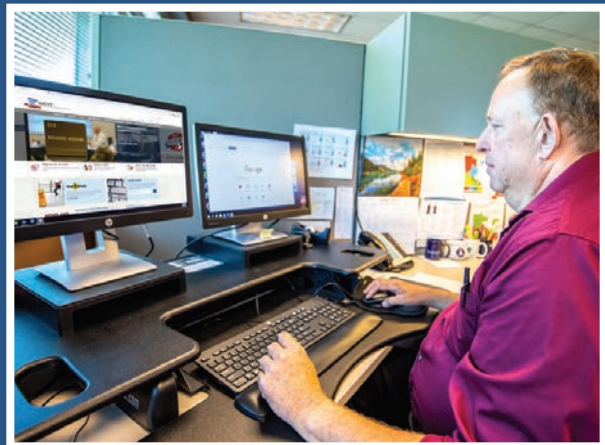
MCIT itself is a public entity, so it has no profit motive. Its primary goal is to assist members in managing their risks and reducing losses. MCIT accomplishes this by providing coverage tailored to the exposures of local public entities in Minnesota, individualized risk management and loss control advice, and no-cost products that further help members understand and manage their risks.

NO-COST SERVICES INCLUDED IN MEMBERSHIP

MCIT understands the unique challenges facing its members and offers ways to address those risks.

Resources and tools:

- Best practices guides and resource books
- Defensive driving training
- Minnesota Safety Council membership
- Step Wisely slip, trip and fall prevention program
- Resource library of risk management and loss control articles
- Quick Take on Safety mini training scripts and handouts
- Video tutorials, webinars and training videos



Risk management consultation:

- Coverage discussions and explanations
- Advice about how members can best manage risks
- Contract review from a risk management perspective

Loss control consultation:

- Hazard identification, such as facility safety surveys and reports
- Members' specific safety concerns
- Written safety programs
- Injury data analysis

Many of the resources are available through the MCIT website at MCIT.org or can be requested by contacting MCIT toll-free at **1.866.547.6516** or info@mcit.org. MCIT members can reach their risk management and loss control consultants by contacting MCIT.



these topics cover a range of issues that could potentially be open to risk exposure and offer recommendations to limit or manage the exposures.

3. Safety recommendations (Chapters 13-32): Common activities and structures at fairgrounds are discussed. Topics covered target specific equipment, work processes and policies or programs that should be in place as part of an overall safety program. Best practices are outlined to help educate staff and volunteers to reduce those exposures.
4. Check lists (Appendix): These can be used to determine quickly how well the organization is complying with laws and safety programs, as well as can identify safety hazards and allow for action items to be developed to remedy the identified exposures.

When appropriate, references to additional resources have been included to help manage risks associated with agricultural society operations.

This guide does not provide resources to address liability arising out of human resources policies or insurance coverage. It addresses some nonemployee injury- or property damage-related exposures, but is not a complete discussion of these exposures, which are often specific to an organization and are not well-suited to a general guide.

FURTHER DISCUSSION

MCIT members are encouraged to contact their MCIT loss control and risk management consultants at **1.866.547.6516** with questions regarding fair operations from a safety and risk management standpoint.

Agricultural societies should work with legal counsel when setting up policies and procedures to ensure that they are in compliance with applicable federal, state and local laws.

GOVERNANCE

Governance is one of the building blocks of a successful organization. Often governance is framed with applicable state and federal laws. Agricultural societies should address questions about complying with applicable statutes to their legal counsel.



GOVERNANCE





Minnesota Statutes, Chapter 38 authorizes the creation of county agricultural societies, and sets forth their powers and governance responsibilities. Chapter 38 also establishes funding mechanisms and certain obligations for receiving this funding. Additionally, agricultural societies have traditionally formed as nonprofit corporations under the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317A, which also contains governance requirements.

Agricultural societies should familiarize themselves with the governance and operational requirements of both chapters 38 and 317A in order to maintain compliance with the laws.

Agricultural societies should also be aware that the Minnesota Government Data Practices Act (MGDPA) and Minnesota Open Meeting Law may apply to their operations. The MGDPA governs the storage, classification and dissemination of government data for most public entities. The Open Meeting Law sets forth the conditions under which the governing boards of public bodies must conduct their meetings.

The Minnesota Department of Administration, as the state agency with the authority to issue advisory opinions on the MGDPA and the Open Meeting Law, has issued three opinions stating that agricultural societies are subject to these laws. In opinions 10-004 and 19-007, the Department of Administration concluded that agricultural societies met the definition of political subdivision in Minnesota Statute, Section 13.02, Subdivision. 11 of the MGDPA as “any board, commission, district or authority created pursuant to law, local ordinance, or charter provision.”

In Opinion 11-012, the department found that an agricultural society met the definition of “other public body” under the Open Meeting Law. In reaching this conclusion, the department relied on the fact that the agricultural society was linked to having a public purpose or connection, received public monies, had eminent domain power, and a county may levy taxes specific for the agricultural society.

Although opinions issued by the department are not legally binding, these opinions must be given deference

by a court or other tribunal in a proceeding involving the data. In most cases, the opinions are intended to provide guidance to all similarly situated persons or entities. An entity that acts in conformity with a written opinion is provided some protection under the MGDPA and the Open Meeting Law.

Minnesota Government Data Practices Act (MGDPA)

The MGDPA governs the storage, classification and dissemination of government data. “Government data” is all data collected, created, received, maintained or disseminated by any public entity regardless of its physical form, storage media or conditions of use.

Failure to comply with the Act may result in civil damages, or civil or criminal penalties.

The MGDPA establishes a presumption that government data are publicly accessible, unless access is prohibited either by law or by a temporary data classification. The Act largely determines whether an entity must, upon request of various parties, release certain types of data.

Under the MGDPA some data are classified as not public (both on individuals and not on individuals). Among other data, not public data includes most personnel data for employees and volunteers, workers’ compensation data, security information, trade secrets and attorney-client privilege.

The MGDPA governs how this information must be stored and who may have access to it. For example, data classified as private data can typically be accessed by the data subject and those who work for the public entity whose job reasonably requires access. It also requires certain notices be provided prior to collecting private data on individuals.

The MGDPA requires that the entity’s responsible authority (person whose duties are day-to-day administration of MGDPA) implement appropriate security safeguards for all data on individuals.

Open Meeting Law (OML)

When members of a public body come together to conduct business, citizens are generally entitled to observe and be informed about the issues and actions of their representatives. The Minnesota Open



Meeting Law:

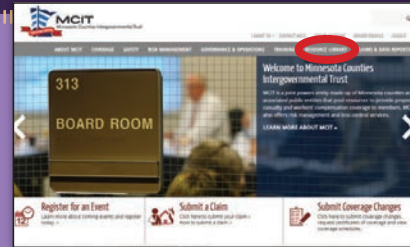
- Prohibits taking action at secret meetings where it is impossible for the public to become fully informed about a public body's decisions or to detect improper influences.
- Assures the public's right to be informed.
- Affords the public an opportunity to present its views to the public body.

Agricultural societies should be aware that the OML requirements for meetings, meeting notices and board actions may be different than the nonprofit law requirements.

Failure to comply with the OML can result in fines for the offending individuals. Fines imposed by the court are the responsibility of the individual fined. The public body cannot legally indemnify the board member for these penalties.

If the board member has been found to have intentionally violated the law three or more separate and unrelated times, he or she may be removed from office. The court may also order the board member to pay costs and attorney fees to the claimant.

Resources



The following articles provide additional information and are available at MCIT.org/resource:

- "Minnesota Government Data Practices Act: An Introduction"
- "Minnesota Open Meeting Law"
- "Open Meeting Law and Lunch"

AMERICANS WITH DISABILITIES ACT COMPLIANCE

2

Regardless of size or income, most fairs and festivals have legal obligations to provide and maintain accessibility for visitors with disabilities. Privately operated fairs are covered as public accommodations under Title III of the Americans with Disabilities Act (ADA); fairs operated by state or local governments are covered by the ADA's Title II; and fairs that receive federal funding—whether they are covered by Title II or Title III—are also covered by Section 504 of the Rehabilitation Act.

AMERICANS WITH DISABILITIES ACT COMPLIANCE





The ADA requires public entities and businesses that serve the public to remove barriers from older buildings and to design and build new facilities that provide access to visitors with disabilities. A key component of ADA compliance is maintaining those features so they remain usable.

Organizations spend money to remove barriers and need to protect that investment. Even brand-new buildings designed for complete accessibility can become inaccessible without proper attention. If key elements—often including parking; building entrance; route into and through the establishment; and access to goods and services, restrooms, cashier stations and egress—are not maintained, then access is reduced or eliminated. A poorly placed trashcan or a locked door can make a building unusable—a waste of money.

How you provide access is not as important as **that** you provide access.

Accessibility attracts the family, friends, employers, communities and service providers of people with disabilities. Access to goods and services will be noticed by parents with strollers and elderly persons looking for easily navigated routes. Veterans with disabilities, senior citizens and people with temporary disabilities will be your customers, too, so it is beneficial for agricultural societies to expand their idea of accessibility. Eighty percent of business still comes from word of mouth.

The following sections identify some ways that fair operators can maintain their investment in access with little or no extra cost. Issues vary, of course, with individual events and festivals. Not all obligations under the ADA are addressed.

FAIR AND FESTIVAL INVESTMENTS IN ACCESS

Since the 1990s, numerous fairs and festivals across the country have initiated efforts to improve accessibility of their infrastructure and programs for visitors with disabilities. Today, fairs and festivals that invest time and money to remove barriers from their facilities, design accessible exhibitions and provide effective communication for their programs can potentially attract millions of visitors with disabilities.

Elements such as accessible parking, entrances without stairs, exhibit labels that can be read by visitors who are seated or standing, large-print exhibition brochures and captioned multimedia programs help reach this huge and growing body of attendees.

The key to protecting these investments is maintaining the accessibility that has been put into place—both the general features of a public accommodation, and the features and programs that particularly define a fair or festival experience. When accessibility programs and services are discontinued or accessible building features are blocked by temporary exhibitions or removed during renovations, the loss of invested time and money can be substantial.



Fairs and festivals that consider accessibility in their design can attract many more visitors with disabilities, aging adults and their families.

MAINTAINING ACCESSIBLE FEATURES IN BUILDINGS AND GROUNDS

Fair buildings and the surrounding grounds are as much a part of the event experience as the exhibits and programs within them. The following are examples

of typical festival building and grounds accessibility maintenance issues and best practices.

ACCESSIBLE PARKING

- Accessible parking requires that sufficient space be provided alongside the vehicle so that persons using mobility aids, including wheelchairs, can transfer and maneuver to and from the vehicle. Accessible parking also involves the appropriate designation and location of spaces and their connection to an accessible route.
- Instruct staff about specific designated accessible parking locations and to assist patrons in locating them as needed.



ACCESSIBLE ENTRANCES

- Provide and maintain a prepared path that is accessible from parking and the drop-off areas to the entrance and exit of the facility.
- Provide an accessible ticket window at the ticket booth location with a service counter or auxiliary counter at least 36 inches in length with a maximum height of 36 inches above the finished floor. In alterations where it is technically infeasible to provide an accessible counter, an auxiliary counter meeting these requirements may be provided no higher than 36 inches above the ground/floor. If needed, provide curbside service as a last resort.
- Provide an accessible entrance to the first-aid facility.





ACCESSIBLE ROUTES THROUGHOUT THE FAIR

- If directional signs to accessible building features are mounted on movable pedestals, they must remain in place and continue to provide correct directions, including information about accessible route(s) for special events.
- Maintain sidewalks and curb ramps to prevent large cracks and uneven surfaces from forming.
- Movable exhibition seating or furniture for exhibit interactives must be monitored so that they do not block accessible routes; present tripping hazards; or prevent access to exhibit cases, interactives or media presentations.
- Some people with visual disabilities use canes to detect barriers that protrude into the path of travel, whether along an accessible route or any other circulation path. Objects, signage, light fixtures and exhibit items (or tree branches and shrubs along outdoor paths) can present collision hazards if they are between 27 to 80 inches above the ground and protrude more than 4 inches into the path of travel.



- Care must be taken either to keep protruding objects or those with low head clearance out of the path of travel or to install cane-detectible barriers below them.
- Eliminate billowy, long table covers that spill into the accessible route. These create trip hazards for customers with low vision and snag under patrons' crutches, canes and walkers, and in their wheelchair wheels.

ACCESSIBLE RESTROOM, FITTING ROOM FACILITIES

- Unlock accessible public restrooms, toilet stalls and fitting rooms. Make sure they are available to customers with disabilities during business hours. They cannot be used as temporary storage areas or staff locker space.
- At every restroom or “privy” area, provide at least the minimum number of accessible ADA compliant portable toilets required by local, state or federal regulation.
- If needed, modify lavatories provided at privy areas to comply with ADA standards.
- Place signage complying with ADA standards at each privy area that directs individuals to the accessible portable toilets.
- Eliminate furniture or equipment, such as shelving, large trashcans and chairs, that take up



required maneuvering space in fitting rooms and restrooms.

- Routinely refill the accessible paper towel and soap dispensers when all other dispensers are refilled.

Resources

- “Disability Parking Quick Reference Guide,” MCIT.org/resource/
- U.S. Access Board, Access-Board.gov
- “Planning Guide for Making Temporary Events Accessible to People with Disabilities,” ADA National Network, ADANA.org





MAINTAINING ACCESSIBILITY IN FAIR POLICIES, PRACTICES, PROCEDURES

Once inside the fairgrounds, visitors with disabilities want to experience all that the fair has to offer—exhibitions, programs, shops, special events, publications, videos, etc. The following are examples of typical fair program maintenance issues.

- Features should meet ADA standards, and safety and usefulness must always be examined. For example, portable exhibits and performing areas where entry for participants is intended should be accessible.
- Consistently educate all staff and volunteers:
 - Tell employees/volunteers the location and purpose of accessible retail elements and explain the importance of keeping the features usable.
 - Provide employees/volunteers with procedures for correcting problems. Example: Staff and volunteers working at the information desk or answering questions should know what accessibility services are available and how to request them, including those that must be scheduled in advance.
- Staff and volunteers should know about the telephone relay system for people who are deaf, hard of hearing or have speech disabilities and be prepared to use it.
- Signage and information in brochures about accessibility must be kept current and available upon request.
- Alternate formats for printed brochures and program materials (e.g., braille, large print) must be kept current, in stock and easy to find by the

public. Generally they should be available to visitors on the same day that the standard print versions are available, including materials associated with traveling and other temporary exhibitions.

- Auxiliary aids and services (e.g., assistive listening devices, audio description tours, closed captioning, controls in exhibitions) must remain operable except for maintenance or repair. Regular testing of equipment is essential to keep them in working order.
- If touchable objects are used to provide access to the content of exhibitions and programs for people with disabilities, care should be taken to maintain the objects' condition. If an object is removed from the tactile collection for any reason, it should be replaced with one of equal quality that conveys tactually the same information about the exhibition or program's themes.
- If the fair offers a public website about its exhibitions and programs, the information should be available to everyone. *See sidebar "Fair Websites Should Be Accessible, Too" for more details.*
 - If the fair uses the website to present accessibility information or to serve as an alternate format for exhibition labels or printed materials, the information should be current and easy to find on the site.
- Additional policies that may need to be instituted include service animals and the use of Segways and/or nontraditional mobility devices.

BEST PRACTICES

- Develop a policy for providing goods and services to individuals with disabilities in accordance with the requirements of the ADA. Institute a clause in any contract with vendors and service providers requiring that shop or booth owners provide access to their goods or services for patrons with disabilities.
- Create training materials about providing access to patrons who have disabilities and distribute them to all shop owners, employees and volunteers prior to the event. Materials should include information about:
 - Requirements of the ADA.
 - Policies with respect to providing access to programs, activities and services at the fair.
 - Location of accessible toilet facilities and telephones.
 - Procedures for contacting professional staff if questions or problems arise pertaining to accessibility for persons with disabilities.
- Provide written information within the fair brochure regarding accommodations available to individuals with disabilities at the fair. This should include information about:
 - Location of accessible toilets and telephones.
 - Parking assistance provided.
 - Policies with respect to providing access to programs, activities and services at the fair.
 - Procedures for contacting professional staff if questions or problems arise pertaining to accessibility for persons with disabilities.
 - Any other relevant information.
- Prominently display written information and make it available for distribution at all fair entrances and ticket and information booths.

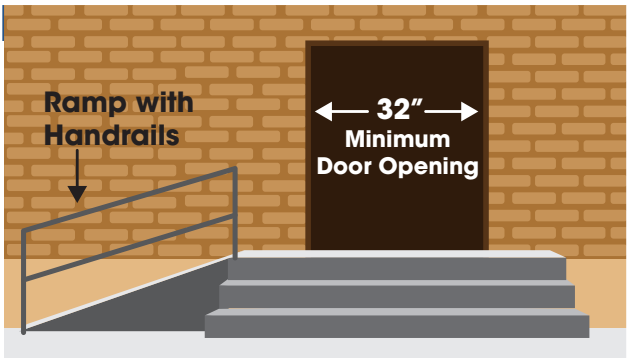
3 PRIORITIES FOR MAINTAINING ACCESS TO AND WITHIN INDIVIDUAL BOOTHS

Individual shops must not allow merchandise to spill into aisles and narrow the width of the accessible route. Sales and ticket counters that have been lowered

to provide access must be clear and unobstructed for use by people with disabilities. Staff should know how to assist people in reaching or seeing merchandise.

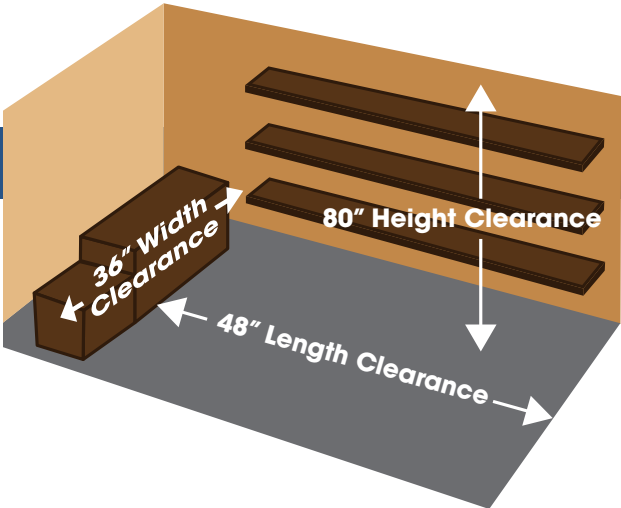
1. ENTRANCE TO BOOTH

- Provide or modify existing ramp/make curb cuts in raised walks and at entrances.
 - Add 2-inch high ramp edge protection or handrails.
 - Maintain ramp bottom area transition.
- Widen doors/entrances to a minimum of 32 inches.
- Be on stable, firm, slip-resistant and compact surfaces.
- Remove protruding objects in path of travel.
- If technically infeasible, create accessible signage and/or plan for service to individuals who cannot enter booth, but want to access service or merchandise.



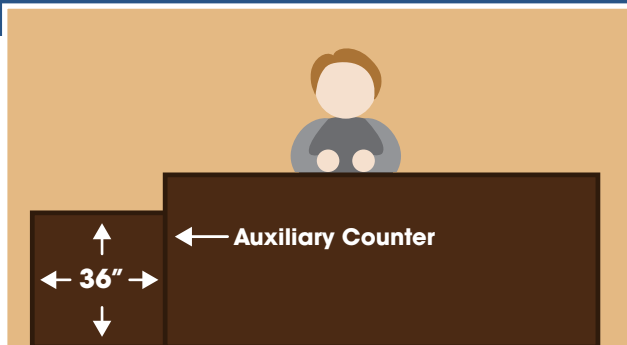
2. ROUTE WITHIN THE BOOTH

- Clear accessible path within booths and shops:
 - Clear floor space of 36 inches wide by 48 inches long
 - Clear height space of 80 inches
- Reposition shelves/merchandise.
- Remove or re-position objects that protrude more than 4 inches into path of travel.



3. COUNTER WITHIN THE BOOTH

- Create a service counter or auxiliary counter on an accessible route at least 36 inches in length with a maximum height of 36 inches above the finished floor.
 - In situations where it is technically infeasible to provide an accessible counter, an auxiliary counter meeting these requirements may be provided no higher than 36 inches above the ground/floor, e.g., folding shelf.
- If needed, provide curbside service as a last resort.



This chapter's content is excerpted from "Accessibility at State Fairs and Public Festivals" and reprinted with permission from the Northwest ADA Center (NWADACenter.org).



Fair Websites Should Be Accessible, Too

An agricultural society's website or social media presence is often one of the first places individuals look for information about the fair and other fairground events. Agricultural societies should ensure that their websites and social media content are accessible to everyone, including individuals with disabilities.

Many disabled users rely upon assistive technologies for help with visiting websites. For example, a person who is visually impaired may use a tactile braille display or a screen-reader application that speaks the text to read information that otherwise would be visually displayed on a monitor.

Individuals with low vision may need to manipulate the font size and color settings on a website to make text readable. People with limited manual dexterity may use alternative input devices, such as an electronic pointing device, instead of a mouse, to navigate websites.

Available Resources

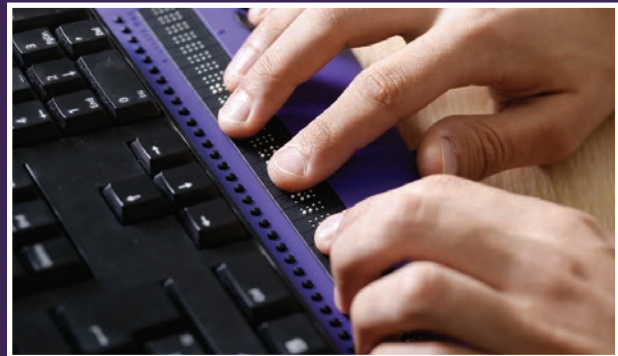
Agricultural societies can improve accessibility to their websites by removing online barriers commonly faced by individuals with disabilities. Often the addition of relatively simple features can greatly enhance a disabled user's access.

For example, a screen reader cannot interpret images on a webpage without associated text. By simply labeling photographs using hidden computer code, blind users can decipher online images.

Other common online accessibility features include:

- Adjustable text size—permits visually impaired users to increase text size.
- Skip navigation—directs users to the substantive content of the website.
- Tagging—allows assistive technology users to differentiate a website's features.
- Text-based formatting—allows screen-readers to read posted documents.
- Open captions—enables deaf or hearing-impaired users to access audio information presented in video format.

If an agricultural society is unable to incorporate accessibility features into its website or social media, it may be able to provide access to the online information through alternative means. For example, if a posted video does not have captions,



Develop a website that is accessible to all users.

an organization may need to provide information about how to obtain a transcript of the video.

Members are encouraged to discuss Web- and social media site accessibility with their information technology provider or website developer. The following resources may be helpful when evaluating online accessibility.

- Minnesota IT Services website (MN.gov/mnit/): The State of Minnesota IT Services Office of Accessibility has a number of helpful resources on using technology to promote accessibility, including best practices for creating accessible websites and applications. The office also has information about how to procure accessible information technology products and services.
- U.S. Department of Justice (DOJ) website for the ADA (ADA.gov): The DOJ provides guidance for state and local governments on accessible websites for people with disabilities.
- The section "Voluntary Action Plan for Accessible Websites" provides a checklist for state and local governments seeking ADA compliance.
- ADA Best Practices Toolkit for State and Local Governments offers useful tips.
- Section508.gov: Although Section 508 only applies to federal agencies, the accessibility guidance provided on the federal website may be instructive.
- World Wide Web Consortium (W3C) website (W3.org): The W3C is an international community that develops standards to ensure the long-term growth of the Web. W3C has published Web Content Accessibility Guidelines (WCAG) 2.0 and 2.1, which cover a wide range of recommendations for making Web content more accessible to a variety of people with disabilities.

IMMUNITY DEFENSES

Fairgrounds, by virtue of the activities they attract, tend to foster claims against the agricultural society that operates them. Individuals injured while frequenting a member-owned fairgrounds may look to the agricultural society for payment of their damages. The defense of these claims often involves the application of common law and statutory defenses, including several immunity arguments.

3

IMMUNITY DEFENSES





These immunities are granted because the law recognizes the valuable but sometimes risky role fair activities play in the community. The threat of litigation and liability may otherwise hinder municipalities from offering these activities.

Caps on damages and statutory immunities are governed by Minnesota Statutes, Chapter 466.

Agricultural societies formed pursuant to Minnesota Statutes, Chapter 38, are municipalities within the meaning of that statute. Tort liability is limited and, in certain situations, is completely eliminated because of the immunities delineated in the law. There are also common law immunities that may apply.

PARK AND RECREATION IMMUNITY

The first immunity that is important to an agricultural society’s operations is park and recreation immunity. Minnesota Statutes, Section 466.03, subdivision 6e provides that a municipality is immune from liability for “[a]ny claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality [agricultural society] that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services, or from any claim based on the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, if the claim arises from a loss incurred by a user of the park and recreational property or services. Nothing in this subdivision limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person, except as provided in subdivision 23.”

In essence, this statute provides that fairgrounds users are to be treated with the same standard of care applicable to trespassers. The trespasser standard of care (from Restatement (Second) of Torts § 335) is as follows.

A possessor of land is subject to liability for bodily harm caused by *an artificial condition on the land if the condition:*

- is one which the *possessor has created or maintains;*
- is, *to his or her knowledge, likely to cause death or serious bodily harm* to such trespassers;
- is of such a nature that he or she *has reason to believe such trespassers will not discover it;* and
- the possessor has failed to exercise reasonable care to warn of the risk involved.



The injured party has the burden of presenting specific facts to support each element of the claim.

ELEMENT 1: AN ARTIFICIAL CONDITION THAT IS EITHER CREATED OR MAINTAINED BY THE AGRICULTURAL SOCIETY

Fairgrounds contain artificial conditions that are created by the member during the improvement of the property. Provided the alleged incidents occur in the general vicinity of improvements on the property, it is likely that the first element will be satisfied unless it can be demonstrated that the particular condition duplicates nature.

A rationale for the standard only applying to artificial conditions is that natural conditions are to be expected in a recreational area, and the owner should not be required to patrol the area or to make it safe for those who enter upon it.

ELEMENT 2: TO THE AGRICULTURAL SOCIETY’S KNOWLEDGE, THE ARTIFICIAL CONDITION IS LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM

This element has two parts. First, the owner must have actual knowledge of the dangerous condition; potential for harm is insufficient. Actual knowledge can come from complaints, personal observation or



prior activities on the property resulting in the same or similar claims of injury or harm.

The second part of this element is whether the condition is likely to cause death or serious bodily harm. This is usually satisfied and not often the subject of scrutiny by the courts, because the conditions that cause bodily harm generally have inherently dangerous propensities. The main caveat is that these conditions must be likely to cause serious bodily harm, not that serious bodily injury might actually result.

ELEMENT 3: THE ARTIFICIAL CONDITION IS OF SUCH A NATURE THAT THE AGRICULTURAL SOCIETY HAS REASON TO BELIEVE SUCH TRESPASSERS WILL NOT DISCOVER IT

The issue is not whether the injured person actually saw the hazard, but whether the hazard would have been visible to someone paying attention to conditions on the land. When a brief inspection (by the trespasser) would have revealed the condition, it is not concealed. Trespassers are required to be alert to conditions existing on the land.

ELEMENT 4: THE AGRICULTURAL SOCIETY HAS FAILED TO EXERCISE REASONABLE CARE TO WARN OF THE RISK INVOLVED

This is the one element that is in the sole control of the landowner. A landowner can greatly reduce or eliminate the potential for claims by simply posting appropriate signs warning of potential danger and enforcing the rules regarding use on the fairgrounds.

The adequacies of the warnings may be the subject of debate between the agricultural society and the injured user. Nevertheless, posting signs and advising fairgrounds users of the areas where they should pay particular attention will only work to the advantage of the agricultural society.

Whether users heed the warnings is beyond the control of the organization. If it becomes known that the warnings are not being heeded, the violations must be dealt with pursuant to fairgrounds policies.

Whether park and recreation immunity would apply depends on the specific fairground’s area in question and the facts of each case.

WHAT IS A RECREATIONAL AREA?

The agricultural society should be mindful that individuals attempting to overcome park and recreation immunity may assert that the property was not in fact recreational property.

For example, courts have found:

- A golf clubhouse was recreational property because it was part of the same property as the golf course, provided services related to the golf course and facilitated the use of the course.
- Batting cage facilities are recreational property because they facilitate the use of the recreational baseball field properties.
- A sewer pond site used for mud bog races was a recreational area even though the city did not dedicate or specifically designate the sewer pond as a recreational site because the races themselves were recreational in nature.
- A paddleboat operation that was part of a park’s amenities was included as part of recreational property.



Courts have found a tractor-trailer at a county fairground was included in the definition of recreational property.

If private, independent contractors operate a certain portion of the agricultural society’s operation, the private operator may not be entitled to park and recreation immunity.



GENERAL COMMON LAW AND STATUTORY DEFENSES AND IMMUNITY ARGUMENTS

STATUTORY IMMUNITY

Statutory discretionary immunity is provided for in Minnesota Statutes, Section 466.03, Subdivision 6. It protects municipalities from claims “based upon the performance or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused.”

For statutory immunity to apply, the precise governmental conduct in question must be examined. “Planning level” conduct is protected by statutory immunity. Planning level conduct includes public policy questions that require an evaluation or balancing of factors, including the financial, political, economic and social effects of a proposed plan or policy.

“Operational level” conduct is not protected by statutory immunity. Operational level conduct involves decisions relating to the public entity’s day-to-day operations. The application of statutory immunity should always be considered when evaluating potential liability for the entity and its employees.

For example, assume the agricultural society hires nighttime security to patrol the fairgrounds. Due to



How many security guards the agricultural society decides to hire can be protected by statutory immunity.

budget constraints, it has to reduce the amount of security guards from four to two. The agricultural society made this decision after weighing the lack of crime previously and the need to make budget cuts.

One night, a theft occurred in one of the barns. One of the victims sues the agricultural society, alleging inadequate security contributed to the theft. Because the agricultural society’s board made the decision balancing factors, it would be argued that the decision was protected by statutory discretionary immunity.

OFFICIAL IMMUNITY

Official immunity is provided to municipalities and their employees by case law. Official immunity provides that public officials charged by law with duties that call for the exercise of judgment or discretion are not personally liable to an individual for damages unless the official is guilty of a willful or malicious wrong.

Like statutory immunity, official immunity is not limited to fairgrounds areas. The doctrine, however, should always be considered when evaluating potential liability for agricultural societies and their employees. For example, a city’s decision to close a sliding hill was protected by official immunity



A city’s decision to close a sliding hill can be protected by official immunity

where an employee exercised professional judgment in making the decision when the conditions required and how to close the hill.



MANAGE RISKS WITH FORETHOUGHT

Fairgrounds are valuable and precious resources. It is not possible completely to eliminate all claims of injury and harm that may result from activities in such areas. However, as long as the appropriate rules are adopted and enforced by the board, the ability to provide an effective defense of claims arising from activities in the fairgrounds is significantly increased.

The application of the various statutory and common law immunities depends on the particular facts and circumstances of each case, as well as case law on the subject.

For a detailed discussion of Park and Recreation Immunity and other immunities, see “Immunities for Park and Recreation Areas” available at MCIT.org.



Adopting and enforcing appropriate rules will help provide an effective defense of claims for fairgrounds.

ALCOHOL POLICIES

Fair facilities are used during the county fair and other special events, such as family reunions, rallies and weddings, throughout the year. For many of these, event organizers want to serve alcohol. Consumption of alcohol on the fairgrounds, however, poses a number of potential risks. Before an issue arises, it is best for the agricultural society (or fairgrounds owner) to develop a policy regarding alcohol use on the premises and to enforce the policy consistently.



ALCOHOL POLICIES





Alcohol policies in fair facilities vary greatly. Some ban alcohol outright. Others allow only beer and wine. Some policies require outside parties to obtain special permits from the agricultural society. Others limit the areas where alcohol can be consumed. Still others impose limits only on large groups, requiring proof of liquor liability insurance, licensed bartenders and a liquor license if alcohol is to be served.

Developing an alcohol policy is a local political decision. No matter what the decision is, it will upset some people; therefore, the policy needs to be thoroughly evaluated and approved by the fair board.

RECOMMENDATIONS

MCIT suggests the following minimum recommendations:

- The policy decision should be made by the board, in consultation with legal counsel.
- The policy should comply with all federal, state and local laws.
- Post the alcohol policy throughout the fairgrounds in highly visible locations.
- Enforce the alcohol policy consistently.
- Address the policy in all appropriate written agreements.

CONSIDERATIONS

To help develop the best policy for a specific fair facility, the board should consider the kinds of interactions that occur on the fairgrounds and the types of events that take place there.

The agricultural society should examine as many possible scenarios as possible when developing an alcohol policy and ask the following questions:

- What is the local public opinion regarding alcohol use on the fairgrounds?
- What activities occur on the fairgrounds that might create more of a demand for alcohol use?
- Keep in mind this question especially regarding large groups: Who is responsible for cutting off someone who has had too much to drink?
- Are there high-hazard areas where it might be prudent to limit or ban alcohol consumption?
- What resources would it take to ban alcohol entirely from the fairgrounds and to enforce the ban?

- What resources would it take to ban alcohol partially and to enforce that policy?
- Would more law enforcement personnel be needed if alcohol were allowed?
- What resources would it take to patrol and regulate fairgrounds activities if there were no limitations on alcohol?
- Should the agricultural society require use of a caterer or licensed bartender?
- Should the agricultural society require insurance coverage of event hosts, especially if alcohol will be served?
- Should the agricultural society require a liquor license of fairgrounds users when they serve alcohol?
- How will the agricultural society post the policy and where?

BEER GARDENS

Beer gardens are a common sight at county fairs. They may restrict consumption to the beer garden only, or they may permit consumption throughout the grounds.



Alcohol served by beer gardens runs the gamut from 3.2 beer to mixed alcoholic drinks.

When consumption is only in the beer garden, consider designing for restricted entrance(s) and exit(s) with staffing for control. Plan for quick, orderly emergency evacuation, as well. Separate identification checks from the serving line, and utilize hard-to-counterfeit indicators, such as wristbands for those age 21 and over.

MCIT excludes coverage for organizations that are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages. When the agricultural society is selling directly to the public, it must arrange for coverage outside of MCIT. The organization also needs to obtain appropriate licensing. Avoiding serving to minors and overserving customers should be key parts of the operational plan.



When a decision is made not to serve a potential customer, the rationale for refusing service should be documented in writing at the time of refusal. This written documentation should be maintained on file with as much pertinent detail as possible.

An alternative is to hire a licensed, insured caterer or bar to run the beer garden with its own bartenders. Choosing this option transfers much of the exposure to the contracted vendor; however, it is not without risks. *Members are encouraged to review Chapter 11: Vendors and Exhibitors for additional risk management concerns.*

LAW ENFORCEMENT/ SECURITY

Requiring that licensed peace officers be present as security where drinking alcohol is planned is good risk management. A rule of thumb is one uniformed officer for every 200 attendees. Law enforcement's presence helps discourage overconsumption and can aid in dealing with those who object to being refused service.



Presence of law enforcement where alcohol is served can help reduce rowdy behavior.

CAMPING

The development of a campground at the fairgrounds requires organizations to address numerous issues. For example, whether to allow just tents or also campers/recreational vehicles, and the need for camp hosts and access to water. Camping policies may also address pets and horses; management of noxious weeds (e.g., poison ivy); sanitation needs; fire rules; use of sharp tools, alcohol, tobacco and drugs, among others.



CAMPING



STATE AND LOCAL REQUIREMENTS

As with all topics, the organization should meet all state and local requirements related to camping. The Department of Natural Resources has a number of resources online in addition to its rules that might affect any campground.

The Minnesota Department of Health (MDH) also has some regulatory authority over campgrounds. The MDH addresses issues ranging from the amount of fresh water accessible to each campsite to space between RVs if applicable.

Agricultural society staff should review Minnesota Administrative Rules Chapter 4630, Camps and Mobile

Home Parks to ensure compliance. Some of the topics addressed include caretakers (a.k.a. camp hosts), RV spacing, domestic animals, water supply, plumbing, sewage disposal, toilets, bathing and laundry facilities, barbecue pits, fireplaces, stoves, incinerators, garbage and refuse, night lighting, licensing, inspection and camp fires.

Other major concerns pertaining to campgrounds are adequate drainage, sewage treatment, plumbing requirements, campsite access, Americans with Disabilities Act (ADA) accessibility requirements, maximum grade requirements for RVs, and so on.

REGISTRATION OF GUESTS

Minnesota Statutes, Section 327.11 requires the registration of all guests and vehicles that stay overnight, and Minnesota Statutes, Section 327.12 describes the record keeping requirements.



ACCESS TO WATER

Recreational camping areas must provide access to drinking water within at least 400 feet of every campsite per Minnesota Administrative Rule 4630.0600, Subparagraph 3. Campsites are also required to conform to design, quality and quantity of water specifications, and other issues. Be sure to verify compliance with all federal, state and local laws.



SANITATION

Campsites must meet requirements related to sanitation. Minnesota Administrative Rule 4630.0900 gives ratios for the number of sites to the number of toilets, urinals, lavatories and showers, as well as the requirements for disposal of certain other wastes. *See Chapter 28 for more details about sanitation.*





POISON IVY AND NOXIOUS WEEDS

Campgrounds are required to be placed in areas that are free of poison ivy and other noxious weeds. In Minnesota, poison ivy is common, especially in locations that seem perfect for a campground. Prior to establishing a campground, noxious weeds should be removed. *See Chapter 22 for more details about grounds keeping.*



Poison Ivy

CAMPING AGREEMENTS

Similar to when renting fair facilities (*see Chapter 7, Facility Use and Lease Agreements*), MCIT recommends having a written agreement with all who use camp facilities, including any volunteers or other staff. The agreement should contain the responsibilities of each party, a hold harmless and indemnification clause to protect the agricultural society, and campground rules. In certain situations, a liability waiver agreement may be appropriate. The agricultural society should work with the county attorney or other legal counsel when developing an agreement.

While staff/volunteers go through the agreement with the camper at registration, it is good practice to discuss information such as available facilities, campground rules, camper expectations and emergency information. The fair representative should answer any questions the camper may have, as well.



Provide a written agreement for all who use the camp facilities, including volunteers and staff.

CAMP HOSTS

Minnesota Administrative Rule 4630.0300, Caretaker states: “A responsible attendant or caretaker shall be in charge of every mobile home park or recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and equipment in a clean, orderly, and sanitary condition”

Whether calling them “caretakers,” “camp hosts” or something else, every campground must have someone in charge of taking care of the facilities. This person may also take care of registration and other tasks. Larger facilities may have multiple people fulfilling this role.

NUMEROUS WAYS TO STRUCTURE THE ROLE

The State of Minnesota does not specify how to establish the camp host role; just that campgrounds need one. Each camping area can determine how it fulfills the camp host responsibility.

Some organizations consider their caretakers to be volunteers. For example, the Department of Natural Resources (DNR) and some smaller county parks offer free or discounted campsites for a predetermined amount of time to people who agree to perform the duties of the camp host.

Another option is for the organization to hire a paid employee to fill this role, which could be part of other responsibilities.

Some camping areas may have an agreement with the caretaker that establishes him or her as an



Caretakers provide a well-maintained, clean and safe campground.

independent contractor. The agreement outlines the roles and responsibilities of the caretaker to include those of the camp host. *See Chapter 9 for more details about managing independent contractor relationships.*

VOLUNTEER OR INDEPENDENT CONTRACTOR MAY PROVE TO BE AN EMPLOYEE

The agreement structure determines whether the caretaker is a volunteer, independent contractor or employee. In addition to wage and hour issues, take into account workers’ compensation implications.

Some questions to consider:

- What are the rights and responsibilities of each party: caretaker and agricultural society?
- If the caretaker is injured on the campground, who pays for the medical care?
- If the caretaker is receiving reduced rent of a space that functions as the caretaker’s primary address, is this enough to qualify as an employee?



Consider whether the caretaker will be a volunteer, independent contractor or employee.



- What rights to the campsite does the caretaker have? If the caretaker were considered a tenant and the agricultural society a landlord, this would give the caretaker some additional rights and provide some limits on the actions that a fair may take.
- How will the situation change if the agricultural society chooses to terminate the caretaker?
- What notice must be given by either party to terminate the relationship?
- Is the reduction of rent a taxable benefit, a source of income or neither?
- What happens if the caretaker's spouse does some of the work of the caretaker? Would the spouse's conduct create an employment relationship and, therefore, qualify for workers' compensation?

As with any position that can be filled by a volunteer, independent contractor or an employee, the answers to these questions are not always easy to determine.

DUTIES AND PROCEDURES

Largely, the duties of the caretaker are defined by Administrative Rules Chapter 4630. They shall take care of the grounds and maintain cleanliness and sanitation. Other duties may include greeting new campers when they arrive and being accessible to campers during predetermined days and hours.

Camp hosts should follow established procedures for maintaining campground cleanliness, including the regular removal of refuse, safety, security and emergency management. *(See Chapter 18 for more about emergency action plans.)*

As with the maintenance of other fairgrounds facilities, record keeping helps ensure due diligence and is vital to the successful running of any campground.



Create procedures for maintaining the campground that the caretaker can follow.

Caretakers may be asked in some situations to advise campers about the rules of the campground. Caretakers are rarely given the authority or responsibility to enforce rules beyond contacting the appropriate authorities, such as law enforcement or the DNR, when necessary.

Resources

More information is available through the Office of the Revisor of Statutes*

- Minnesota Statutes Chapter 327—see 327.14- 327.29, Manufactured Home Parks and Camping Areas
- Minnesota Administrative Rules Chapter 4630, Camps and Mobile Home Parks
- Minnesota Administrative Rules Chapter 6100, Outdoor Recreation, Department of Natural Resources

*This is not a complete list. Be sure to consult with legal counsel to verify compliance with all federal, state and local laws.

PROPERTY AND INJURY CLAIMS

When damage to property, an accident, injury or near miss occurs, agricultural society staff, volunteers or camp hosts often play a key role in securing the scene to prevent further damage or injury, as well as in gathering information for the post-incident documentation and investigation process.

Timely action can assist in controlling costs and identifying corrective measures, and lead to better outcomes.



PROPERTY AND INJURY CLAIMS



CLAIM, NEAR MISS PROCEDURES

Members should adopt an incident response plan or procedure. This process should include steps to take after an incident, such as emergency response procedures; gathering photographs, witness statements or other supporting evidence; and prompt reporting to MCIT.

Fair workers should know whom within the organization is responsible for coordinating and submitting incident notices (claims) to MCIT. The person may be different for property and liability, and workers' compensation claims. The agricultural society employee, volunteer or camp host should work with this individual to ensure the prompt submission of information to MCIT.

Many claims are at least partially caused by weather or other rapidly changing conditions, so the sooner the scene and facts are memorialized, the better. Agricultural society staff should include prompt evaluation of the information to identify steps necessary to prevent or reduce losses in the future.

PROPERTY DAMAGE

When property is damaged, members must take certain actions to ensure that coverage applies. Conditions are

Vehicle Damage

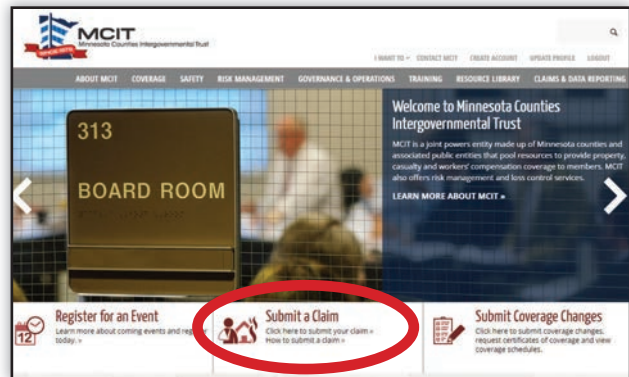
If an incident involves a vehicle accident, for example in a parking lot, the member should take photos of the scene and vehicles involved, regardless of whether the vehicle(s) is owned or not owned by the entity. Photos should be taken from all corners of all vehicles (even if no damage is visible) and include license plates.

If possible, agricultural societies should take photos of the driver(s), driver's license(s) and insurance information. It is much easier to take photos at the scene than to write down everything.

Agricultural societies should follow their incident reporting procedures and upload copies of all relevant photos through the member portal at MCIT.org.



Follow proper documenting procedures if a vehicle accident occurs.



Members should promptly report any incident to MCIT using the online member portal at MCIT.org.

detailed in the MCIT Coverage Document. Generally, members must:

- Protect damaged and undamaged property from further loss.
- If a potential crime has occurred, report it to law enforcement.
- Report the loss to MCIT via the online member portal at MCIT.org as soon as practicable.

Photos

Identify, document and retain any evidence of the loss. Photographs of damaged property can be helpful in the claim adjusting process. They provide essential documentation of the property itself and the conditions at the time of loss discovery.

INJURIES

Gather Facts Promptly

Gathering incident facts is critical to an injury claim investigation and to future incident prevention. When an injury occurs:

- Obtain information, such as the injured party's name, address, age and a detailed account of the facts.
- Retain in writing any statement from the injured party, especially related to his or her awareness of the surroundings or level of distractedness.
- Document details regarding injuries or medical treatment being sought. For a serious injury, members should follow policies and practices about calling emergency response services.
- Record other details as appropriate, such as photographs, whether police responded, video surveillance footage and witness statements.



Third-party Property Damage

Damage to someone else's property, for example, a slip, trip and fall that damages a laptop or a vehicle damaged by debris from a mower, also should be carefully documented. Take photos of the damaged property and obtain contact information and any statement from the property owner. Follow the organization's incident reporting procedures and upload copies of all relevant photos through the member portal at MCIT.org.



A cracked windshield from lawn mower debris is considered third-party damage and should be documented.

- Promptly report the incident to MCIT via the online member portal.

When an employee is injured, a similar process should be used, including prompt reporting to MCIT, as statute requires a determination of compensability within 14 days of the incident. (*See discussion of employee injuries later in the chapter.*)

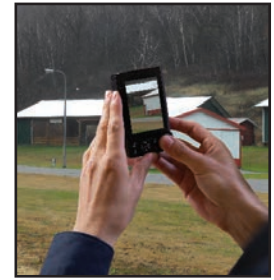
When evaluating a liability claim or lawsuit, the facts of the case are the most important factor in determining the chances of a favorable outcome or the need for early resolution. Although MCIT's claims professionals work diligently to investigate the details, early member documentation greatly assists their work.

For example, when faced with a slip and fall incident, items such as snow/ice removal records, salt/ice melt or abrasive use, inspections, repairs and photographs of the incident site provide a record of conditions at the time of incident. These documents not only aid the agricultural society and MCIT in the claim process, but also helps the organization review its applicable facility maintenance policies and procedures to identify any deficiencies.

Scene Photos

An important area where members can assist in the investigation is taking photos of the scene soon after

an incident occurs, especially when conditions could change rapidly. For instance, if a person falls on a sidewalk and alleges that the conditions were slippery, a photograph taken as soon as possible after the incident would show whether the sidewalk had been shoveled or salted, if snow or ice were present and whether other sidewalks or safer routes could have been taken.



Take photos of the scene soon after the incident occurs.

In one instance, photos provided by a member showed a mostly clear sidewalk with safe access to a building the claimant did not take. The pictures allowed MCIT to deny liability early in the investigation, causing the individual to drop the claim.

Conversely, if photos show that a hazardous condition existed and possibly was not addressed in a timely manner, MCIT can quickly make that determination and discuss with the agricultural society options for resolving the claim and preventing potential future claims.

General Tips

When an injury occurs, the agricultural society should:

- Check fair-owned security/surveillance cameras at or near the accident location (on the agricultural society's property) to see if the incident was captured. If so, pull a copy of the video and mark it so as not to record over it.
- Use the MCIT-provided Nonemployee Accident Injury Report or Employee Accident/Incident Investigation Report to gather information from all witnesses, including the injured party. Forms capture what occurred in the individual's own words. They can be downloaded at MCIT.org/reporting-mcit/.
- Note what the injured party says right after the incident. Some admit they were distracted, they were not paying attention, they had their hands full, etc.
- Obtain witness names and contact details. MCIT claims staff can gather formal statements later.
- Comment on any signage warning of dangerous conditions and whether it was present.



- Take measurements when an incident involves a minor rise in sidewalks, steps, ramps, etc., such as a trip and fall.
- Provide comments about any alterations to the area, e.g., change in lighting, re-routing due to cleaning or repairs of the floor, etc.
- Take note of any factors that may have contributed to the incident. Note weather, lighting, even footwear worn by the claimant and sole composition for a slip and fall incident. Flip flops versus tennis shoes can be an important fact.

Employee Injuries

Although uncommon for agricultural societies, when an employee injury occurs:

- Obtain relevant information, such as the employee's name, address, age and a detailed account of the facts.
- Retain in writing any statement from the employee.
- Document details regarding injuries or medical treatment being sought. For a serious injury, agricultural societies should follow policies and practices about calling emergency response services.
- Record other details as appropriate, such as photographs, whether police responded, video surveillance footage and witness statements.

- Promptly report the loss to MCIT via the online member portal, especially if an employee:
 - Dies at work.
 - Suffers a serious injury.
 - Reports an occupational illness.

Followup notification is required when:

- An employee receives medical attention after the employer has filed an "incident only" report (requiring no medical attention or lost time).
- A claim is initially reported as medical only and the employee later loses time at work for treatment of the injury or illness.

INTERNAL PROCEDURES

Prompt claim reporting, loss reduction and the resulting benefits to MCIT and its members are achieved through the implementation of simple and efficient internal claim procedures.

For example, upon receiving immediate notice of a potential claim, one designated person is responsible for completing the online loss notice in the member portal and submitting it to the MCIT claims department. When that person is unavailable, the member has a backup authorized to submit claims/suits.

Spoliation of Evidence

Spoliation of evidence is the destruction, loss or alteration of evidence involved in a claim that could have a dramatic effect on a court proceeding, such as the defense of a lawsuit brought by a party against an agricultural society. Spoliation does not have to be intentional to occur. Simple negligent or accidental spoliation of any evidence can cause significant issues in defending a claim and protecting the reputation of the fair.

Evidence related to an accident, claim or lawsuit should be preserved and stored in a secure area or otherwise protected until the claim or lawsuit is resolved. Accessibility to it should be limited, and the item should be clearly identified as to what it relates, the date and any other details to identify it later.

Some examples of physical evidence would be a roof truss that fails, resulting in property damage; a

hand rail that breaks, causing a person to fall; office equipment that is alleged to have a flawed design or construction that results in injury or property damage.

Less obvious but equally important examples of evidence include paper and electronic data or documents, such as video, voicemail recordings and e-mails that may relate to a topic that is the subject of a claim or lawsuit.



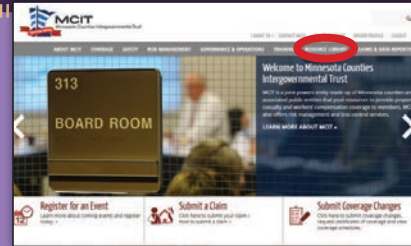
Spoliation of evidence, either intentional or accidental, could have a negative impact on a lawsuit.



Although procedures vary, from a risk management perspective, it is important that agricultural societies:

- Establish prompt claim reporting procedures.
- Communicate procedures as appropriate (procedures could be included in an operational handbook and communicated during agricultural society orientation), obtaining signed acknowledgements.
- Follow procedures consistently.
- Update procedures periodically.
- Document thoroughly to demonstrate that procedures are established, communicated, followed and updated.

Resources



The following articles are available at MCIT.org and provide additional information about claims reporting:

- "First Report of Injury: Avoid the Penalty Box!"
- Workers' Compensation Claims Reporting Guide
- "Claim Reporting and Internal Claim Procedures"
- How to Submit a Claim
- Nonemployee Accident Injury Report
- Employee Accident/Incident Investigation Report

FACILITY USE AND LEASE AGREEMENTS

From a family picnic or a regional fundraiser to an all-terrain vehicle race, requests to use fair facilities come from all kinds of groups and individuals, and this use of fairgrounds and buildings are key revenue sources. Careful supervision and attention to risk management are essential to smooth operation and administration. Agreement review before an event prevents aggravation later.

7

FACILITY USE AND LEASE AGREEMENTS





The range and types of activities and groups that use fairgrounds vary widely. Some activities, such as those involving alcohol or high-risk activities, may not be well-suited for all fairgrounds. To ensure that only compatible activities take place, the agricultural society should develop policies and procedures for reserving and renting fair facilities to the public.

Having such policies and procedures minimizes potential legal and political problems regarding what types of groups may rent facilities and the parameters of that use.

Prior to drafting policies, identify certain basic information:

- What types of groups want to use fair facilities?
- What activities are planned?
- Are there certain activities incompatible with current fair operations and/or facilities?
- What types of activities will necessitate special services (parking, traffic control, law enforcement, security, sanitation, etc.)?

- Would certain activities require that additional approval be obtained by the applicant, such as permits, special events insurance, liquor liability coverage (if allowing alcohol)?
- For rental of buildings and shelters, what requirements regarding cleaning, food handling, etc. are prudent?
- In what manner will requests be processed, e.g., first come, first served; lottery; special application?
- How will the organization ensure no area is double booked?
- Who in the organization has authority to approve requests and be responsible for ensuring compliance with agricultural society policies?
- How will fairgrounds/facility rules be communicated and enforced?

The organization should formally adopt all policies. Train board members, employees and volunteers about these policies and make them available to the public upon request.

FACILITY REQUEST PROCEDURES

When a request for use of a facility is received, determine the appropriate process. Consider:

- Reservations
- Applications
- Fees
- Staffing—before, during and after (staffing may affect whether a request can be approved)

Application

An application process allows an entity to identify expectations, rules and requirements; and to communicate those to the individual or group requesting use of facilities. It ensures that groups conduct activities consistent with leased fair facility guidelines.

Details, such as any insurance requirements, alcohol prohibition, catering requirements or fees (rental or security deposits), should be outlined in the application. Providing information up front makes sure that lessees know the financial costs and/or



Periodically review request procedures to ensure that they are current with facility capabilities and are equally applied to all applicants.

requirements before signing an agreement and allows them to determine whether the fair facility meets their needs.

Written Agreement

Once the application is accepted, consider putting the terms and conditions of facility use into a written agreement. A written facility use agreement is a legally binding document that establishes the purpose, date, time and cost for the facility use. In addition, the



agreement should outline the procedures to follow, should the facility become unusable as planned for the event or activity.

The agreement also establishes the rules and articulates any other requirements and limitations of the use. For example, no alcohol may be served without liquor liability coverage, no music past 10 p.m., etc. The agreement should include the following details, depending on the circumstances:

- Parties involved
- Scope of use
- Limits on use (e.g., the maximum number of people)
- Restrictions on use (e.g., illegal, loud or disruptive behavior; pets; alcohol; etc.)
- Maintenance/clean up requirements
- Specific timeframe for using facilities

- Deposit, rental amount and any fees, and establish when they are due
- Insurance requirements (require a certificate of insurance)
- Defense, hold harmless and indemnification clause

In the agreement, address issues such as advertising on the fairgrounds; alterations, decorations and damage; additional users; and consequences for violation of agricultural society rules or local laws. Include fairgrounds rules and a general clause whereby the lessee agrees to be responsible for all misconduct or damage caused by his or her guests.

With any agreement, ensure that parties entering into it have such authority. Have all agreements reviewed and approved by the agricultural society's legal counsel prior to implementation.

EVENT PREPARATION

Prior to rental, fairgrounds staff should plan for the following:

- Any staffing that may be required or beneficial
- Extra resources to have on hand, such as law enforcement, fire or ambulance
- Parking or traffic control arrangements
- First aid
- Responsibility for cleanup
- Inspections—before and after
- Signage—dos and don'ts
- Evaluations
- Repairs—before and after
- Completion of required written documentation



Fairgrounds staff should consider all the variables prior to rental.

MAINTENANCE

When someone leases facilities on the fairgrounds, he or she expects them to be well-maintained. Meeting this expectation requires that facilities be regularly inspected and problems remedied in a timely manner. Regular maintenance ensures a longer useful life for facilities than for those that are neglected.

In addition, establish a log to record any accidents and/or damage that occurs on the property. Inspect any known dangers and take action to resolve them.

Good maintenance programs are scheduled so as not to be overlooked. It is vital to keep records of the inspection and maintenance performed.



Regularly scheduled inspections and maintenance of fairground facilities help extend their useful life.

OFF-SEASON STORAGE

An off-season storage program is a specialized facility use. This practice has a potential exposure to loss: responsibility for damage to the stored property.

The liability section of the MCIT Coverage Document contains the garagekeepers comprehensive coverage endorsement. This endorsement provides protection when it is determined that the member is legally liable for damages to an auto (land motor vehicle, trailer or boat) left in the member's care (i.e., attending, parking or storing).

Garagekeepers comprehensive coverage is excess coverage to any other insurance on the auto; therefore, the owner should maintain the primary insurance coverage and continue coverage while storing the vehicle.

When an agricultural society or member is legally obligated (determined to be negligent), the garagekeepers endorsement only covers comprehensive damage to an auto stored on county or agricultural society property. Typical comprehensive losses include fire, wind, hail, vandalism and theft while commonly stored on the fairgrounds.

The endorsement specifies that comprehensive coverage does not include damage caused by flood or earthquake, collision or overturn of the auto.



Using vacant space to store personal property of others, such as boats, RVs, trailers and campers, is often a revenue source.

Therefore, agricultural society staff/volunteers should not drive any of these autos. Organizations should obtain permission to move the auto at the owner's risk when it is necessary to operate the vehicle.

The limit of coverage under MCIT's garagekeepers endorsement is \$100,000, subject to a \$1,000 deductible. This is the maximum amount available for any one loss, regardless of the number of autos damaged in the occurrence.

Note: The endorsement does not apply to contractual obligations assumed by the member. Specifically, there is no coverage for liability resulting from any agreement by which the agricultural society accepts responsibility for loss. MCIT recommends that

members not enter into any agreement that would require primary coverage for an auto that is in their care, as MCIT's garagekeepers coverage is provided only on an excess basis.

Exposures for Storage and Parking

When storing personal property of others on the fairgrounds, exposures to loss include such situations where the member could be found negligent. This might be due to a fire as a result of the member's negligence or a roof collapse because the member did not clear snow buildup from the roof.

These situations could potentially result in damage to multiple autos. Depending on the circumstances, the

agricultural society could be held legally responsible for the items stored in the building.

For stored autos, members should:

- Use a rental agreement with a waiver of liability when renting space to others. The rental agreement should contain a waiver that excuses the agricultural society in advance for any fault or damage to property.
- Not agree to a contractual obligation that accepts responsibility for loss.
- Keep storage buildings locked and secure.
- Inspect and maintain storage buildings, paying special attention to fire hazards and excess snow accumulation on building roofs.

COLLECTING DATA

When renting or leasing fairground facilities for others' use, the agricultural society collects information from the public. It is important to remember that all data collected is considered government data and needs to be treated consistent with the entity's policies and procedures, the records retention schedule and the Minnesota Government Data Practices Act. *See Chapter 1, Governance for more about MGDPA.*

To ensure compliance with the rules and regulations, the agricultural society should review the types of data collected and determine what is public and not public. The organization should assess these requirements with legal counsel or the entity's responsible authority. Consider:

- What data is needed?



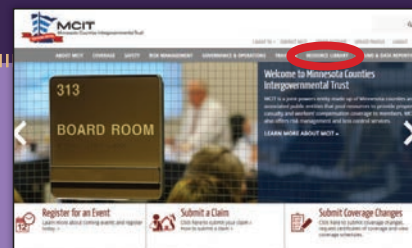
The collection and storage of data from the public should comply with government rules and regulations.

- What is the classification of the data?
- What are the limitations on use of the data?
- Where is the data stored? Is the information secured?

Resources

The following articles are available at MCIT.org and provide additional information:

- "Red Flags in Contracts: Coverage, Exclusions and Risk Management"
- "Certificate of Insurance"



INDEPENDENT CONTRACTORS



Contractors fill many roles for the agricultural society, such as maintenance, repairs or improvements to the fairgrounds and more. These varied responsibilities raise several questions in administering agreements:

- How much insurance should be required?
- What kinds of coverages are needed?
- Who will be responsible if the agricultural society is sued?
- Why can we not operate on a handshake agreement?
- How risky could it be to hire that painter?
- Should the agricultural society just pay the contractor by the hour?

From determining insurance requirements to making sure that the independent contractor stays independent, the agricultural society must consider a number of details in managing relationships with independent contractors.



DETERMINING INSURANCE REQUIREMENTS

Just as each new project differs from the last, risk management concerns also differ. Some, but not all of the general concerns are as follows.

- Every independent contractor should have insurance coverage that is primary and not excess to any other coverage carried by the agricultural society.
- An agricultural society should determine and verify the financial ratings of the coverage providers that are acceptable to the organization.
- Coverage must be in force for the duration of the project with consideration given to whether the coverage is on a claims made or occurrence basis.
- An agricultural society should require advanced notice of change to insurance coverage and require that changes in coverage continue to meet contractual requirements.
- Independent contractors should be required to provide a certificate of insurance prior to beginning any work.
- The agricultural society should be listed as an additional insured on all policies other than workers' compensation and professional liability. (See "Additional Insured Clause Sample Language" for more information.)

Amounts and Kinds of Coverage

The agricultural society should determine the amount of coverage that independent contractors must carry, taking into consideration that the size of a contract does not necessarily correspond to the amount of risk posed.

Consider the painting contractor who cuts into a wall to make repairs prior to repainting and causes a problem with the wiring of the building that leads to a fire. The contract may have been for a minimal amount, but the complete loss of a building and all of its contents could cost millions of dollars.

In general, limits should match the tort caps of \$500,000 per claimant and \$1.5 million per occurrence. Usually the insurance is from a commercial general liability policy. Other potential coverages are commercial auto, products and completed operations, workers' compensation or employer's liability, and in some instances professional liability or errors and omissions.

Additional Insured Clause Sample Language


"Contractor shall name [MEMBER NAME] as an additional insured on Contractor's [Commercial General Liability] policy covering [MEMBER NAME]'s vicarious liability for Contractor's negligence, strict liability, and breach of warranty arising out of Contractor's ongoing and completed operations, with coverage equivalent to that provided by ISO Forms CG 2010 04 03 and CG 2037 04 13. The additional insurance shall be primary and non-contributory."

Source: Bob Huber and Steve Lindemann. "Construction Contracts—What Insurance Can be Required After Amendments to Anti-indemnification Law." Presented July 10, 2014, at Minnesota PRIMA Meeting: Revisions to MN Law, Updates: Workers' Compensation (mental-mental) and Additional Insureds on Construction Contracts. Stinson Leonard Street LLP, Kansas City, MO.

Table 1: Recommended Coverages and Minimum Limits

POLICY	LIMIT	AGGREGATE LIMIT
Commercial General Liability	\$1.5 million per occurrence	\$3 million
Commercial Auto	\$1.5 million combined single limit	n/a
Products and Completed Operations		\$3 million
Workers' Compensation and Employer's Liability		Statutory— \$1.5 million per policy by disease
Professional Liability or Errors and Omissions	\$2 million per wrongful act	At least \$4 million

See Table 1 for recommended *minimum* limits. Agricultural societies need to decide which limits they are comfortable with requiring and should consult with legal counsel prior to signing any contract.



Also, agricultural societies should consider requiring the following types of insurance policies, floaters and bonds: pollution liability, builder's risk/installation floater (construction projects), fidelity bond/crime insurance and performance/payment bond.

OTHER CONTRACTUAL CONSIDERATIONS

Contracts should include a hold harmless and indemnification clause favorable to the agricultural society (see *"Indemnification and Hold Harmless Agreement Sample Language"*). This and the insurance clause establish the requirement that the contractor provide insurance to protect the agricultural society from the negligence of the independent contractor. The clause should provide for defense when a member is sued for the negligence of the independent contractor.

KEEPING CONTRACTORS INDEPENDENT

Agricultural societies should take steps to avoid establishing an employer-employee relationship with independent contractors, as well as other pitfalls.

There are tax implications, Department of Labor and Industry considerations, workers' compensation ramifications, employment law requirements and a number of other concerns if the contractor is not kept independent.

Agricultural societies can avoid problems by following simple steps, such as:

- Always using a contract to define the scope of the job and always adhering to the terms.
- Not allowing contractors to use the agricultural society's equipment.
- Avoiding compensation terms related to hours or time worked.

Indemnification and Hold Harmless Agreement Sample Language

The following is sample language that would need to be adjusted to the specifics of each contract a member enters.

"The vendor agrees to defend, indemnify, and hold [MEMBER NAME] harmless, its employees and officials from any claims, demands, actions or causes of action, including reasonable attorney's fees and expenses arising out of any act or omission on the part of the vendor, or its subcontractors, partners or independent contractors or any of their agents or employees in the performance of or with relation to any of the work or services to be performed or furnished by the vendor or the subcontractors, partners, or independent contractors or any of their agents or employees under the agreement."

Construction Contractors

There are a number of steps that can help members avoid some of the possible pitfalls of construction:

- Establish and follow a contract. The contract should include:
 - Terms and conditions.
 - The scope of the work.
 - Compensation terms.
 - Insurance requirements.
 - Equipment and supplies (provided by the contractor, not the agricultural society).
 - Duration of the contract.
 - Termination and remedies.
 - Policies and procedures.
- Comply with the contract.
- Always consult with the county attorney or other legal counsel prior to entering into any contract.

Resources

The following articles are available at *MCIT.org* and provide additional information about managing risks of using independent contractors:

- "Checklist of Recommended Minimum Coverage Liability Limits"
- "Certificate of Insurance"

- "Contracts and Conflicts of Interest"
- "Independent Construction Contractors and Work Injuries"
- "Independent Contractors Limits of Liability"
- "Independent Contractors: Keeping Them Independent"

PROPERTY COVERAGE

No one plans to lose property in a burglary, fire, tornado or other disaster. To prepare for such an unfortunate event, an agricultural society should become familiar with MCIT property coverages and review property schedules to ensure that all of its property is covered in the event of a claim.*

It is important for the fair board to understand how to keep property schedules current without unnecessary reporting of new acquisitions.



PROPERTY COVERAGE



VALUATION

Property is valued on a replacement cost or actual cash value basis.

- **Replacement cost** is the amount to repair or replace damaged covered property with materials of like kind and quality with no deduction for depreciation.
- **Actual cash value** is the cost to repair or replace damaged covered property with materials of like kind and quality with a deduction for depreciation applicable to the property.

BUILDINGS

Agricultural societies need to schedule owned or leased buildings at replacement cost value for coverage to apply. MCIT uses an outside vendor professionally to appraise members' buildings with a value greater than \$100,000 on a five-year rolling basis. In the interim, building values are indexed for inflation.

For all other buildings, the organization sets the value. For property scheduling purposes, the organization identifies individual structures by building name or number. The naming or numbering plan should fit the agricultural society's needs and make identification straightforward in the event of a claim.



CONTENTS OF A BUILDING

Contents coverage is on a replacement cost basis and includes items kept in buildings or temporarily outside but within 500 feet of the scheduled location. Some examples are office furniture, supplies, animal pens and equipment.

The contents limit should exclude the value of electronic data processing (EDP) equipment, which is covered separately. The contents coverage limit is a blanket amount that applies to that building only. For all buildings, the agricultural society sets the contents value.





PROPERTY IN THE OPEN

Property in the open is the most easily overlooked property category. Among the items that typically comprise property in the open are bleachers, playground equipment, statues and monuments, picnic tables, light towers, flagpoles, self-standing signs, fences and shelters.

A scheduled property in the open item is valued on a replacement cost basis.



CONTRACTORS EQUIPMENT

The agricultural society's contractors equipment schedule should include items that are mobile but not road licensed. Property usually found on a contractors equipment schedule includes tractors, mowers, snow blowers and graders.

The limit shown for an item should reflect its current actual cash value. If equipment is not on the schedule, it is probably not covered.



ELECTRONIC DATA PROCESSING EQUIPMENT (EDP)

EDP equipment is an arrangement of interrelated machine components that can accept and manipulate data into a desired format or result. It includes computers, printers, copiers, laptops, digital cameras, telephone systems and the like.

Electronic data processing coverage is written on a blanket basis, which applies to all EDP equipment. To maintain the blanket limit, MCIT requires an itemized inventory of all covered EDP items and their related components. MCIT requests updated inventories in April to confirm the accuracy of the blanket limit each year.

The agricultural society should update the inventory whenever it makes a significant equipment purchase, remembering that there may be equipment to delete from the inventory as others are added.



MISCELLANEOUS PERSONAL PROPERTY

A member's miscellaneous personal property schedule should include items that are not appropriately addressed by the coverages for contents, EDP equipment or contractors equipment. As with contractors equipment, the limit for each item should reflect its actual cash value.

Property often found on miscellaneous personal property schedules includes snowmobiles, boats, all-terrain vehicles, utility carts, tools, hand-held radios, etc. If equipment is not on the schedule, it is probably not covered.



NOTABLE EXCLUSION

MCIT property coverage is broad, but there are exclusions. The most applicable exclusion for fairs is the flood exclusion.

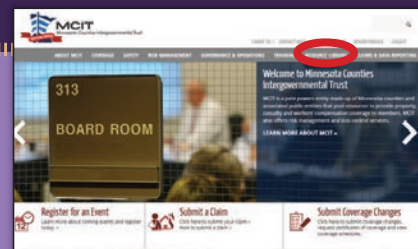
In any FEMA high-risk zone, there is no flood coverage from MCIT. For fairgrounds in FEMA high-risk areas, coverage must be purchased from the National Flood Insurance Program.



Resources

The following materials provide more information and are available at MCIT.org:

- "Understanding Scheduled Property Coverage"
- "Property in the Open"
- "Miscellaneous Personal Property Coverage"
- "Electronic Data Processing Coverage"
- "Sample EDP Inventory Spreadsheet"
- "Builder's Risk Coverage"
- "Actual Cash Value Coverage and Contractors Equipment"
- MCIT Coverage Document (provided to members in printed form, not available at MCIT.org)



*Coverage is subject to all the terms, limitations, conditions and exclusions of the MCIT Coverage Document.

SPECIAL EVENTS

Special events happen with frequency at the fairgrounds. The agricultural society should take particular care in the planning and execution of these events. MCIT coverage has exclusions that apply to many special event activities. Examples are noted on the next page.



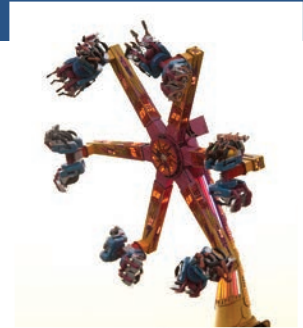
SPECIAL EVENTS



EXAMPLES OF EXCLUSIONS

MECHANICAL, AMUSEMENT OR CARNIVAL TYPE RIDES

Coverage does not apply to bodily injury or property damage arising out of the ownership, operation or use of mechanical, amusement or carnival type rides. The exclusion applies to bodily injury and property damage of both participants and spectators. This exclusion does not apply to traditional member-owned playground equipment or to most inflatable amusements.



RACING/DEMOLITION DERBY

Both the general liability and auto liability sections of the MCIT Coverage Document contain exclusions for claims arising out of mobile equipment or autos used in or while in practice or preparation for any prearranged racing, speed, demolition or stunting activity, including but not limited to tractor pulls, demolition derbies, monster truck events, motorcycle racing and related entertainment events. The exclusion applies to bodily injury and property damage of both participants and spectators.



RODEO

Coverage does not apply to bodily injury or property damage arising out of animal racing or rodeo events of any kind. Events include but are not limited to racing, challenge or skills competitions and other judged or timed animal events. The exclusion applies to bodily injury and property damage of both participants and spectators.





WATERCRAFT RACING/STUNTING

Like the racing/demolition derby exclusion for automobiles and mobile equipment, the MCIT Coverage Document contains a similar liability exclusion for watercraft. This exclusion applies to bodily injury or property damage arising out of the use of any watercraft in or while in practice for any prearranged racing, speed, demolition or stunting activity. The exclusion applies to bodily injury and property damage of both participants and spectators.



LIQUOR LIABILITY

This exclusion applies to organizations that are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages. The exclusion applies if the member sells the alcohol and causes or contributes to the intoxication of any person. Generally, coverage is provided when alcohol is served at a member-sponsored social gathering at no cost.



RISK MANAGEMENT RECOMMENDATIONS

SPECIAL EVENTS SPONSORED BY THE AGRICULTURAL SOCIETY

Special events coverage is necessary when a member sponsors an event or activity that is not covered or is excluded under the MCIT Coverage Document. When exclusions apply, members are encouraged to weigh the risk.

For agricultural society-hosted events, MCIT encourages use of a local insurance agent to access special events coverage. For example, to secure coverage for fair or festival events, a local agent may be able to place coverage with a specialty broker.

For those activities where MCIT does provide coverage, there may be an additional charge. The cost of coverage depends on the type of activity and/or the number of attendees. An additional contribution may be charged if the covered event is held on another party's property and the owner requires the member to provide a certificate of liability coverage naming the owner as an additional covered party.



WAIVERS

A waiver is an excellent tool to manage risks associated with hosting a special event. A waiver is an agreement that participants of the special event sign that excuses the member in advance for any fault for injuries or property damage sustained

by the participants due to the activity. A waiver is also known as an exculpatory clause, release or hold harmless provision. There is risk involved with every activity, but a waiver may help to limit the liability.

SPECIAL EVENTS SPONSORED BY OUTSIDE GROUPS

When agricultural societies permit outside groups to hold events on their premises, MCIT recommends an agreement be executed transferring the liability exposure to the sponsoring group. The agreement should require the outside group to provide a certificate of insurance as evidence of liability coverage, naming the agricultural society as an additional insured. Agricultural societies should request a copy of the additional insured endorsement.

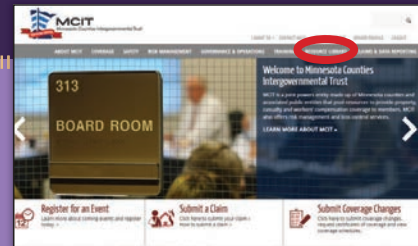
The agreement should include a provision in which the outside group defends, holds harmless and indemnifies the agricultural society for all claims

arising out of the event. From a risk management perspective, these steps transfer the risk for these events/activities to the sponsoring outside entity. *For further detailed recommendations, see Chapter 7, Facility Use and Lease Agreements.*

It is imperative that the agricultural society consistently enforces its rules governing special events sponsored by outside groups to avoid potential allegations of discrimination. MCIT recommends rules such as these be in writing, approved by the board and used uniformly for all groups.

Resources

- MCIT Coverage Document (provided to members in printed form, not available at MCIT.org)
- The article "Special Events Coverage" available at MCIT.org includes additional information.



VENDORS AND EXHIBITORS



An important part of the risk management process is placing the responsibility for negligent actions with the negligent party. Part of doing this is verifying that vendors and exhibitors have appropriate insurance coverage. This ensures that vendors and exhibitors (a.k.a. independent contractors and service providers) not only accept responsibility for their actions but are able to follow through with the ability to pay for any resulting damages.

Missing any of the four steps to verify coverage for vendors and exhibitors may result in the agricultural society being held responsible for the misdeeds of the vendor/exhibitor.



VENDORS AND EXHIBITORS



STEP 1: HOLD HARMLESS AND INDEMNIFICATION

Fair vendor agreements should be in writing and state that the outside party accepts responsibility for its negligent acts. Accepting responsibility is the first step and is accomplished through a defense, indemnification and hold harmless clause in the contract (see *Chapter 8, Independent Contractors for sample language*).

STEP 2: REQUIRE SUFFICIENT INSURANCE

To back up the promise to take responsibility for their acts, each vendor, exhibitor, independent contractor and service provider must be able to pay for the potential damages caused by those negligent acts.

Few individuals and small businesses have enough assets to cover a potential \$1.5 million loss. To have adequate finances to cover a potential loss, the vendor should also agree to maintain sufficient insurance. If the vendor does not have enough insurance, the person who has sustained damage or injury may look to the agricultural society for compensation.

Whether the agricultural society is liable or not, it will likely be involved in a time-consuming and costly claim process. Therefore, agreements should include insurance requirements. A basic rule is that the insurance required should reflect the party's potential exposure. For example, a food vendor operating at the fair potentially brings more loss exposures than a Tupperware® demonstrator (see *Chapter 8 for recommended coverages*).

STEP 3: REQUIRE ADEQUATE INSURANCE LIMITS

Simply obtaining an insurance policy is not enough. MCIT recommends that agricultural societies require vendors, service providers, independent contractors and exhibitors to secure liability coverage with limits that, at a minimum, meet those for which a municipality (such as an agricultural society) may be held liable.

Minnesota Statutes, Chapter 466 provides some immunities and places caps on damages for certain tort liability claims. Agricultural societies organized under Minnesota Statutes, Chapter 38 are included

in the definition of "municipality" for purposes of Chapter 466. The caps on damages are \$500,000 per claimant and \$1.5 million per occurrence or event.

MCIT recommends that members require the following *minimum* insurance limits:

- \$1.5 million each occurrence
- \$3 million general aggregate (aggregate limit is the most the insurer will pay in one year)
- \$3 million products and completed operations aggregate (if there is an aggregate limit)

STEP 4: VERIFY FINANCING—CERTIFICATE OF INSURANCE

Agricultural societies should require vendors to provide verification of coverage in the form of a certificate of insurance. Agricultural societies should always make sure the events being held at the fair fall within the effective dates of coverage. For returning vendors, agricultural societies should verify receipt of a current certificate. Last year's certificate will most likely have expired. Check the effective dates shown on the certificate.

Agricultural societies should be included as an additional insured on liability policies. Professional liability and workers' compensation are the exceptions. Additional insured status should be indicated on the certificate of insurance. Agricultural societies should also request a copy of the additional insured endorsement.

RECOMMENDATIONS

Fairs have a unique diversity of vendors, independent contractors, service providers and exhibitors. A promoter bringing a snowmobile race to the fairgrounds does not pose the same risk as a local afterschool program displaying children's artwork or a group handing out brochures for a local nonprofit.

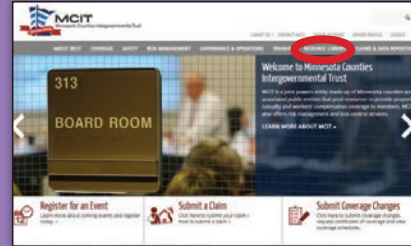
A key risk management practice is to require vendors to have sufficient insurance to cover their exposure to loss. To determine appropriate or sufficient limits, the agricultural society may classify vendors and exhibitors according to the exposures or risk of liability. Upon careful review of the risks and



exposures, the agricultural society may determine there are certain vendors/exhibitors for which lower (such as the above-mentioned nonprofit) or higher (the promoter of snowmobile races) liability limits may be acceptable or appropriate.

It is imperative that vendors'/exhibitors' classifications and the rules governing the determination of appropriate classifications be applied consistently to avoid potential allegations of discrimination. MCIT recommends that rules such as these be in writing, approved by the board and used uniformly for all vendors/exhibitors.

Resources



The following articles are available at MCIT.org and provide additional information:

- "County Fairs: Verifying Vendor and Exhibitor Insurance"
- "Steps to Verify Coverage for Vendors and Exhibitors at the Fair"
- "Certificate of Insurance"

VOLUNTEERS

12

VOLUNTEERS

Agricultural societies rely on volunteers to put on a successful fair and other events. However, managing volunteers involves a number of factors from deciding what they should do to dealing with injuries. Answering the following questions assists an organization in identifying some of the issues:

- What do volunteers do: grounds patrol, service projects, work at events, adopt-a-garden, coordinate events, something else?
- What is required of volunteers?
- Who provides training?





- Who supervises volunteers and how: direct actions, register volunteers, more?
- Who is liable for the actions of volunteers and takes on liability for what they create?
- Who pays should a volunteer be injured?
- Whose insurance responds to claims?
- What happens with personal belongings of volunteers (there may not be coverage for this through MCIT)?

WHO ARE VOLUNTEERS?

People volunteer for many different reasons. They volunteer on an individual basis and as a part of a group. They may also be a volunteer to the agricultural society itself or to another organization that assists with the fair. Because of this, agricultural societies should consider a number of factors related to its volunteers:

- Age of volunteers
- Health conditions of volunteers
- Driving for the organization:
 - Use of personal cars for fair business
 - Appropriate licensing of volunteer drivers and vehicles
 - Appropriate insurance on volunteers' vehicles
 - Liability of the organization when a volunteer drives
- Dealing with injuries on site, off site or previous injury



Fairs and other events depend on a variety of volunteers with diverse experiences.

Depending on how many volunteers an agricultural society uses, managing them may also be a serious issue. Organizations should think about expectations, evaluations, deficiencies, dealing with minors, dealing with retirees, etc. related to volunteers.

WHOSE VOLUNTEER ARE THEY?

Three of the most common ways to classify volunteers are that they are the agricultural society's volunteer, volunteers of some other organization or are informal volunteers. The agricultural society's volunteers are the easiest to classify and the kind that usually come to mind first. These are the fair's guides, patrol, event, garden or other volunteers.

The second group are associated with a local organization, such as a church, school or community action group. Often these volunteers are working on specific projects, for example for scouting.

The last group is the person who works voluntarily for the agricultural society and never reports the activity: the citizen who weeds a garden each week, picks up trash on a daily walk, or any number of other actions.



Volunteers can come from many different organizations besides the agricultural society.

It is important to understand who is volunteering, when they are on the grounds and what they are doing because each of the situations listed presents different risks. In all of these situations, the more information a agricultural society has, the better it can deal with the exposures.



MCIT recommends registering volunteers according to criteria set up by the agricultural society. With the first group of volunteers, the ones who volunteer directly for the fair, this is the most easily accomplished once procedures are established.

With the second group, volunteers of another organization, this is slightly more difficult, but still achievable. It would be prudent to consider establishing the parameters of any volunteer organization up front. It is also a good idea to put agreements in writing between the agricultural society and the organization that is coming to work on the fairgrounds.

Agreements should include hold harmless and indemnification language, as well as insurance coverage from the organization for volunteer activities on the fairgrounds. The agricultural society should be an additional insured on the other organization's insurance policy. If stipends are involved, pay them to the sponsoring organization, not to any individual volunteer.

For the last group, registration is highly unlikely. In fact, you may never determine how many tasks are done by unknown volunteers.

EXPOSURES

Before choosing roles for volunteers, consider that the unknown factor in using volunteers can present the organization with a number of new exposures. Some of those are the volunteer's:

- Lack of experience
- Lack of training and orientation
- Lack of proper equipment

In addition, volunteers are not protected by the bond coverage; do not have volunteers handle money. And they are generally not protected by workers' compensation coverage.

Also remember that personal property is only covered if used for the benefit of the member.



Take into consideration the unknown factors a diverse set of volunteers can present.

RISK MANAGEMENT

GENERAL RECOMMENDATIONS

- Establish a process for registering all volunteers.
- Maintain a file for each volunteer that includes essential information including name, address, telephone numbers, emergency contacts, etc.
- Create job descriptions for volunteer positions.
- Consider not allowing volunteers to have access to money (mysterious disappearance of money may not be covered by MCIT).



Establish rules and procedures for volunteer positions.



- Determine if a Tennesen warning is necessary.
- Address requirements of the Minnesota Government Data Practices Act in the agricultural society’s discussions with legal counsel.
- Conduct reference checks on volunteers.
- Invite volunteers to training sessions, such as safety meetings, and courses for first aid, CPR and automated external defibrillators.
- Conduct accident investigations when a volunteer is involved.
- Do not make payments to volunteers to avoid having them deemed an employee by the workers’ compensation courts system.
- Maintain written agreements with groups that provide volunteers, e.g. Lions Club, Civil Air Patrol, Boys and Girls Scouts, Jaycees. Stipends must go to the organization, not to individuals.
- Provide proper training and orientation for all volunteers.
- Provide proper safety gear.
- Provide proper supervision of volunteers, especially minors.
- Conduct post-event debriefing with volunteers for their perspective on the experience.

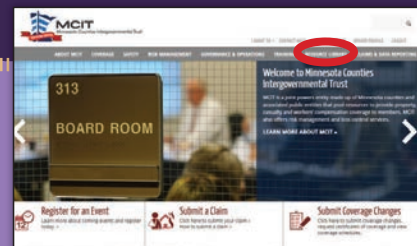
VOLUNTEER DRIVING AND RISK MANAGEMENT ADVICE

- Develop volunteer driver qualifications and apply them consistently.
- Obtain a copy of each volunteer’s driver’s license (if he or she is driving for the agricultural society’s benefit).
- Obtain proof of auto insurance (if volunteers are driving their vehicles for the agricultural society’s benefit).
- Check all vehicles for safety.
- Advise volunteers that they are responsible for physical damage and liability losses resulting from the use of their personal vehicles.
- Offer defensive driving courses to volunteers. (MCIT offers a no-cost option to its members. Contact MCIT at info@mcit.org or 1.866.547.6516.)
- Inform drivers that wearing seat belts is mandatory.
- Remind drivers to follow the law while driving, including the hands-free cell phone law.

Resources

The following articles are available at MCIT.org and provide additional information:

- “Volunteer Drivers and Personal Auto Coverage”
- “Volunteer Exposures and Coverage”
- “Volunteers and Interns: Keys to Managing Them”
- “Workers’ Compensation Coverage for Volunteers”
- “Managing Risks of Volunteers and Interns”
- “Volunteer Drivers Using Personal Vehicles for Member’s Business”



ANIMAL CONTACT

13

One of the main attractions at a county fair is the animals. Contact with animals is bound to happen. Some activities, such as petting zoos, actively encourage touching animals. To limit disease transmission between humans and animals or vice-versa, some special precautions should be followed concerning animal contact. Note: MCIT excludes all liability claims resulting in bodily injury and/or property damage arising from pollution, fungal pathogens or bacteria. These could include outbreaks or illnesses from animal contact or food. Therefore, agricultural societies are encouraged to take special precautions to avoid these situations. For more information, members should contact their MCIT risk management consultant.

ANIMAL CONTACT





REDUCE TRANSMISSION OF DISEASE

- Only allow contact with animals over or through barriers, such as fences. Visitors should not be allowed into pens.
- Discourage or prohibit food and drink in animal barns. Germs from hands can pass to food and enter the body when in close proximity with animals.
- Food and beverage should be stored, prepared, served and consumed only in nonanimal areas.
- Establish transition zones where fair visitors pass through animal areas. Transition zones are areas patrons go through before or after visiting an animal area and are designed to decrease exposure to zoonotic disease and promote handwashing. See “Transition Zones” section for more details.
- Make handwashing stations and awareness signage available and conspicuously placed near entrances or exits to animal areas.
- Encourage and require animal exhibitors to clean up after their animals regularly.
- Ensure that drainage directs animal waste away from visitors. Visitors may inadvertently track feces into other barns and infect those animals. Antibacterial bedding or other materials can be used to help reduce the risk of disease transmission in this way.

TRANSITION ZONES

The following design features should be considered for transition zones into and out of animal areas.

The zone at the entrance to an animal exhibit should be used primarily to instruct visitors about the health risks associated with animal contact. Information should caution visitors against eating, drinking and smoking; and putting fingers, bottles and pacifiers in mouths while in the animal area. This instruction is often conveyed through the use of awareness posters, but staff can also inform visitors. The entrance transition is an ideal location to create a storage area for strollers, wagons or other related items.

The exit transition zone should be designed to facilitate hand washing with adequate cleaning equipment and awareness signage. Staff or volunteers could also be stationed in this zone to remind and encourage visitors to wash their hands. Instructional posters should be hung in highly visible locations.

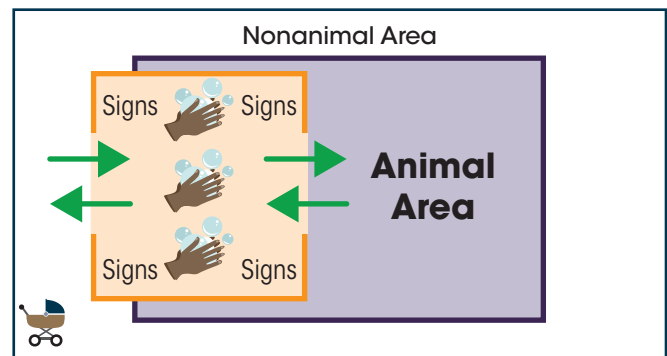
The entrance and exit transition zones are often located at each end of an animal building to create a one-way flow of visitors but may be incorporated into one area if there is only a single entry. When creating a single transition zone, the signage should be posted according to the direction of visitor flow, with health risk information facing the incoming direction and handwashing signage facing those leaving. The diagram below shows the two design options.

TRANSITION ZONE DESIGNS

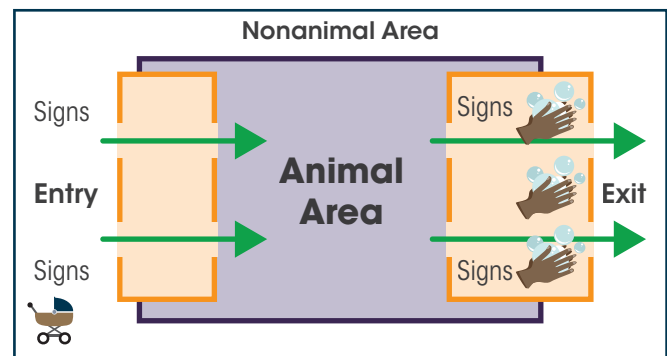
The diagram shows two transition zone designs for different visitor flow at animal exhibits.

See Chapter 28, Sanitation for more information.

DESIGN 1



DESIGN 2



- transition zone
- 🛒 stroller/personal item storage
- ➡ flow of visitors
- 🧼 hand-washing station

BLEACHERS AND GRANDSTANDS

Bleachers provide tiered or stepped seating for the public. They come in various configurations and sizes. They can be portable, telescopic/folding, temporary or permanent; and can be made of wood, metal, plastic, concrete or a combination of materials.

When considering bleacher safety, regular inspection and maintenance should be performed and recorded. Special attention should be paid to the Minnesota Bleacher Safety Act, which requires certified inspections for bleachers greater than 55 inches in height.

14

BLEACHERS AND GRANDSTANDS





MINNESOTA BLEACHER SAFETY ACT

Bleachers greater than 55 inches in height must be formally inspected by a state certified building official or state-licensed design professional. The bleacher footboards and guardrails must be re-inspected every five years, and a structural inspection must be made at least every 10 years or per local municipal requirements if more stringent.

The completed certificate of compliance, signed by either of the above professionals, should be obtained and submitted to the Minnesota Department of Labor and Industry.

In addition to maintaining the sound condition as per the inspection features above, the design of bleachers subject to the Minnesota Bleacher Safety Act must conform to the following:

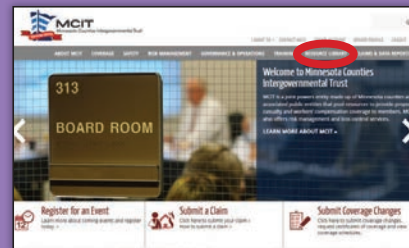
- No bleacher openings should exceed 4 inches. This includes the open spaces between bleacher footboards, seats and guardrails.
- Guardrails should protect bleachers at heights above 30 inches. The top of the guardrail should be at least 42 inches above the leading edge of the adjacent footboard, seat board or aisle.
- Guardrails should discourage climbing and be designed to prevent accidents. If chain-link fencing is used, it should be constructed of 2-inch nominal chain link at least 11 gauge in size.

ITEMS FOR REGULAR INSPECTION AND MAINTENANCE

Bleachers and grandstands should be inspected regularly, particularly paying attention to the following concerns:

- Seats and handrails should be free from splinters and protruding hardware.
- Metal components should be free of interior or exterior rust that can weaken the structure.
- Steps should be slip resistant.
- Supports or brackets should be sound with no broken or deteriorating components.
- Foundations and anchors should show no evidence of deterioration or degradation.
- Floorboards should show no evidence of rotten or missing boards.
- Sharp corners or edges near walkways should be removed or protected.

Resources



These resources provide more information about the Minnesota Bleacher Safety Act:

- MCIT resource "Complying with the Minnesota Bleacher Safety Act," MCIT.org/resource/
- Department of Labor and Industry Minnesota Bleacher Safety Act Certificate of Compliance, MN.gov/elicense/

CHEMICAL SAFETY

15

Multiple chemical products are often used for agricultural society operations, including for cleaning, insect and pest control and lawn maintenance. All employees or volunteers should be trained about the safe use of any chemical products they might handle.

Care must also be taken to keep chemicals out of the hands of the public, and to store and dispose of them in a safe manner. Chemical products should be used only for their intended purposes per the manufacturer's directions along with any appropriate personal protective equipment as indicated on labels or the safety data sheet.

CHEMICAL SAFETY

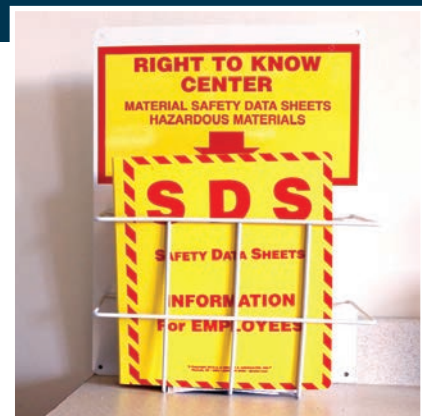


SAFETY DATA SHEETS

It is important to know which chemical products are being used throughout the fairgrounds and any corresponding safety and health hazards related to their use. An important method to learn more about the products is to obtain and reference safety data sheets.

A safety data sheet explains key details about a chemical product, including the name, composition, common hazards, first aid and cleanup procedures, as well as what personal protective equipment should be used when handling the chemical. Safety data sheets also include pictograms and precautionary statements that provide a quick overview of the hazards associated with the chemical.

Safety data sheets can be obtained from the product manufacturer or distributor or with an Internet search. All safety data sheets should be kept in an easy-to-access location.



Safety Data Sheets help users understand safety and health hazards related to chemicals they may use.

HAZARDOUS CHEMICALS

Certain chemical products may be hazardous if inhaled, ingested or through contact with the skin and eyes. Users should follow the manufacturer directions on the container and ensure personal protective equipment is provided and used as instructed.

Users should always consider proper ventilation when using strong chemicals in an enclosed space and wear goggles, gloves or other protection devices if chemicals pose a contact hazard. Users should wash hands prior to eating after working with any poisons or pesticide products.

If corrosive chemicals are stored and used on the fairgrounds, consideration should be given to installing an emergency eyewash and shower station to allow employees or volunteers to rinse their eyes or bodies in the event of contact with chemicals.

Alternatively, less hazardous options could be substituted for the corrosive chemicals. The Environmental Protection Agency provides information about selecting less hazardous cleaning chemicals, which may be helpful. See EPA.gov/saferchoice/products.

Certain poisons are often placed in buildings during the off-season as a means of rodent or other pest

control. If there is potential for people or exhibit animals to come in contact with them, these poisons should be removed from buildings prior to the run of the fair and stored in a secure location. This helps prevent contact or ingestion by exhibit animals and people.

Agricultural societies should take care when storing strong or hazardous cleaning chemicals or agents to prevent spills, damage or access to children. Furthermore, some chemicals may not be compatibly stored with others or in specific environments; always consult the safety data sheets for guidance on storage.



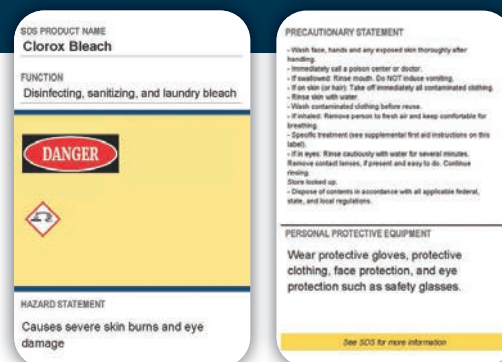
Emergency eyewash and shower stations allow employees or volunteers to rinse off in case of chemical contact.

CHEMICAL CONTAINER LABELING

Although it is important to know which chemicals are being used, it is just as important to be able to identify chemicals when transferred to secondary containers, such as spray bottles. Care must be taken not to store containers with the chemical still inside and unlabeled. This creates a potential hazard for the next person who uses the spray bottle not knowing what it contains.

Chemical product containers should always have a label indicating the product name and hazards. Labels should be specific, for example “Bathroom Cleaner” could refer to many different chemicals and make quick identification difficult.

Labels can also become faded with time and wear off. If a label becomes illegible, it should be replaced with identifying information as detailed above.



Labeling on secondary containers for chemicals must be clear about the substance and its hazards.

CHEMICAL AND FLAMMABLE STORAGE

Some chemical products may be flammable. Gasoline and certain wasp and hornet spray are commonly stored at fairgrounds. Accelerants such as gasoline and other flammables should be stored away from emergency exits and possible ignition sources. Consider storing these items in flammable storage cabinets or in special rooms with fire-rated walls, ceilings and doors.

Additionally gasoline should be stored in safety cans with self-closing lids and flame arresters.

Further considerations regarding chemical and flammable storage include:

- Posting signs or warnings such as “no smoking” or other signs to both raise awareness of the flammable materials and discourage ignition sources from being placed or used nearby.
- Fire extinguishers should be placed near flammable storage but not directly adjacent to them, so they can be easily accessed in the event of a fire.



Consider storing accelerants in flammable storage cabinets.

- Strong oxidizers or acids may not be compatibly stored with flammables and should have storage of their own. Consult safety data sheets to determine storage compatibility of flammable materials or chemicals.
- Flammable cabinet or flammable storage room doors should remain closed and latched to prevent accidental opening. Door props should not be used in flammable storage rooms.

COOKING FACILITIES

For some, one of the most enjoyable parts of attending the fair is the food. However, the process of cooking and consuming food can potentially lead to fires or illnesses (particularly when food is consumed near animals). Additionally wet floors near sinks or ice machines can create a slipping hazard.

Cooking equipment, especially mixers, slicers and grinders, add risks for lacerations. And prolonged use of equipment or other processes can lead to ergonomic injuries. Following the best practices on the next pages can help reduce the risk of such incidents and lead to a more positive experience for fair attendees, staff and volunteers.

16

COOKING FACILITIES



FIRE PREVENTION

Many fires begin in kitchens and can quickly get out of hand. With the following equipment, proper inspection and training, the risks posed by fire can be greatly reduced. In addition to these best practices, agricultural societies should consider inviting the local fire marshal or fire department to conduct an

inspection prior to the fair. The inspection will identify if fire extinguishers and suppression systems are adequate, as well as allowing for a discussion about fire response procedures. *For more information about fire prevention, see Chapter 20, Fire Prevention.*

VENTILATION HOODS

Cooking stations with fryers or other equipment that produce smoke or grease-laden vapor should have a ventilation hood to remove the smoke and grease vapor. Proper maintenance of the hood and duct systems should be conducted prior to the fair and other events, and as needed. Consider keeping written logs of maintenance checks and service performed.

Some best practices to consider regarding ventilation hoods:

- Use rooftop exhaust fans that have the ability to drain grease out of any traps or low points formed in the fan or duct.
- Install access panels in fans and exhaust ducts that allow grease to be trapped and cleaning to be done.
- Train employees about how to remove grease and oil sludge. Give special attention to ducts and exhaust fans.



Train employees about how to remove grease and oil sludge.

- Remove and clean filters regularly during the fair or other events. Some filters may need to be cleaned daily. A brownish tint on grease filters indicates that cleaning is necessary. Black-tinted filters should be removed and cleaned immediately.

State, county or local health inspectors should conduct a health inspection of all food vendors to ensure that vendors and cooking facilities are up to current food codes.

HOOD-MOUNTED FIRE SUPPRESSION SYSTEMS

Cooking equipment that produces smoke or grease-laden vapor also requires a fire suppression system. The fire suppression system should have both manual and automatic activation options. The manual pull station for the fire extinguishing system should remain clear and provide for rapid egress.

Some best practices regarding hood-mounted fire suppression systems and fire prevention:

- Ensure that the spray nozzles of the hood cover the entire cooking surface.
- Regularly inspect nozzles to ensure that they are clean and free of grease buildup.
- Turn off stoves and appliances, and unplug electrical appliances when not in use.
- Never leave hot cooking equipment unattended.



The nozzles above the cooking equipment spray wet chemicals once any smoke or grease-laden vapor is detected.

- Develop and train employees and volunteers about evacuation procedures if they have any doubts about their safety or if extinguishing efforts fail. Emergency responders (911) should be called once the building is safely evacuated.

CLASS K FIRE EXTINGUISHER

To augment the fire suppression system and precautions, a Class K fire extinguisher designed for suppressing cooking fires should be located within 30 travel feet of deep fat fryers. This type of extinguisher is specifically designed to extinguish fires from cooking oil, fats and grease. Traditional fire extinguishers that use dry chemicals or water may not extinguish grease fires and may actually spread the fire.

To help ensure safe and proper use of the fire extinguisher:

- Maintain clearance around the fire extinguisher and the path to the extinguisher for easy access.
- Place a sign near the extinguisher that reads, “The automatic fire suppression system covering the cooking areas must be activated before using the fire extinguisher.”

For more information, consult National Fire Protection Association Standard 96: Ventilation Control and Fire Protection of Commercial Cooking Operations (NFPA.org).



Keep a class K fire extinguisher within 30 feet of deep fat fryers.

SANITATION

Sanitation in cooking facilities is of utmost importance. Cross-contamination or undercooking can lead to foodborne illness. Contact with animals or other objects at the fair could contaminate food as well.

Handwashing should be required for cooks and those handling food and strongly encouraged for visitors. Hand washing stations should be provided during the fair events to give people ample opportunity to practice good hand hygiene.

HAND HYGIENE

One of the most effective ways to prevent the spread of disease is proper hand washing.

Some best practices for hand hygiene include:

- Washing hands and forearms for at least 20 seconds.
- Cleaning between the fingers and under the nails.
- Use warm or hot water.
- Wash hands before beginning or upon returning to work; after touching bare skin or hair; after coughing or sneezing; after eating, drinking or smoking; after using the restroom; after handling soiled equipment or utensils; after handling money; and when switching between working with raw food and ready-to-eat items.



Hand washing should be done frequently and thoroughly by employees throughout the day.

- Hand washing facilities should be accessible, have plenty of soap and towels and have a posted “hand washing required” sign.

CROSS-CONTAMINATION

Cross-contamination occurs when raw food, tools, surfaces, hands or gloves that handled raw foods come into contact with food that is ready to eat. The best approaches to preventing cross-contamination involve cleaning and sterilizing surfaces and tools, and washing hands frequently or after handling raw foods.

Also gloves or aprons that come into contact with raw food should not touch ready-to-eat food. Remember, before serving, meats should be cooked thoroughly to kill any potentially harmful germs or pathogens.

ICE MAKERS AND FREEZERS

As people scoop ice or use the freezer, germs from hands can transfer to the ice or water. Items stored in the freezer or ice maker can then become contaminated from the ice or water.

To help keep people safe from germs, ice makers and freezers should be regularly cleaned and sanitized. Staff should wash hands frequently and remember the rules of cross-contamination. Ice makers and freezers can also develop mold over the off-season and should be thoroughly cleaned



Ice makers or freezers are an often overlooked source of cross-contamination.

before the beginning of the fair. Ice scoops should also be cleaned and sanitized regularly just as other cooking utensils.



COOKING EQUIPMENT

Certain cooking equipment can present hazards to individuals using the machines. The main hazards associated with cooking and cooking equipment involve burns, cuts and electrocution. Other hazards are entrapment, slips, trips and falls.

More information about the Minnesota food code is located in Minnesota Administrative Rules, Chapter 4626.

PREVENTING BURNS

The multiple heat sources found in kitchens present a serious burn hazard to food service workers. Employees or volunteers who serve hot foods are also at risk for burns. To help prevent individuals from being burned:

- Use hot pads or oven mitts to remove pans and kettles from the range or oven.
- Turn off burners that are not in use.
- Turn pot handles away from burners and walkways.
- Solicit help when handling large pans or kettles.



Hot pads or oven mitts prevent burns when handling hot pans or kettles.

- Avoid wearing loose clothing.
- Do not overfill serving containers with hot food items.

PREVENTING CUTS

Staff involved with food preparation often come in contact with sharp cutting tools, such as knives. These tools can be a hazard if used or stored improperly. Staff and volunteers should be trained about the correct and safe use of knives and other sharp equipment. They should be trained to:

- Keep knives sharp.
- Store knives in racks, knife blocks or on magnetic strips.
- Use the correct knife for the job.
- Turn handles and blades away from walkways when not in use.
- Tighten or replace loose knife handles.



Use a cutting board or block when chopping or slicing.

- Keep fingers in the clear.
- Take great care when cleaning meat slicers. Consider using cut-resistant gloves when performing this task.
- Maintain all machinery regularly.

PREVENTING ELECTROCUTION OR SHOCK

Many kitchen appliances and equipment run on electricity and care should be taken so these appliances and equipment do not lead to a shock. To help prevent electrocution or shock train staff to:

- Unplug electrical appliances when not in use. In addition to de-energizing the equipment, this can reduce the risk of fire ignition.
- Clean up water spills and keep hands dry. A wet floor or wet hands are better conductors of electricity than dry hands and surfaces.
- Electrical outlets should be protected with a ground fault circuit interrupter (GFCI) on all kitchen outlets or outlets within six feet of a water source. A GFCI is a fast-acting electrical circuit breaker that senses small imbalances in the circuit caused by current leaking to the ground, interrupting the power in as little as one-fortieth of a second. Each GFCI outlet should be periodically tested to ensure performance.



Help prevent shock by unplugging electrical appliances when not in use.

- Cooking and kitchen appliances should be rated for commercial use and certified by a nationally recognized testing laboratory, such as Underwriters Laboratory (UL). Household use appliances are not designed for the heavy uses expected during fairs. Certifications demonstrate that the equipment is properly grounded and safe to use.

PREVENTING OTHER INJURIES

Kitchens and dining facilities pose other hazards for individuals, such as:

- **Entrapment:** Older style refrigerators or freezers may feature latches that could trap or asphyxiate children. As a best practice, these should not be used or should be equipped with a mechanism for trapped persons to free themselves.
- **Slips and falls:** These are common, particularly around sinks or areas where water can get onto floors. These areas should be kept dry or equipped with slip-resistant mats. People working in these areas should also wear appropriate footwear for the location.
- **Falls:** Items stored in high places should be accessed with step stools or ladders, rather than chairs, boxes or items with rollers to avoid people falling when storing or retrieving items.
- **Lifting injuries:** Individuals should practice safer lifting techniques when retrieving or storing items. Items should be stored in locations where they are easy to reach and carry.



A cart makes awkward or heavy items easier to move.

Resource

More information about food safety and illness prevention is available through the United States Department of Agriculture Food Safety and Inspection website, FSIS.usda.gov.

ELECTRICAL

For much of the year, the typical demand for electrical power at the fairgrounds is minimal. During the run of the fair, however, the demand is great. Extra portable electrical generation and distribution equipment is often used to meet this demand. Agricultural societies should take steps to reduce the hazards related to electricity year round—not just during the busy days of the fair—to help prevent accidental electrocution, fire ignition and other hazards.

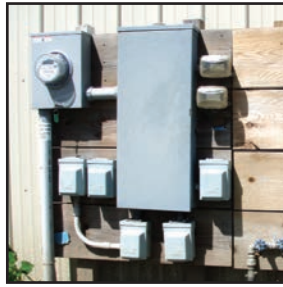
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ELECTRICAL



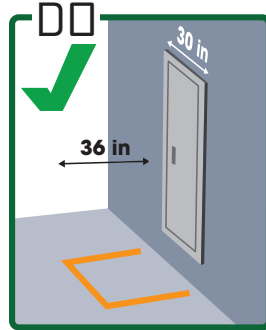
PERMANENT ELECTRICAL SYSTEMS

Inspections of electrical systems, including electrical panels, outlets and switches, should be performed periodically. These inspections are typically visual. Only a certified electrician should have access to the actual wiring and charged equipment behind the electrical panel plate or outlets. Maintenance and repair should also be handled by a trained, licensed and authorized electrician.



Periodic inspections help ensure that:

- Electrical circuit panels have 36 inches of clearance in front of them to allow for unobstructed access in the event of an emergency.
- Electrical circuit panels have intact covers and no openings that expose the interior wiring. Missing breakers or knockout plugs could expose charged electrical components to fingers, vermin and the elements.
- Electrical circuit panels have a clear directory (usually on the inside of the door panel) that identifies the powered location of each breaker.
- Electrical circuit panels have been inspected by a licensed and qualified third party in the past 10 years to identify if circuit breakers, fuses and switch gears show signs of corrosion, arcing, damage or excess wear.
- All outlets and switches show no evidence of damage and have intact faceplates to protect against accidental contact with wiring.
- All conduit is firmly attached to the electrical boxes and no wires are exposed.
- Outlets within 6 feet of a water source, near areas with wet floors or located outdoors are equipped with ground fault circuit interruption (GFCI) functionality. GFCI-protected outlets quickly disconnect the supply of electricity when a difference in current is detected. This helps protect against accidental electrocution. GFCI circuits should be periodically tested to make sure they are working correctly.



Maintain minimum clear space around electrical breaker panels.

- Outlets exposed to the elements, outdoors or located near wash bays have weather-protective covers in addition to GFCI protection. Protective covers help prevent water from entering the outlet, which could damage the fixture and increase shock or fire hazards. Broken or missing covers should be replaced in a timely manner.



PORTABLE TEMPORARY POWER

Amusement rides, concession stands and other exhibits often require temporary power generation and/or distribution. State regulations strictly define the requirements for the equipment used in power generation and distribution, and require inspection of this equipment before energizing.



Each exhibitor or user of this power is responsible for proper equipment setup and inspection. These requirements should be part of the concessions and vendors agreement.

Briefly, the requirements include:

- Using only listed and labeled equipment in good repair.
- Providing a properly and securely mounted, weather-protected and fused disconnect switch within sight of and within 6 feet of the operator's station for every ride, concession unit, game or similar attraction.
- Using proper cords that are protected against weather and physical damage. If cords must be run across pedestrian walkways, they should be covered or otherwise protected to prevent tripping or damage.
- Ensuring all equipment has properly sized overcurrent devices, grounding and bonding continuity and GFCI functionality.
- Ensuring portable structures are not located within the area beneath a 15-foot horizontal distance from conductors operating at more than 600 volts. Where the overhead conductors operate at 600 volts or less, no part of a portable structure can be located within a 15-foot radius of the conductors.

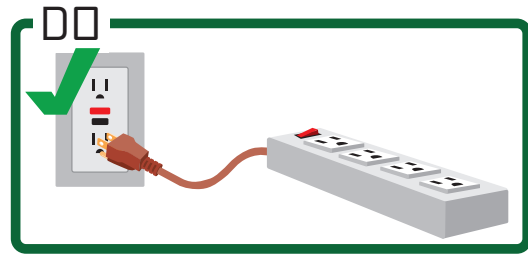
EXTENSION CORDS

Extension cords should only be used on a temporary basis (less than 90 days). They should never be used as a substitute for permanent wiring. All extension cords should have an operable grounding plug and exceed the rated amperage capacity of the portable appliance supplied by the cord.

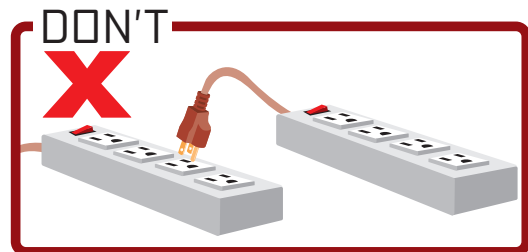


In addition, extension cords should:

- Be plugged directly into a permanent electrical outlet and serve only one portable appliance.
 - Approved multiplug extension cords, such as surge protected multioutlet strips, also should be plugged directly into a permanent outlet but only power low amperage equipment.
 - Appliances such as refrigerators, microwaves and other high-energy-demand equipment should not be plugged into any extension cord. Rather, these must be plugged directly into a permanent electrical outlet.
- Only be used when in good condition. Cords with missing grounding prongs or exposed wiring should be taken out of service and repaired or replaced.
- Electrical cords should be rated for the current they are expected to use and certified by Underwriters Laboratory (UL) or another nationally recognized testing laboratory.
- Be protected against physical or environmental damage.
- Be covered when spanning walking areas to reduce tripping hazards.



Plug power strips into wall outlet.



Do not plug power strips into each other.

- Never be plugged into another extension cord.
- Never be run through a wall, ceiling, window opening or door; or above a drop ceiling.

Resources

More details about electrical code requirements for the installation of portable wiring and equipment are provided in the Portable and Temporary Power section of the Minnesota Department of Labor and Industry website (DLI.mn.gov).

EMERGENCY ACTION PLANS

During fair events, a considerable number of patrons, volunteers and employees are located throughout the grounds. If an emergency situation arises, a written plan should detail how to manage the crisis and alert those on the fairgrounds.

This emergency action plan should be communicated with all employees and volunteers, and be kept current.

18

EMERGENCY ACTION PLANS





WRITTEN PLAN

The emergency action plan should detail the response procedures for various emergency situations that may arise at the fair. These may include severe weather, fire, personal threats, missing persons, loose livestock and medical or security emergencies.

For each emergency, the plan should detail:

- Key individuals and their specific responsibilities.
- Employee/volunteer response procedures.
- Emergency contact information.
- Other fair-specific relevant information, such as how to use the public address system and the locations of electrical shutoffs, fire hydrants and other important items.

The plan should be coordinated with the sheriff's office and county emergency manager to ensure that procedures align with one another. The plan and procedures should be communicated to all employees and volunteers and updated periodically.

In addition to the written plan, agricultural societies should consider posting easy-to-use emergency procedure flip charts in conspicuous areas that are readily available for employee/volunteer use. These flip charts would allow a quick reference for each category of emergency and provide step-by-step response procedures.

Building Identification

An important element of any emergency action plan is emergency response. To aid in the timely arrival of first responders, buildings and locations should be clearly and visibly labeled. This not only helps direct and assists first responders, but also helps with directing fairgoers.



EVACUATION AND SHELTERS

Evacuation and sheltering procedures should be included in the written emergency action plan. Special consideration should be given to formulating these procedures. Although it is essential in an emergency to alert fairground patrons in a timely manner, it may not always be best to give specific evacuation directions.

Take for example, a tornado event. Unless there is a designated shelter with adequate occupancy and design located within reach of fairgoers, a warning and orderly evacuation may be sufficient.

Care must be exercised so as not to put others in more danger by directing patrons to specific locations that may not be adequately protected. If

protections do exist, emergency shelters should be clearly designated, and fairgoers should be encouraged to use them.

Agricultural society employees, volunteers and law enforcement should be trained about the locations of sheltering areas and emergency procedures.

Agricultural societies should consult with their county emergency manager and legal counsel before drafting evacuation or sheltering procedures.

ERGONOMICS

Fair employees and volunteers often perform tasks that involve forceful lifting, awkward body postures, pushing and pulling heavy or bulky objects, vibration or prolonged repetitive motion. Agricultural societies should encourage individuals to employ ergonomic strategies to prepare for those tasks and to reduce injury.

19

ERGONOMICS



STRETCHING

No baseball player would start a game without an extensive warmup involving stretching. The demands on agricultural society employees and volunteers may not be the same as that of baseball players, but many tasks can put strain on their musculoskeletal system.

Individuals should only use stretching techniques that are safe and work for them. Stretching should never reach the point of pain.



Stretching before performing tasks that demand a great deal of physical effort can better prepare muscles for the job.

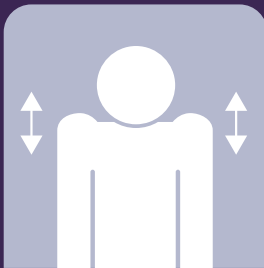
TAKE MICRO BREAKS

While performing prolonged work, it is important to take periodic micro-breaks. This short break does not have to be more than a minute but should include time to stretch and relax. This allows the body time

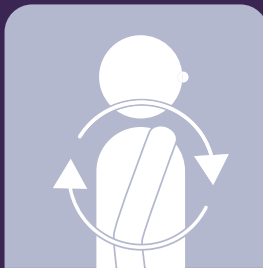
to recover and brings blood and oxygen to fatigued muscles and joints.

Micro-breaks should be taken every 20 minutes or so during heavy physical activity.

Make Micro-breaks Part of Your Daily Routine



Shoulder shrug: Move shoulders up, hold and relax.



Shoulder roll: Roll shoulders up and back, hold, then switch directions.



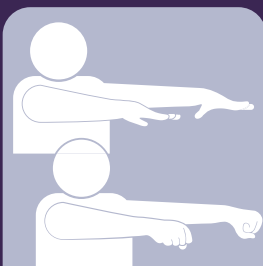
Wrist stretch: Gently bend your wrist upward and then downward and hold it.



Neck stretch: Hold top of head and bend your neck gently to the side and hold. Switch sides.



Small arm circles: Move arms in small circles from the shoulder, then switch directions.



Hand stretch: Make fists and hold. Open hands wide. Repeat movement to the front, sides and above head.



Rotation stretch: Reach arms high above head and rotate at the hips in both directions.



Backward bend: Place hands on hips and bend your back, shoulders and head backward.



PLAN AHEAD

Whenever possible, plan for a job. Thinking ahead to the requirements of the task can help identify ways to do the job more safely. For example:

- If the task requires handling large or awkward objects, consider ways to do this more safely and with less strain. Will there be obstacles in the path of movement or uneven ground? Is there equipment that can help move these objects more safely?
- If the task requires hand tools, are they the best for the job? Do they fit the individual's hand comfortably? Can they be used while maintaining a straight wrist?
- If power tools are used, can they be supported to relieve some force? Is the working surface at a height that reduces back strain or overextension of the arms?
- Does the task require squatting or kneeling? Consider using personal protective equipment, such as kneepads to reduce hard surface impact. Could a stool be used while performing this job?



Planning ahead can help workers complete tasks more safely.

This list is far from complete. Consider other work tasks during the fair and think of each of the actions from an ergonomics perspective. Many of the tasks may be done more comfortably with some forethought and planning.

REDUCE VIBRATION

Regular exposure to vibration may create tingling and numbness in fingers, hands and arms. Prolonged exposure can result in a vibration syndrome. Measures should be taken to reduce vibration in power tools and equipment. Among the types of equipment that pose vibration hazards are chainsaws, sanders and grinders.

Both administrative and engineering controls can be used to mitigate vibration. If possible:

- Alternate work involving vibration with tasks that do not, or allow rest breaks to reduce continuous exposure.
- Check tools before use to make sure they are in good working condition and operate without excess vibration.
- Keep cutting tools sharp. Dull blades can create more vibration.
- Let the tool do the work; maintain only enough grip to operate equipment safely and effectively. Do not force a tool more than is needed.



Vibration reducing gloves can help mitigate the effects of prolonged exposure to vibration.

- Consider wearing vibration-reducing gloves for lengthy jobs with vibrating equipment. They not only help decrease vibration, but also keep the hands warm.
- Add anti-vibration tape to the handles of power tools.

USE SAFER LIFTING TECHNIQUES

Handling heavy materials is common during the workday. Employees and volunteers should focus attention on proper body mechanics when lifting and carrying, as well as when shoveling or handling heavy tools and equipment.

Safe lifting techniques include:

- Standing close to the load with solid footing.
- Bending at the knees and not the back.
- Keeping the back straight.
- Lifting with the legs.
- Contracting stomach muscles during the lift.
- Holding the load close to the body.
- Avoiding twisting or other awkward movements.
- Asking for help if load is too heavy, awkward or long.
- Utilizing handles or carrying tools when possible.

If possible, individuals should use equipment designed to ease lifts. Even a properly sized shovel handle can help reduce the amount of bending needed.



Focusing on proper body mechanics while shoveling prevents injuries.

When storing materials, consider how they will be lifted off the shelf or floor. If the materials are meant to be manually lifted off the shelf, positioning is important to reduce strain. Heavier objects should be stored between knee and shoulder height. This will reduce the amount of reaching or lifting required to move that object. Only lighter objects should be stored above shoulder height.

VEHICLE ERGONOMICS

Many of the vehicles used by fair employees or volunteers expose them to health and ergonomic hazards, including awkward body postures, vibration, noise, extreme temperatures, dust, exhaust, etc. These risk factors should be examined and steps taken to reduce the hazards. These steps could include periodic maintenance, replacing worn or hazardous equipment, providing more adjustability, as well as implementing administrative controls of job rotation or enforced breaks.

When evaluating vehicle ergonomic hazards, agricultural societies should consider:

- **Vibration:** Efforts should be made to reduce the amount of vibration experienced by the vehicle operator.
 - Maintaining tires and suspension should help to reduce vibration.
 - The driver's seat should be designed to isolate and reduce the specific vibrations characteristic of the machinery.
- **Awkward postures:** The positioning of the seat and controls is important to be able to reduce awkward postures.
 - While maintaining good views to operate the vehicle safely, the steering column and controls should be positioned to minimize arm extension.
 - An adjustable armrest can also be used to support the arm when operating controls.



There are many steps that can be taken to reduce the health and ergonomic hazards employees and volunteers may experience while driving vehicles.



- **Twisting:** If the job task includes twisting the head or body, the cab should have a good field of vision. Swivel, lockable seats can also help reduce the amount of twisting.
- **Adjustability:**
 - The driver's seat should be easily adjustable to most body types. The lumbar support should be able to be positioned for maximum comfort, and the seat pan be moved to provide support for the legs without pushing against the inside of the knee.
 - The steering wheel and/or controls should be adjustable to reduce arm extension.
- **Rotating shifts:** For vehicles with high vibration, low adjustability and a large amount of awkward postures, minimizing the time individuals operate machinery can help reduce exposure to ergonomic hazards.

Resources

- More information about ergonomics can be found in OSHA publication "Ergonomics: The Study of Work," [OSHA.gov](https://www.osha.gov).
- MCIT members are encouraged to review Quick Takes on Safety for brief ergonomics training talks, available at [MCIT.org/quick-takes-on-safety/](https://www.mcit.org/quick-takes-on-safety/). These are suitable for employee or volunteer gatherings to remind people about the hazards and encourage best practices to avoid injuries.

FIRE PREVENTION

Fires, although rare, account for significant property damage among MCIT members. Additionally, fires can cause burns, smoke inhalation or panic leading to severe injury or death to people and animals. For these reasons fire prevention should be a priority at any fair.



FIRE PREVENTION



EGRESS

Egress refers to exit routes and exits within a facility. During a fire, blocked or locked exit doors or egress routes can pose serious risk. It is important to maintain free and easy access out of a building.

Ensure egress routes are:

- Free of objects on the ground or along the walls. This may include tables or other items on the floor.
- Sufficiently wide to accommodate multiple people and wheelchairs; 28 to 36 inches of clearance is recommended.
- Free of objects blocking the exit discharge. If items are blocking the door from the outside, then it cannot open.
- Well lit. Consider installing emergency lighting at exit doors and along egress routes signifying exits. Lit exits signs above doors can also be helpful when directing people out of buildings. If provided, these emergency lights and signs should be checked shortly before the fair to verify operation in the event of a power outage.
- Inspected regularly during the fair. Vendors, guests or others may set up displays, move items or otherwise obstruct egress routes.



Exit routes should be well marked and unblocked.

FIRE EXTINGUISHERS

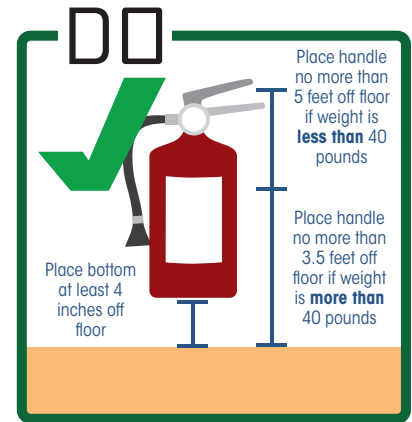
Portable fire extinguishers are used to help put out an incipient fire. This is the earliest stage of a fire—right after ignition—and can typically be extinguished with a single portable fire extinguisher. However, extinguishers are only of benefit when they are available, in good working condition and operated by someone who knows how to use them.



Fire extinguishers should be inspected periodically.

Ensure fire extinguishers:

- Have clear, unobstructed access and are not covered by blankets, jackets or other materials that obscure visibility.
- Have identifying labels or signage to clearly mark their location.
- Be mounted so that the base is at least 4 inches off the floor and the carrying handle is no higher than 5 feet. If fire extinguishers are greater than 40 pounds, the height of the carrying handle should be no greater than 3.5 feet.



All fire extinguishers require yearly service by a qualified third-party vendor. This ensures the equipment is fully charged and ready to use in the event of a fire. If the fairgrounds is used beyond the normal run of the fair, consideration should be given to inspecting extinguishers on a periodic basis in addition to the annual service.

These inspections should include verification of the extinguishing charge (arrow in green), a check to ensure that the seal has not been broken and the inspection tag is on the extinguisher, and confirmation that the extinguisher is located where it should be.

If volunteers are presumed to use fire extinguishers, they should be trained about when and how to use them. Training should include:

- Identifying when to try to extinguish a fire and the hazards involved.
- Sounding the fire alarm and calling the fire department if appropriate.
- Using the appropriate type of fire extinguisher for the type of fire, for example, a class K extinguisher should be used for a grease or oil fire because other types of extinguishers may create greater hazards.
- Identifying a safe evacuation path before approaching the fire. Individuals should not allow the fire, heat or smoke to come between them and their evacuation path.



- Discharging the extinguisher within its effective range using the P.A.S.S. technique (pull, aim, squeeze, sweep). See below for more information.
- Backing away from an extinguished fire in case it flames up again.
- Evacuating immediately if the extinguisher is empty and the fire is not out.
- Evacuating immediately if the fire progresses beyond the incipient stage.

P.A.S.S TECHNIQUE

It is important that users of fire extinguishers know how properly to use them. The acronym P.A.S.S. helps make remembering easier:

- Pull the pin. This will also break the tamper seal.
- Aim low, pointing the extinguisher nozzle at the base of the fire.
- Squeeze the handle to release the extinguishing agent.
- Sweep from side to side at the base of the fire until it appears to be out. Watch the area. If the fire re-ignites, repeat steps 2-4.

Agricultural societies should contact their local fire department with questions regarding fire extinguisher training.

All commercial kitchen areas using fats, greases or oils should have a type K fire extinguisher within 30 feet of the cooking equipment to supplement the suppression system already in place. Type K fire extinguishers should be used after the activation of the suppression system in the event of a re-flash or if a grease fire spreads beyond the cooking area. *For more information about fire prevention in cooking facilities, see Chapter 17, Cooking Facilities.*

FLAMMABLE STORAGE

Gasoline and other flammable chemicals are often stored on the fairgrounds. These should be stored away from emergency exits and possible ignition sources. Consider using flammable storage



Flammable materials storage cabinet

cabinets or special rooms with fire-rated walls or doors. Any gasoline should be stored in approved safety cans with self-closing lids and flame arrestors.

Further considerations regarding flammable storage:

- Posting signs or warnings, such as “No Smoking,” around the flammable storage cabinet or room to both raise awareness of flammable materials and discourage ignition sources from being placed or used nearby.
- A fire extinguisher should be placed near but not directly adjacent to flammable storage to allow for easy access in the event of a fire.
- Avoid storing oxidizers and flammables adjacent to each other. Oxidizers are known to contribute to the growth and intensity of fires.
- Flammables should not be stored near exit hallways, exit doors or stairs.
- Flammable cabinet and flammable storage room doors should remain closed and latched to prevent accidental opening. Door props should not be used in flammable storage rooms. See the fire doors section for more information.

Reducing the amount of combustibles and flammable substances stored at the fairgrounds also reduces the risk of fire and should be considered.

FIRE DOORS

Certain doors within a building may be fire rated. Fire-rated doors are designed to contain and slow the spread of fire throughout a building. This gives occupants time to escape and allows firefighters to respond and minimize property damage.



Fire door tag

Fire doors are typically located in flammable storage rooms, stairways, electrical rooms and other locations where fires may occur. Fire doors should be kept closed, not propped or held open. If open, they cannot contain fires effectively, and flames and noxious fumes may spread unhindered throughout a facility.

FIRST-AID KITS, BLOOD-BORNE PATHOGENS

21

During fair events employees, volunteers or visitors may sustain cuts or other minor injuries. A supply of first-aid materials and trained emergency responders can help attend to these situations. In addition, employees and volunteers should also have an understanding of the potential hazards involved with exposure to blood.

Designated individuals may be responsible for cleaning up blood or other bodily fluids. Providing spill kits for various bodily fluids, appropriate personal protective equipment (PPE) and training can help staff address the hazards of blood-borne pathogens.



FIRST-AID KITS, BLOOD-BORNE PATHOGENS

FIRST-AID KITS

First-aid kits should be readily available to treat minor injuries. The contents of the kit should correspond to the hazards of the particular location they serve. Cooking facilities, for example, might include special burn cream that first-aid kits in other locations do not.

All first-aid kits should be inspected periodically. The inspections should include restocking of depleted items and removal of expired products. Some items have printed expiration dates; others, such as adhesive bandages, typically do not. If the packaging shows signs of aging or if the seal is broken, the items should be discarded.

Agricultural societies should ensure that if over-the-counter medications are included in first-aid kits that medications are in packaging labeled consistent with federal requirements. With appropriate labeling, people can review the ingredients, usage, dosage and consumer safety information to make informed decisions.

Sealed, single dose and tamper evident packaging may be the best option. Medications should also be periodically inspected to ensure that they have not been tampered with, recalled or expired.



First-aid kit

BLOOD-BORNE PATHOGEN EXPOSURE

The universal precaution when encountering any blood exposure is to treat it as though it is infected with a blood borne pathogen (e.g., hepatitis, HIV). Although blood is the common exposure, items that could contain blood should also be treated with caution. Other potentially infectious materials include bodily fluids (e.g., urine, feces, vomit) and items with



Sharps disposal container

potential blood contact (e.g., discarded bandages, tissues, feminine hygiene products, used personal protective equipment).

When encountering or cleaning up a blood or other potential infectious material exposure, agricultural societies should follow these best practices:

- Train all employees and volunteers about:
 - The hazards of blood borne pathogens
 - What to do if blood or other potentially infectious materials are discovered
 - What to do if individuals are exposed.
 - Employees or volunteers expected to clean blood or other potentially infectious materials should be trained about personal protective equipment use, sanitizing the area and disposal of blood or soiled material.
- Always treat the material as if it is infected.
- Call for assistance for any injured person or for help with cleanup.
- Direct others away from the spill or exposure.
- Wear medical use gloves for blood spills; disposable latex or nitrile gloves are popular. Some gloves are designed for food prep and not for medical use.
- Inspect gloves for holes or tears prior to putting them on.
- Use the appropriate spill cleanup kit with cleaners capable of neutralizing common blood borne pathogens. Treating an exposure with a cleaner does not preclude the need for PPE.
- Dispose of the contaminated materials in a secure and appropriate location.
- Avoid throwing contaminated sharps or sharp objects into the garbage. Sharps containers are the most effective disposal location to prevent injury. If sharps containers are present, ensure there is a plan for safe and proper disposal.
- Remove personal protective equipment and either dispose or place it in a secure location for washing. Do not reuse disposable personal protective equipment.
- Wash hands with soap and water after removing the personal protective equipment.
- When an employee or volunteer feels he or she has been exposed, the individual should wash the area with soap and water immediately and consult with appropriate agricultural society staff and medical professionals.

GARBAGE HANDLING

Trash collection presents a risk for blood-borne pathogen exposure. Discarded needles, diapers, blood-stained debris and other potentially infectious materials may be found in the trash.

If fair employees or volunteers are responsible for collection or handling of garbage, the following precautions should be taken:

- Wear proper personal protective equipment, such as heavy footwear and gloves.
- Follow proper procedures when disposing of potentially infectious materials.
- Wash hands with soap and water after handling suspicious debris.



Follow precautions while handling garbage.

- Never crush trash by hand to make more room in collection containers.
- Hold trash collection bags away from the body. They should not be slung over shoulders or bounced against legs.



Always carry trash away from the body. Do not throw it over shoulders or let it bump against legs or body.



Never press down trash to make more room in collection containers without properly protecting hands.

GROUNDS KEEPING

Fair visitors expect that the grounds will be well maintained and clean. Damaged buildings, loose trash or leaking faucets can detract from the fun of the fair but also can be a source of accidents or property damage.

Whether the fairgrounds are used year round or just during the run of the fair, grounds keeping requires planning.



WALKING PATHS AND PARKING AREAS

Walkways and parking areas can quickly become cracked and broken, washed out or overgrown. They also may have obstacles or other debris that can present tripping hazards, block the flow of traffic or impede emergency exits or emergency equipment, or may even have sharp or low hanging protrusions into the walking area.

Periodic inspections of both indoor and outdoor walking and parking surfaces and areas should be conducted prior to the fair to identify and address any issues. When conducting a periodic inspection, agricultural societies should look for:

- Sudden changes in elevation in walking surfaces. These are often related to cracks in the floor, drainage or erosion, vehicle use or animal burrows. Entryways and exits can also show sudden elevation changes when property settles or roots grow under foundations.
- Worn carpet seams. Where sections of carpeting meet, such as between rooms or by entrances, the carpet may curl upward and could present a tripping hazard.
- Items stored on stairways, such as at grandstands or other outdoor facilities. These can lead to trips and falls.
- Loose or deteriorating floorboards in grandstands or other elevated platforms. Check for missing or unsecure railings, too.



Keep walking paths and parking areas clear of debris.

- Branches, trash or other debris blocking paths or creating potential tripping hazards.
- Nails, glass or other sharp items that could damage vehicle tires or cause injury to feet of people and animals.
- Spills or other wet areas in walking areas, which could lead to slips and falls. These should be addressed in a timely manner. Wet areas could be caused from leaks or from poor drainage.
- If leaks or drainage are causing wet areas or muddy spots, the leaks should be addressed or drain pipes reviewed to direct runoff away from walking paths.
- Muddy areas, potholes or low-lying spots in parking areas. In addition to creating tripping hazards, these can damage vehicles or negatively affect drainage. Consider redirecting traffic around such areas until they can be repaired or addressed.
- Protruding sharp objects, such as nails, twisted metal or rough wooden edges. Pay attention to entryways and other areas where patrons walk. A nail or sharp edge does not have to protrude far for someone to be hurt. Multiple people moving through an entryway, particularly for a show or event, may be shoulder to shoulder and come in contact with sharp edges.
- Inspect benches, picnic tables and bleachers, as wood may have rotted exposing nails or causing splintered material.
- Clearance around entrances and exits particularly emergency exits. There should be clear walking paths to allow people to evacuate buildings quickly in an emergency. This includes clearance on the outside of the building so doors open easily.
- Lighting and emergency lights in walkways or parking lots. These allow people to spot hazards and other objects, and during an emergency can assist with people exiting the building or grounds.
- Clearance around fire extinguishers and electrical panels. Fire extinguishers and electrical panels should be free of obstruction and have clear access.



Build Awareness to Prevent Slips, Trips and Falls

MCIT's Step Wisely is an all-season slip, trip and fall prevention program that offers multiple resources to help raise awareness about common workplace slip, trip and fall hazards. No-cost Step Wisely resources are available at MCIT.org/step-wisely/, or members can contact their loss control consultants for more information at **1.866.547.6516**.



BUILDING CONDITION

Fairgrounds are made up of many buildings and structures. If left unchecked, they can deteriorate and create opportunities for the elements or vermin to enter the building and cause increased property damage and safety hazards.



Unchecked buildings could lead to greater property damage and safety hazards.

Regular inspection and maintenance is essential to minimize the effects of deterioration. Detecting and repairing damage or other poor building conditions early often makes the costs of repairs less than if deterioration goes untreated.

It is important to check the fairgrounds and the buildings regularly but also after unplanned occurrences, such as strong storms. After heavy snowfalls, for example, the weight of the snow can put stress on roofs. The roofs may sag or even collapse, damaging property or injuring people within.

Attention should also be paid to nearby foliage. If trees or limbs appear to be dead or drooping near buildings, storms or other events could cause them to fall and damage the building. This is also a concern around electrical lines, parking lots and walkways.

Trees or limbs that pose a risk should be controlled to reduce the potential for damage. Trimming and removing trees or limbs should be handled by well-qualified individuals or licensed third parties, especially near buildings and power lines.

VERMIN

Many animals and insects make fairgrounds their home. Holes and burrows from gophers or chipmunks can create tripping hazards to people and animals.

Nests from birds or other animals can damage buildings, and insects can sting and be a nuisance.

Controlling for these pests requires identification and specific measures, depending on the type of vermin encountered.

Prior to the fair, inspections should be made for:

- Holes or burrows in walkways or paths and along foundations of buildings—both inside and out.
- Active wasp nests and ant colonies.
- Bird nests and rodents. Indoor animal droppings may provide indications of an infestation.
- Be wary when cleaning up droppings, as harmful bacteria may become airborne if it is disturbed. If possible, ventilate the area and always wear appropriate personal protective equipment.



For specific information and recommendations about removing vermin, consider consulting with local animal or pest control specialists.

HOUSEKEEPING

Trash is unsightly, may attract nuisance animals and can be a sanitation problem. Tools, cords, hoses or other items not properly stored after use can become a trip hazard, a target for theft or step-on hazards. Spills and dirty floors or wet slippery areas can also be a slip and fall hazard. All of these factors can add up and be a challenge of which to stay ahead during a busy fair run; however, with some forethought and planning, these hazards can be minimized.





HOUSEKEEPING AND CLEANLINESS

Methods to address housekeeping and cleanliness:

- Place trash collection bins in strategic locations.
 - Particular attention should be paid to food areas and in areas where people may sit.
 - Garbage containers should be emptied as needed to avoid overfilling.
- Store tools, electrical cords and hoses when not in use and keep walking paths clear.
 - If cords or hoses are used for an extended period, they should be covered to minimize a tripping hazard.
 - Consider including storage as part of training for volunteers who may use tools or other items, so people know where to put away items. This not only helps in locating tools later, but also can keep walkways clear to minimize tripping and step-on hazards.
- Store items away from safety equipment and emergency egress areas.
 - Ensure garbage cans or other items are not positioned in front of fire extinguishers, electrical panels, disconnect switches or emergency exits.
 - Stored materials should not block fire sprinklers.
 - Decorations and signage should never be hung from sprinkler heads nor block the path of extinguishing agents in the event the sprinkler is activated.
- Inspect floors, walkways and transition areas for trip hazards, such as cracks, heaving and crumbling.
 - Hazards should be addressed in a timely manner.
 - If tripping hazards cannot be remedied quickly, efforts should be taken to increase awareness of the area by using bright paint or traffic cones until repairs can be made.
- Inspect storage areas for protruding materials.
 - Occasionally items are stored where individuals can walk into them and suffer injuries.
 - Sharp edges or corners can cause injury to people walking past as well.
 - Items should be rearranged, padded or otherwise flagged to warn people of hazards.
- Review storage areas and shelving for stability. Stacked items can fall and injure people nearby if disturbed. Shelving should be adequately secured to prevent tipping.
- Examine worn carpet seams. Carpet may curl where sections of carpeting meet, such as between rooms or by entrances. This may present a tripping hazard.
- Check for stored items on stairs or in stairways. These can lead to trips and falls or become a hindrance to evacuation, and should be removed from the stairs.
 - Check for missing or unsecured railings.
- Fix rugs or carpets that have buckled, been pulled up or have rolled corners. Ensure entrance mats lay flat and have the ability to soak up anticipated moisture for the location.
- Review clearance around ventilation ducts and fans. If items are blocking the flow of air, ventilation equipment may not function effectively.
- Maintain adequate lighting. People need to be able to see to avoid hazards. Replace burned out lights prior to the fair in a timely manner.
- Keep fire doors unobstructed and closed. These doors are designed to slow the spread of fire throughout a building and allow time for occupants to escape and firefighters a chance to save property. If left open or if obstructions prevent them from closing entirely, these doors do not function effectively.
- Position spill stations in buildings and areas where food and drinks are served and consumed. These stations should include disposable gloves, safe cleaning agents, absorbent materials, plastic bags and if appropriate, a mop or broom. Also consider including “wet floor” signs or other warning devices.
- Equip those tasked with cleaning up blood or other bodily fluid spills with personal protective equipment and train them to treat all blood as if it is infected. *See Chapter 21, First Aid and Blood-borne Pathogens for more information.*
- Keep flammable materials away from sparks or other ignition sources.
- Keep areas in front of electrical boxes and disconnects clear. This cleared space should measure 36 inches in front of the panel and be at least 30 inches wide or the width of the panel, whichever is larger.
- Keep the area in front of fire extinguishers and external defibrillators clear with an easily accessible path. It is recommended to keep at least 36 inches of clearance in front of these safety devices.
- Ensure clearance around emergency exits and maintain egresses.
 - These walkways should be sufficient to accommodate the maximum permitted occupant load and be at least 28 inches wide at all points.
 - Walkways should be visually defined where appropriate.
 - Both sides of exit doors should remain clear of obstructions.



TRASH DISPOSAL

Individuals can reduce the likelihood of injury related to handling trash, such as blood-borne pathogen exposure, by following these steps:

- Avoid stepping on garbage or opening bags. People sometimes dispose of sharps or other objects in the trash.
- Carry trash bags away from the body. If trash bags are held close or slung over the shoulder, sharp objects may pierce the skin or leak through holes in the bag onto the carrier. If possible consider using carts or other devices to carry the garbage bags to avoid ergonomic strain.
- Observe the trash prior to picking it up, particularly objects such as soft drink cups or cans, as hornets, wasps and other stinging insects are attracted to these and may be there.
- Avoid standing in trash receptacles to compact garbage, as tipping or falling may occur.

MEZZANINE STORAGE

A mezzanine is an intermediate floor that does not extend over the entire floor space of a building. This level is often considered for additional storage. Hazards associated with mezzanines include people or materials falling from height and exceeding load capacity.

If items are stored on a mezzanine, some basic safety measures should be considered:

- Mezzanines should have railings or other forms of barriers to prevent individuals and stored items from falling off the edge. Toe guards 3.5 inches high or greater should be in place to prevent objects going over the edge.
- Access can be provided by a stairway or a ladder (fixed or portable).
 - When using a ladder, individuals should maintain three points of contact when ascending or descending.
 - If using a ladder, the base should be level and well supported.
 - When storing or retrieving items, at least two people should be considered to hand items up and down.
- Large quantities of items or heavy items may put significant strain on the floor of the mezzanine. When using mezzanines for storage, agricultural societies should be mindful of the weight of objects and the load capacity of the floor/ceiling.
 - If signs of the ceiling sagging or buckling arise, cease storing items on the mezzanine and remove items if it is safe to do so.
 - Consider having an engineer assess the mezzanine to assign appropriate load ratings.

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INFLATABLE AMUSEMENTS

Before including inflatable amusements, such as bounce houses, slides, moonwalks, etc., as attractions at the fair and other events, be aware of their risks and take steps to help reduce the chance of injury.

24

INFLATABLE AMUSEMENTS





SAFETY RECOMMENDATIONS FOR INFLATABLES

Most incidents related to inflatable amusements occur as a result of sudden deflation; improper set-up, including insufficient anchoring; high winds and inadequate supervision and training. To help ensure safe operation of inflatables, the following best practices should be implemented:

- Whenever possible, have the vendor set up the inflatable.
- Locate the inflatable with consideration for a fall zone. Hard surfaces, such as concrete and asphalt, can increase the risk of injury in the event of a fall.
- Set up the inflatable in an area free of hazards. Ensure that there are no overhead wires, nearby roads or other hazards.
- Have an emergency plan in place, and first-aid kits and staff nearby who are trained on emergency response procedures.
- Ensure adequate supervision. Use operators provided by the inflatable rental company if possible. If not, ensure that staff or volunteers supervising the amusement understand the manufacturer's recommendations and are trained by a competent person from the rental company. This training should be documented.
- Follow all of the manufacturer's instructions and safety procedures.
- Ensure the inflatable is well anchored. Suspend its use if strong winds are present. Consult manufacturer's specifications for wind speed limitations.
- Ensure inflatable is free of tears and defects, and that the blower is in good working condition.
- If blower is plugged into an outdoor electrical receptacle, ensure that it is protected with ground fault circuit interruption and that cords are covered to reduce tripping hazards. If blower is run by a generator, the same precautions should be followed, as well as ensuring that carbon monoxide fumes cannot build up inside or around the inflatable and safety protocols are in place when handling fuel.

RISK MANAGEMENT RECOMMENDATIONS

Although liability arising from the use of most inflatables is covered by MCIT, the best practice is to have them covered by the vendor who provides them. This is especially true where the vendor does the set up and manages the operation. *See Chapter 11, Vendors and Exhibitors for details about appropriate agreements, coverage, limits and certificates of insurance.*

If the inflatable is more of a mechanical amusement (e.g., a mechanical bull) and the agricultural society has retained responsibility for its operation, liability coverage is excluded by MCIT and coverage would have to be placed with an alternate carrier. *See Chapter 10, Special Events for details about the exclusion and options for obtaining appropriate coverage.*

All inflatable amusements that use electrical power are subject to an annual inspection before operation. More information about these inspections are provided on the Minnesota Department of Labor and Industry website (DLI.mn.gov).

OVERHEAD GARAGE DOORS

Many of the buildings on fairgrounds are equipped with large powered overhead garage doors. Industrial overhead garage doors with sufficient weight or closing force can cause injury or damage to people or property caught in their path of travel. Because of this hazard, the Minnesota Administrative Rules and Department of Labor and Industry have outlined requirements for overhead door safety.



OVERHEAD GARAGE DOORS





OVERHEAD GARAGE DOOR REQUIREMENTS

The requirements state that overhead doors must incorporate at least one of the following safety options:

- An external reversing device that would immediately reverse the direction of the door upon striking an obstruction. Common reversing devices include:
 - A safety edge pneumatic air hose installed on the bottom of the door that signals the door to reverse when an obstruction is detected.
 - An optic sensor that detects objects in the path of the door and immediately reverses downward travel.
- A constant pressure actuation switch that would be operated within sight of the door and could be released and manually reversed if a person or object were in the path of the closing door.
- A three button control switch but only if the following conditions are met:
 - A permanent sign is placed adjacent to the switch and displays wording similar to “Warning: To prevent entrapment, do not start door downward unless doorway is clear.”
 - The control switch and sign are located within sight of the doorway.
 - The operator controlling the switch observes the door until it is completely closed.
 - Automatic closing controls are not also installed.



Warning sign accompanies three-button control switch.

If reversing devices are installed, they should be periodically inspected and maintained to assure that they are in good working condition. These inspections and maintenance should be recorded and retained in the event of an incident.

Individuals must use caution when opening any overhead door part way to allow ventilation. This may cause undue wear to the closing mechanism. It also may create a “bumping into” hazard for people, vehicles and equipment if there is not enough space to allow passage.

Regulations for overhead doors can be found in Minnesota Administrative Rule 5205.0675.

PEOPLE MOVERS AND HAYRIDES

Some fairgoers may need assistance getting around the grounds. Often, volunteers are tasked with conveying these patrons using golf carts, tram trailers and other types of people movers. Even driven at lower speeds, these conveyances can pose risks. Plans should be put into place to ensure that riders and drivers arrive at their destinations safely. Hayrides, in particular, present greater risk, and care should be taken to ensure patrons' safety.

26

PEOPLE MOVERS AND HAYRIDES





PEOPLE MOVERS

Whether fair patrons are transported via a golf cart or by a tram hitched to a tractor, the primary function is to move people from one location to another. The following are some safety guidelines to follow to reduce the risk when transporting people.

No matter the style of people mover, vehicles should only be used on well-maintained, flat and even surfaces

to reduce the risk of jarring bumps and tip overs. All drivers should be familiar with the route, trained and certified as required by state and local jurisdictions. Drivers should wear high-visibility vests as they may be in close proximity to other moving vehicles.

GOLF CARTS

- Inspect golf carts daily before use. Ensure that the tires are properly inflated; and that steering, acceleration and braking are in proper working condition.
- Avoid sharp turns, fast acceleration and sudden braking. The speed of operation should be no greater than a brisk walk (less than 15 mph). Golf carts are typically lightweight, have a high center of gravity and are more prone to tipping over, especially at speed or on rough, uneven terrain.
- Operators should be trained about the safe operation of the specific vehicle used.
- Only carry as many passengers as seats allow. Do not squeeze extra people aboard or allow passengers to sit or stand on nonseating areas.
- Ensure cargo does not impede operator's ability to drive.



Golf Carts are a popular choice for transportation at fairs.

- Seat belts should be used by all people in the vehicle if the vehicle is equipped with them.
- When parking, engage the parking brake. Keys should not remain in the vehicle when unattended.

Golf Cart Batteries

An often unrecognized hazard of electric golf carts comes from their batteries. Be sure to follow appropriate warnings from the owner's manual. Some common hazards include:

- **Corrosive acids:** Can cause severe injury if they are released. Many golf carts require owners to monitor the water and electrolyte levels of lead/acid batteries and add water as necessary. Make sure appropriate maintenance is followed.
- **Charging batteries:** Flammable hydrogen gases are a byproduct of charging, which can ignite and lead to fires. Always charge batteries in a well-ventilated area, and keep all ignition sources away.
- **Battery chargers:** Chargers can also cause fires or other electrical hazards. If batteries are left to charge overnight and cords have frayed, they could overheat, causing a fire. Similarly, using the wrong charger for the battery could cause batteries to overload and ignite. Always check chargers before use to ensure the cords are in good repair and the charger matches the battery to be charged. Unplug chargers from the outlet once batteries are charged.
- **Electrical arcs or electrocution:** This can occur when metal items contact battery terminals, leading to burns or electrocution. These are often caused by metal watches, jewelry or tools. When handling batteries, be sure to wear insulated gloves and use insulated tools. Additionally, remove any metal watches or jewelry.



TRAM TRAILERS

- Perform a daily inspection of the pulling vehicle and trailer that follows a checklist or best practices detailed in the vehicle’s owner manual.
- Know the trailer’s weight capacity and do not exceed weight ratings.
- Ensure that the hitch and tow vehicle are rated for the trailer.
- Do not operate vehicle and trailer until:
 - The coupler is secured and locked.
 - The safety chains are secured.
 - The trailer jack is fully retracted.
 - The trailer lights are connected and checked.
 - The trailer breakaway brake switch (if installed) is connected.
- Operate at a slow speed; less than 15 mph.



Inspect pulling vehicle and trailer daily before use.

HAYRIDES

A popular event at many fairs, haunted houses or other venues is to transport guests in a hay wagon. Unfortunately, several serious and even fatal accidents have occurred during hayrides in Minnesota and around the country.

Hayrides are typically considered a form of transportation, and liability coverage from them is likely provided by MCIT. *If a third party is providing the equipment and drivers, refer to Chapter 11: Vendors and Exhibitors for agreement, indemnification and coverage recommendations.*

For hayrides where the purpose is other than transportation only, the amusement exclusion likely applies and no coverage is available from MCIT. Coverage should be arranged outside MCIT.



Safety should be the primary concern when hayrides are offered.

If organized hayrides are offered, safety should be a primary concern. Most of the past accidents could have been avoided or reduced by following simple safety precautions.

HAYRIDE SAFETY GUIDELINES

Some safety guidelines to reduce the risk when operating hayrides are noted below.

VEHICLE CONSIDERATIONS:

- Ensure that the tractor pulling the wagon weighs more than the gross weight of the wagon it will tow to ensure for adequate braking and traction.
- The wagon must be properly secured with a well-designed hitch pin and safety chains.
- Rearview mirrors should be installed that give a full view of the wagon behind.
- Railings of adequate height should be installed on the wagon to prevent passengers from falling off during the ride.
- Do not overload the capacity of the wagon, and only allow the appropriate number of passengers that can be properly seated.



ROUTE PLANNING AND MAINTENANCE:

- Avoid steep grades, overhead branches, wires, sharp turns, blind corners and areas with poor drainage.
- Routes should not cross public roads or highways.
- The route should be easily accessible to emergency vehicles and clearly marked with barriers installed to prevent individuals or animals from entering the route.
- Keep the route in good condition to minimize hazards. Potholes, tire-ruts, downed branches or other debris can be jarring and cause people to lose their balance and fall.

DRIVER TRAINING

- Drivers should be familiar with the operation of the vehicle, understand the route and proceed slowly (typically a little over walking pace) with caution.
- The driver should be experienced in transporting people and of a legal age to do so.
- A plan should be in place to deal with items such as flat tires, inclement weather and unruly passengers; and ensure communication tools are available.
- Consider rehearsal runs for drivers to practice.

VEHICLE MAINTENANCE

- Vehicles should be serviced per manufacturer guidelines.
- Vehicles should be inspected daily to determine if lights are working; steps and railings are secure; and seating areas are free of sharp edges, loose boards and exposed screws and nails.
- Ensure hay is dry, as wet hay can create a slip hazard.
- Before each trip, confirm proper tire inflation and that the hitch is secure.

LOADING AND UNLOADING

A common source of injuries occurs as people enter or exit vehicles, particularly when the vehicles require passengers and drivers to step up to enter or step down to exit.

- Require three points of contact when entering or exiting these vehicles to minimize accidents.
- Provide a sturdy stepping platform with a handrail for passengers to use when mounting or dismounting the wagon. Assistants may help people access larger wagons.
- Separate loading and unloading areas; everyone should be off the wagon prior to loading additional riders.

- To increase stability and help prevent wagons from rolling away, they should only be loaded after they are connected to the tractor.
- Do not allow passengers to climb over the sides to enter or exit the wagon.

PASSENGER SAFETY RULES

Inform passengers of rules when riding to improve safety. These rules vary depending on the vehicle or the event, but some of the most common rules include:

- Remain seated while the vehicle is in motion
- No smoking
- No lighters
- No alcohol
- Arms and legs must remain in the vehicle at all times
- Horseplay will not be tolerated
- Passengers must remain in the passenger area only, no riding with the driver

SUPERVISION

- Adult supervisors should be present to ensure that safety rules are being followed during the ride and communicate with the driver.
- Adult supervisors can assist with loading and unloading.
- The number of supervisors may change based upon the amount of children present.

ROLLOVER PROTECTION STRUCTURES

Vehicles used on the ride, particularly tractors pulling hayrides, should be equipped with adequate rollover protection structures.

SIGNS AND LIGHTS

If the route includes travel on or over a road where other vehicles or farm equipment may be traveling, “slow moving vehicle” signs and emblems should be present along with appropriate lighting for the vehicle and any trailers.

TOWING

- Vehicles should only tow one trailer at a time.
- The vehicle towing the trailer should have sufficient strength and weight to pull and anchor the trailer.



EMERGENCY EQUIPMENT:

- Haryrides should be equipped with a fire extinguisher and first-aid kit.
- Drivers should have equipment to call for help should an emergency arise.

For further information regarding route planning, communication and visibility, see Chapter 30, Site Control, and for more details about vehicle use, see Chapter 32, Vehicle Use.

WEATHER

Rain or other inclement weather can influence the route and make areas significantly more slippery or hazardous. Additional care should be taken in rainy conditions or rides must be suspended until weather improves. In the case of lightning or other more severe weather or winds, rides should be suspended until the weather improves.

PROPANE STORAGE

Propane, a common fuel source at fairgrounds, can be used for heating and cooking or to power vehicles, such as forklifts. Propane, however, can be hazardous if stored improperly.

Propane should never be stored with other flammable liquids. It should also be stored in well-ventilated areas and protected from damage and potential ignition sources. Propane may be stored in cylinders or American Society of Mechanical Engineers (ASME)-designed propane tanks for larger quantities.

27

PROPANE STORAGE



PROPANE CYLINDERS

Propane cylinders should be stored following these recommendations:

- Cylinders should be stored outside of buildings:
 - At least 20 feet away from doors and other egress points.
 - Located away from direct sunlight to avoid overheating.
 - Be protected from moisture that can cause rust.
- Cylinders should be stored vertically on a flat surface.
- Some cylinders are made to be stored horizontally. When stored this way:
 - The relief valve should be situated at the 12 o'clock position on the canister to keep it above the liquid level in the tank.
 - The relief valve should never be positioned below the liquid fuel level of the canister, as this prevents air from being released in the event that the contents become over pressurized.
- Storage locations should be protected from physical damage and tampering to the location.
 - Propane storage cages and/or vehicle barriers (often consisting of steel or concrete bollards no less than 3 inches in diameter) are commonly used for this task.
- A warning sign reading, "LP gas storage: No Smoking or Open Flames within 50 Feet" should be conspicuously posted at the storage location.



Propane Cylinder

Although not recommended, cylinders can be stored in buildings not frequented by the public, but they must adhere to the following:

- Cylinder storage is not located near exits, stairways or in areas meant for the safe egress of people.
- The maximum quantity of propane allowed in an inside storage location cannot exceed 300 pounds or 735 pounds of water capacity. This translates to approximately nine 30-pound cylinders.
- Partial or empty cylinders are considered full containers for the purpose of determining the maximum quantity of propane allowed.

ASME ABOVE-GROUND TANKS

ASME above-ground propane tanks must follow these requirements:



ASME Above-ground LP Tank

- Depending on the size of the LP-gas tank, certain required distances must be maintained between the tank and property lines or structures:
 - Propane tanks having volumes of 125 to 500 gallons must be located at least 10 feet from buildings or property lines.
 - Smaller tanks must also be located away from sources of ignition.
- All cylinders, regardless of size, located alongside a building must be located at least 3 feet horizontally away from any building opening that is below the level of the pressure relief device.
- Weeds, long and dry grass, and other readily ignitable material must be removed within 10 feet of any container.
- Propane tanks subject to damage or tampering of any kind should be protected from such activity by means of fencing or other barricades.
- Propane tanks that are subject to potential vehicle impact should be protected by means of fencing, curbing or concrete bollards.
- A warning sign reading, "LP Gas Storage: No Smoking or Open Flames Within 50 Feet" should be conspicuously posted at the storage location.

SANITATION

With the combination of animals, food, rides and people, the fair can create an ideal environment for the spread of germs. To prevent or limit illness, careful planning and attention should be paid to sanitation efforts.



HANDWASHING STATIONS

Handwashing stations should be considered frontline protection to limit the spread of disease. Proper and consistent handwashing with soap and warm water can eliminate most germs that could lead to illness.

Handwashing stations should be located in numerous, strategic locations throughout the fairgrounds: near food pavilions and food vendors, next to entrances near animal barns and shows, inside or next to restrooms, and at other locations as necessary.

Posters and other information about hand hygiene should also be placed in high-visibility areas near handwashing stations to encourage handwashing and proper technique.

Hand sanitizer can also be provided, but keep in mind that although it can be effective in killing germs, it is less effective at cleaning soiled hands. If hands are soiled, soap and hot water should be used.



Hand washing stations should be located throughout the fair with informational posters hung nearby to encourage use.

ANIMAL AREAS

Good sanitation is important around animal exhibit barns and other animal areas. Drainage should direct animal waste away from visitors. Visitors may inadvertently track feces into other barns or nonanimal areas and infect other animals or increase risk of disease transmission. Antibacterial bedding or other materials can be used to help reduce the risk of disease transmission in this way.

Wash bays or manure collection locations should be positioned in areas with excellent drainage to prevent manure from spreading to different areas of the fair.

Note: MCIT coverage excludes all liability claims resulting in bodily injury and/or property damage arising from pollution, fungal pathogens or bacteria. These could include outbreaks of illnesses from animal contact or food. Therefore, members are encouraged to take special precautions to avoid these situations. For additional details, members should contact their MCIT risk management consultant.



Wash bays should be located in areas with excellent drainage.

More sanitation information pertaining to animal contact can be found in Chapter 13. Members should refer to the MCIT Coverage Document for details about coverage or contact their MCIT risk management consultant.

OUTHOUSES AND RESTROOMS

Similar to animal waste, human waste can also be a vector for disease transmission and should be treated with care. Handwashing stations should be present and visitors encouraged to use them after using restrooms. Signage, available from the Minnesota Department of Health and other sources, should be conspicuously hung to promote handwashing.

Food and drink should be discouraged in restrooms and portable toilets. Septic tanks should be inspected for leaks prior to the fair and regularly emptied during fair time.

Restrooms should be adequately supplied and cleaned during the fair. Portable units should be provided to accommodate crowds, and securely anchored and emptied as necessary.



Hand washing stations should be located near outhouses and restrooms.

DRINKING WATER AND BACKFLOW PREVENTION

Care must be taken to ensure that water does not become polluted and transmit disease to fairgoers and the surrounding community. Contamination of water can occur through a process known as cross-connection and backflow or back-siphon.

This occurs when multiple water sources are turned on and used at once, which can cause the water pressure in the water main or well to be less than at the faucet. In this circumstance, the water could actually flow back into the pipe or well. If the end of a hose or pipe has contact with contaminated substances, they could be drawn back into the water supply.

There are many different styles of backflow preventers that range from one-way valves to cupped funnels in the pipe. For the best results, backflow preventers should be present on each water spigot or built into the main water supply.

In addition to backflow prevention, drinkable water and nonpotable (undrinkable) water should be clearly identified to prevent persons from drinking from



Backflow preventers can be used to keep water from flowing back into the water source.

nonpotable sources. Signs should read “Not for human consumption.”

Information about sanitation related to cooking facilities is provided in Chapter 16.

SECURITY

Theft and vandalism are some of the more common criminal activities that fairgrounds experience. In addition to the damage and potential liability, these activities can create a negative perception of the fairgrounds and make patrons wary of using the facilities. Agricultural societies should establish procedures to protect people and property at the fairgrounds and to discourage criminal elements. These procedures could include environmental design, increased security presence and signage.



ENVIRONMENTAL DESIGN

The design of the fairgrounds can have an impact on crime. Opening sight lines to parking lots, playgrounds, buildings and equipment makes it more likely for illicit activity to be noticed and thus less desirable. This “natural surveillance” is also strengthened by positioning windows in public buildings toward targeted areas, along with the addition of lighting or even surveillance cameras. The idea is to create more of a visual connection between the targeted area and other people.

Agricultural societies should pay attention to eliminating areas that could hide criminal activity: shadowed alcoves, concealed spaces between structures or equipment, overgrown vegetation around buildings and the like.

Maintenance of the grounds and equipment is important to the security of the fairgrounds, as well. When equipment looks old and unused and the grounds look blighted or overgrown, it can indicate little concern for or control of the fairgrounds and imply a greater tolerance for disorder. This not only deters citizens who want to use the fairgrounds, but can also invite the wrong kind of crowd.



If fairgrounds look neglected, there is a higher probability of criminal activity.

Controlling access through natural or artificial means is another way to increase security through environmental design. The use of gates and fences provides access control and makes it more difficult to enter areas where criminals may desire to go.

Although fences keep people out of a given area, they may also keep them in. Installing a fence around a playground may be an effective way to keep children from wandering into areas that are more hazardous. Natural boundaries such as gardens, shrubs, water and rock walls can also deter access.

PRESENCE OF SECURITY AND PATROLS

Including a visual security presence can deter criminal intentions. The presence of patrols or fairgrounds employees are also a means to increase a visual security presence.

Consider working with the sheriff’s office to set up patrols within the fairgrounds. Drive-by patrols are a powerful deterrent to mischief. This is especially true in areas where illicit activity has been occurring. Increased security presence during times of higher fairgrounds usage or at special events may also be prudent.

Board members and other volunteers can also act as extra eyes and ears within the fairgrounds. In addition to staying vigilant for safety hazards, these individuals



A security shack at the entrance to the fairgrounds may be enough to make miscreants think twice about entering the fairgrounds.

can watch for signs of illegitimate activity and report it to the proper authority.



SIGNAGE

Signage serves an important role in maintaining the security of the fairgrounds. Place it where intended users can readily see it. Standardized signage, using universal pictographs, lettering and design, should be legible and easy to understand. As with other structures and equipment, periodically inspect signs and keep them in good condition.

Use signage in a number of ways:

- To make fairgrounds patrons aware of rules, regulations and conduct expectations within the fairgrounds. Post these signs at fairgrounds entrances and other activity areas.
- To make patrons aware of hazards. When other means to mitigate safety hazards have been exhausted, install signage to warn of the danger.
- To make the public aware of other safety concerns. In areas where illicit activity may be taking place (theft from automobiles, vandalism, etc.), signage can target two groups. The first group is fairgrounds patrons. Post signs that encourage safety practices, such as “Keep your vehicles locked” or “Secure your valuables.” The second group is criminals. Signs could advertise increased security in the area.



Making the public aware of the possibility of illicit activity can help prevent it.

MONEY CONTROLS

Where valuables are present, especially cash, safe handling procedures are essential. Theft risk is both internal and external. Cash collection should utilize law enforcement escort. On or off duty deputy sheriffs or police officers work well in this role.

Entrust two responsible adults with the task of counting receipts, for redundancy and to double check all totals. To make deposits, a third adult should fill this role. The amount of the deposit is determined prior to hand off, lessening the possibility of collusion and inside theft. The person reconciling the bank accounts should not make the deposits and ideally would not be one of those counting receipts, either.

Access to large amounts of cash, in particular, presents a moral hazard, effective controls work to



Utilize law enforcement during the cash collection process.

dissuade people from giving in to temptation. MCIT theft coverage does not extend to volunteers, so robust procedures, including separation of duties, are key in this area. Bank deposits should utilize law enforcement escort.

ENFORCE RULES

When agricultural societies discover people engaged in activities that are counter to the rules and regulations of the fairgrounds or ignoring posted warnings, it is

in the best interest of the organization to enforce its policies. Law enforcement can potentially increase the liability exposure of the agricultural society.

SITE CONTROL

Fairs are intended to gather a crowd. Managing large numbers of people and vehicles in a small location can be challenging and requires careful planning. Site control hazards often involve collisions or other accidents involving vehicles, pedestrians or livestock. Poor site control can also increase frustration and confusion on the part of volunteers, staff or fairgoers.

Good site control and crowd management include multiple components working together to keep pedestrian, animal and vehicle traffic flowing safely and effectively. Raising awareness, and the use of barriers or pedestrian controllers to direct access and traffic can all work together to reduce hazards.

30

SITE CONTROL



RAISING AWARENESS

One of the largest contributing factors in many crowd-control incidents is a lack of awareness. When people are unsure of where to park and unload animals or

goods, or where events or attractions are located, they may inadvertently find themselves in hazardous situations.

INFORMATION PRIOR TO VISITING

The agricultural society should have a website or other means to inform visitors, vendors and exhibitors of the fair safety rules, important dates and deadlines, schedule of events, map of the grounds and contact information for additional questions.



FAIR BOOKS

- Fairgoers, vendors, exhibitors and others should have access to books that contain a map of the fairgrounds, schedule of events, names and locations of vendors and fairground rules.
- These books should be readily available at all entrances, ticketing booths, information stands and in the fair office.



SIGNAGE

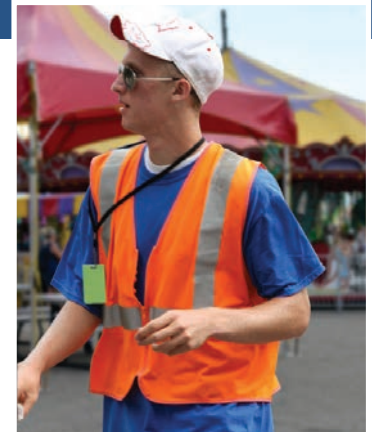
- Signs should be posted to direct traffic to designated parking areas.
- Consideration should be given to analyzing traffic patterns. Signage may be required to help slow traffic, direct one way traffic or designate no parking areas along fire/emergency routes.
- Vendors and animal exhibitors may need to be separated from regular traffic and be directed to locations to unload and setup booths or animal exhibits.
- Buildings should be clearly labeled so as to minimize confusion, such as “Swine Barn,” “Horse Barn,” etc. This also helps first responders in the event of an emergency. It can also assist in the property scheduling process with MCIT by ensuring that each building is correctly matched to the property schedule. *For more information about property coverage, see Chapter 9, Property Coverage.*
- Fairground rules, such as speed limits and safety rules, should be posted at entrances and other locations as appropriate, such as rules for areas where alcohol is served.
- Where livestock activity takes place, plainly visible signs must be posted at one or more prominent locations that include a warning of the inherent risks of livestock activity and the limitation of liability. *For more information about livestock liability, refer to Minnesota Statute 604A.12 Livestock Activities; Immunity from Liability.*





HIGH VISIBILITY

- Fair volunteers, staff and traffic/parking controllers should wear highly visible or distinctive clothing to both encourage visitors to ask questions and to help avoid vehicle or other traffic collisions.
- Signs or barriers should be highly visible to be effective. This may require periodic washing of signs and removal of obstructions, such as foliage.



COMMUNICATION

Two-way radios and other equipment may be needed to inform traffic/parking controllers or volunteers of available parking, traffic difficulties or of other incidents.



TRAINING

Staff and volunteers should be trained about fair operations and, if expected to direct vehicle or pedestrian traffic, crowd management and control before the fair begins.

- If traffic or pedestrian controllers are used, they should be trained about communication, including radios if provided, and directing traffic or pedestrians safely throughout a fair.
- Drivers of vehicles or equipment should be trained about vehicle routes, and approach guidelines for working around pedestrians. Direct eye contact and acknowledgment between drivers and pedestrians crossing the path or approaching the vehicle should be encouraged to prevent incidents. *For more information, see Chapter 32, Vehicle Use and Chapter 26, People Movers and Hayrides.*



BARRIERS

Another component of crowd control or management is restricting access to keep fairgoers away from hazardous areas. Barriers are the most typical method used for this. If a person or animal cannot enter a hazardous area or traffic zone, the likelihood of an injury is greatly reduced.

Barriers can range from perimeter fences to vehicle bollards and queueing line posts. The types of hazards dictate the types of barriers needed.

Considerations for barriers:

- Animals should be kept secure from fairgoers and from other animals unless involved with activities that bring them together (showing, judging, competition, etc.).
 - Barriers put up to separate livestock from patrons should be of sufficient strength and size to contain unruly animals. These barriers should be in place for livestock showings, auctions and events.
 - A perimeter fence around the fairgrounds can direct people to enter at designated areas and limit vandalism during the off-season.
 - Carnival rides that involve movement should be guarded with fences or other barriers to prevent individuals from colliding with the rides.
- Activities on the racetrack or other similar activities should have barriers of adequate strength to prevent materials ejected from the event from hitting spectators.
 - Outdoor propane storage or other hazardous areas should be protected from vehicle traffic with barriers such as bollards if they are exposed to vehicle traffic.
 - Waiting areas for large events or restrooms should include designated spaces where people can form orderly lines that do not block walkways.
 - If alcohol is served, consider installing barriers or visual cues to indicate the area where alcohol consumption is permitted.



TOOLS AND EQUIPMENT

Safely using the tools and pieces of equipment that are required to maintain fairgrounds not only benefits the user but can also keep the tools and equipment in use longer.

31

TOOLS AND EQUIPMENT



GENERAL SAFETY

Inexperienced staff and volunteers should never operate tools and equipment until they have been properly trained about their use and care. Users should know how safely to disengage and stop equipment quickly in the event of an accident.

Employees and volunteers should also learn how properly to wear personal protective equipment (PPE) necessary to perform a task safely. If a task has specific risks related to its performance, the employee or volunteer needs to understand how best to protect him- or herself from the hazard. Records of these and other hazard exposure trainings should be documented and retained.

In addition to being part of training, the following safety items should always be addressed:

- All equipment should be carefully inspected for loose, broken or damaged parts. Repair or replace the equipment prior to use.
- Always check the work area for potential hazards. Remove debris that could potentially be thrown by the equipment or create a tripping hazard. Ensure that the area is free of combustibles if using spark-generating equipment.
- Never operate gasoline- or diesel-powered equipment inside a building, unless appropriate ventilation is provided.
- Pay attention to weather conditions, and adjust clothing, personal protective equipment and/or the work detail to mitigate harm.
- Never remove or tamper with discharge chutes, blade guards or other factory-installed safety guards.
- When fueling or refueling, always:
 - Use flash-proof safety cans.
 - Make sure equipment is turned off and power supply is disconnected.
 - Allow engine to cool.
 - Open fuel cap slowly to release pressure.
 - Fill outside.
 - Clean up spills immediately.



Regularly inspect equipment for loose, broken or damaged parts.

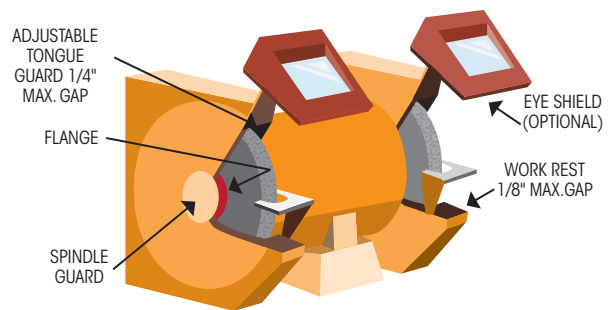
POWER TOOLS

Power tools, whether portable or secured in a fixed position, may present hazards to those responsible for maintenance and repairs. To minimize the risk of accidents from power tools consider the following:

- Electrical cords attached to power tools should be in good condition—free of tears in the insulation or wiring.
- Power tools should either be internally grounded (double insulated) or have an intact grounding pin on the cord plug.
- Users should wear recommended PPE when operating power tools, which may include gloves, and eye and ear protection.
- On table saws, to minimize the risk of kickback or throwing materials, non-kickback fingers or dogs should be used on both sides of the blade.
- Pedestal or bench grinders:



Saws should have guarding around the blade to help prevent accidental contact with the moving blade.



- Should be securely mounted either to the floor or to a bench.
- Guarding should cover a minimum of 75 percent of the grinding wheel.
- Additional side guards should cover the spindle, end nut and flanges.
- Position tongue guards so that no more than a one-fourth-inch opening exists to protect against ejected materials.
- To minimize objects being caught between the wheel and the work rest, consider setting the work rest to no more than one-eighth inch away from the grinding wheel surface.
- Portable hand grinders should have no more than half of the wheel exposed with guarding positioned between the handle and the wheel in such a way as to direct materials away from the user.
- Portable or stationary fans should have guarding over the blades if the blades could reasonably contact individuals.



- Any fans positioned less than 7 feet from the floor should have guarding over the blades with gaps no greater than one-half inch.
- Moving parts or electrical components other than the point of operation, such as drive belts, must be guarded to prevent contact.
- Any switches or buttons should be guarded to prevent accidental startup.

LADDERS

Falls from ladders are the most common hazards associated with ladder use, but contacting overhead electrical wires and unsecured or loose tools or objects can also cause serious injury. To help minimize accidents when using ladders the following guidelines should be followed:

- Prior to using a ladder, an individual should visually inspect the ladder and rungs for signs of defects, damage or corrosion. Defective ladders should be removed from service.
- Ladders should not be placed in front of doors opening toward the ladder unless the door is blocked open, locked or guarded.



Workers should not step on top cap of a step ladder.

- Ladders should only be used on a stable and level surface (unless well secured). Do not place ladders on boxes, barrels or other unstable bases to gain additional height.
- All locks and spreaders should be securely engaged.
- Users should always face the ladder when ascending and descending.
- Users should always maintain three points of contact (two hands and one foot or two feet and one hand) when ascending and descending a ladder.
- Extension ladders should only be adjusted when the user is standing at the base, not while standing on the ladder or from a position above the ladder.
- Users should not overreach. They should move the ladder to align with the target area.
- Users should not carry loads that could cause them to lose balance.
- Users should always check for electrical lines when erecting a ladder. If using a ladder near energized electrical lines or equipment, the ladder must have non-conductive side rails, such as wood or fiberglass.
- Users must secure all tools and work materials before ascending a ladder. They should not carry tools or equipment in their hands.
- A ladder should never be used for anything other than its intended purpose.

VEHICLE USE

Although trucks, forklifts, all-terrain vehicles, golf carts, tractors and other transport vehicles serve a vital function for the fair, care needs to be taken to ensure the safe and legal operation of the equipment. Minnesota child labor standards also apply to minors operating certain equipment.

32

VEHICLE USE





VEHICLE SAFETY

When using vehicles, the safety of the occupants and pedestrians should be the top priority. Implementing the following best practices can help to reduce hazards associated with vehicle operation.

- Drivers should be trained and if necessary licensed to operate the machinery they use.
- Drivers should be familiar with the operator's manual for the equipment they use.
- Seat belts should always be used when provided.
- If operating equipment that requires climbing into or out of the cab, the operator should always maintain three points of contact (two hands and one foot or two feet and one hand), face the vehicle and never jump off the equipment.
- All traffic laws should be followed.
- Vehicles should be used at appropriate speeds.
- Vehicles should only be used for their intended purposes.
- Regular maintenance on vehicles should be conducted per manufacturer recommendations to ensure safe operation.
- Vehicles should be visually inspected before use. A daily inspection checklist could be used that includes such items as proper tire inflation, fuel and fluid levels, checking for leaks, etc.
- Blind corners should be approached with care and any objects in the road should be removed.
- Loads should be balanced and not obstruct the driver's vision. If the vision is obstructed, a spotter should help guide the driver to the location.
- Skid steers or other material-moving equipment should be equipped with backup alarms.
- Drivers operating vehicles near pedestrians should be trained to make eye contact with pedestrians and acknowledge their presence to reduce the chances of collisions.
- Any buckets or attachments should be lowered when empty and when the vehicle is parked.
- Any passengers should be positioned in seats; passengers should not be hanging off sideboards, in truck beds or on skid-steer buckets or attachments.
- Skid steers or vehicles prone to tipping, such as tractors, should be equipped with adequate roll-over protection structures.

VEHICLE USE AND MINNESOTA CHILD LABOR LAWS

In Minnesota, minors are prohibited from operating certain equipment until the ages of 16 and 18 years old. Violating child labor laws and various restrictions can have serious repercussions, so care should be taken to comply with current laws.

Minors younger than 16 years old are prohibited from working with:

- Power-driven snow blowers
- Lawn and garden equipment

Minors younger than 18 years old are prohibited from:

- Driving passenger-carrying vehicles
- Operating, riding on or assisting in the operation of most power-driven hoisting apparatus, such as forklifts, skid steers, scissor lifts, etc.
- Operating, erecting or dismantling rides or machinery in an amusement park

For further information pertaining to people movers and hayrides, see Chapter 26.

CHECKLISTS

The following checklists are designed to be used regularly to determine whether the agricultural society's operations and property are in compliance with laws and following best practices. Checklists are developed using generally accepted safety and risk management standards. Checklists do not guarantee compliance with any building code, or federal, state or local regulations regarding safety or fire. Compliance does not ensure the absolute safety of your operations.



RISK MANAGEMENT CHECK UP

Completed by: _____ Date: _____

ITEM	YES	NO	ACTION ITEM
ADA Accessibility			
Do parking lots have a sufficient number of spaces for accessible parking and is enough space provided alongside each spot?			
Are accessible paths provided to the fairgrounds entrance and exits from/to parking lots and drop-off areas?			
Does the first-aid facility have an accessible entrance?			
Are movable pedestal directional signs to accessible building features maintained in place and continue to provide correct directions?			
Are curb ramps and sidewalks maintained so as to prevent large cracks and uneven surfaces?			
Are movable furniture or fixtures kept from: <ul style="list-style-type: none"> • Blocking accessible routes? • Presenting tripping hazards? • Preventing access to exhibit cases, interactives or media presentations? 			
Are protruding objects kept out of the path of travel? <ul style="list-style-type: none"> • Is a head clearance of 80 inches maintained? • Do objects protrude no more than 4 inches into a pathway? • Are long table covers avoided near accessible pathways? 			
Are accessible public restrooms, toilet stalls and fitting rooms unlocked and available to attendees during business hours?			
Is at least one accessible toilet provided at each fair restroom or privy area on an accessible route?			
Is signage placed at each privy area that directs individuals to accessible toilets?			
Are items that could impede the required maneuvering space in restrooms and fitting rooms removed?			
Are paper towels accessible and soap dispensers refilled when all other dispensers are refilled?			
Are all fair features in compliance with ADA standards?			

RISK MANAGEMENT CHECK UP CONTINUED

ITEM	YES	NO	ACTION ITEM
ADA Accessibility Continued			
Are staff and volunteers consistently trained about: <ul style="list-style-type: none"> • Where accessible retail elements are and why it is important to keep them usable? • How to correct problems? 			
Are staff trained about how to use the telephone relay system for people who are deaf, hard of hearing or have speech disabilities?			
Are brochures and information about accessibility kept current and available upon request?			
Are alternate formats for information available, such as large-print, braille, and are they kept current?			
Are auxiliary aids and services kept operable?			
Are touchable objects maintained that are used to provide access to exhibit content and programs?			
Does the agricultural society's website meet accessibility standards?			
Does the agricultural society have a policy regarding service animals and alternative/nontraditional mobility devices?			
Do contracts with shop and booth operators include a clause requiring their space to be accessible for patrons with disabilities?			
Are shop/booth entrances in compliance with accessibility standards?			
Do shops/booths have accessible routes inside that meet clearance standards? Is clearance maintained throughout business hours?			
Are booth and shop service counters in compliance with accessibility standards?			
Alcohol Policies			
Does the agricultural society have an alcohol use policy?			
Is the policy posted prominently?			

RISK MANAGEMENT CHECK UP CONTINUED

ITEM	YES	NO	ACTION ITEM
Alcohol Policies Continued			
Is the use of licensed caterers with their own bartenders required?			
Are caterers' alcohol licenses and insurance coverage verified prior to the event?			
Is law enforcement on site when alcohol is served?			
Camping			
Are all appropriate regulations followed?			
Is there a written policy for authorized activities in the camping area?			
Do campers sign an agreement upon registering?			
Is compliance with campground rules monitored and enforced?			
Are consequences for violating policies applied evenly?			
If utilizing a camp host, is there a written agreement?			
Property and Injury Claims			
Is an incident response plan established?			
Are emergency response procedures current?			
Are all injuries investigated?			
Are witness and injured party statements recorded?			
Does the agricultural society document injury investigations, including taking scene photos?			
Is there a procedure for reporting incidents to MCIT?			
Is there a plan to protect damaged property from further damage?			
Are all suspected crimes reported to law enforcement?			
Are procedures in place to prevent damage to evidence in a loss?			

RISK MANAGEMENT CHECK UP CONTINUED

ITEM	YES	NO	ACTION ITEM
Facility Use			
Are there clear policies and procedures about the facility use process?			
Is a written agreement in place with the facility user?			
Does the facility user's insurance information meet minimum requirements?			
Is there a maintenance schedule with documentation of preventive activities?			
Is staff available to manage the event?			
Does the off-season storage program require a waiver and continuation of insurance coverage from users?			
Independent Contractors			
Does the agricultural society use only written contracts?			
Has the organization set the types of insurance it requires?			
Are minimum limits on insurance established?			
Do agreements contain favorable defense, hold harmless and indemnification clauses?			
Is the organization an additional insured on contractor's policies?			
Are certificates of insurance required and reviewed?			
Is workers' compensation coverage required for all contractors?			
Is a process followed to keep contractors independent?			
Does the organization's legal counsel review all agreements? Does MCIT review contracts as needed or appropriate?			
Property Coverage			
Do coverage schedules include all fair buildings, inland marine equipment and vehicles?			
Are fair buildings named or numbered for simple identification in the event of a loss?			
Are contents listed at replacement cost?			

RISK MANAGEMENT CHECK UP CONTINUED

ITEM	YES	NO	ACTION ITEM
Property Coverage Continued			
Are property in the open items on the schedule and listed at replacement cost?			
Was an electronic data processing inventory filed with MCIT in April?			
Is the contractor's equipment schedule current with actual cash value?			
Are miscellaneous personal property items accurately reflected in the schedule?			
Security			
Does the fairgrounds' design minimize the potential for illicit activity?			
Do controlled access points protect the grounds?			
Is there a visual security presence on the grounds?			
Does more than one responsible adult count cash?			
Do the money handlers carefully follow required procedures?			
Are fair rules posted on legible signs in conspicuous places?			
Are fairgrounds rules consistently enforced?			
Special Events			
Are there written agreements with event promoters or special attraction providers?			
Is there a board-approved certificate of insurance procedure addressing insurance limits, additional insured status, effective dates and parameters for review and acceptance?			
Has the agricultural society acquired insurance outside MCIT for exposures not covered by MCIT (or a written third party agreement)?			
Is a waiver program in place, including procedures for keeping signed waivers on file as recommended by the responsible authority for the agricultural society under the Minnesota Government Data Practices Act?			

RISK MANAGEMENT CHECK UP CONTINUED

ITEM	YES	NO	ACTION ITEM
Vendors			
Are written agreements with vendors, service providers and exhibitors required?			
Is there a board-approved certificate of insurance procedure addressing insurance limits, additional insured status, effective dates and parameters for review and acceptance?			
Volunteers			
Is a registry maintained of volunteer contact information?			
Are position descriptions established for volunteer jobs?			
Are volunteers included in training events?			
Are volunteer activities supervised?			
Are written agreements with other entities providing volunteer groups in place?			
Are stipends paid to sponsoring volunteer groups instead of directly to an individual volunteer?			

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FAIR POLICIES AND PROCEDURES CHECKUP

Completed by: _____ Date: _____

ITEM	YES	NO	ACTION ITEM
Security			
Is access to money restricted to a few board members and employees only?			
When transporting money to the bank, is there a law enforcement escort or at least two people accompanying the money?			
Are law enforcement/medical responders present during the fair?			
Ergonomics			
Are staff encouraged to conduct stretches before work and periodically throughout the day? Have stretching handouts been provided?			
Emergency Action Plans			
Are written plans in place to address: <ul style="list-style-type: none"> • Fire and evacuation? • Severe weather? • Lost persons or children? • Medical emergencies? • Loose or spooked animals? • Security emergencies? • Other emergencies as needed? 			
Do plans include means of informing fairgoers, law enforcement, first responders and other staff as necessary?			
Are relevant staff equipped with communication devices to keep in contact with others?			
Chemical Safety			
Are hazardous chemicals identified and substituted for less hazardous chemicals?			
Are safety data sheets kept and regularly updated?			

FAIR POLICIES AND PROCEDURES CHECKUP CONTINUED

ITEM	YES	NO	ACTION ITEM
Site Control			
Are spotters or traffic control volunteers needed?			
Do spotters and traffic control volunteers wear high-visibility vests when working near vehicular traffic?			
Training			
Are staff and volunteers trained about the emergency action plans?			
Are all employees and volunteers trained about basics of blood borne pathogen exposure, with further training about proper cleanup, personal protective equipment use, disposal and disinfection for those expected to clean up blood?			
Are staff and volunteers trained about safe ladder use?			
Are all vehicle drivers trained and licensed to operate the vehicles?			
Are all hayride and people mover drivers trained about routes and of legal age to operate the vehicles?			
Are staff, volunteers and controllers trained about crowd control, and are they properly equipped?			
Are staff and volunteers trained about safer lifting methods?			
Are all vendors trained and licensed to operate any rides or attractions?			
Servicing/Maintenance			
Are all vehicles maintained following the manufacturer recommendations?			
Are batteries for electric golf carts maintained and charged safely following manufacturer recommendations?			
Are ice makers and other appliances regularly maintained and serviced per manufacturer guidelines?			
Inspections			
Are fire extinguishers serviced annually by a qualified third-party vendor?			
Are vehicles used on site inspected daily before use?			

FAIR POLICIES AND PROCEDURES CHECKUP CONTINUED

ITEM	YES	NO	ACTION ITEM
Inspections Continued			
Are overhead garage doors inspected and serviced annually by a qualified vendor?			
Have bleachers greater than 55 inches in height been formally inspected by a state-certified building official or state-licensed design professional?			
Have bleacher/grandstand footboards and guardrails been re-inspected every five years? Has a structural inspection been made at least every 10 years?			
Have ride, health and electrical inspectors conducted inspections prior to the fair? Have any concerns been addressed?			
Have inflatable amusements been inspected before operation per Minnesota Department of Labor and Industry standards?			
Has the drinking water been inspected/tested and deemed safe to drink?			
Are all inspection/maintenance records retained?			

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ALL BUILDINGS/MAIN OFFICE INSPECTION CHECKLIST

Building: _____ **Completed by:** _____ **Date:** _____

COMPLETE AND USE ADDITIONAL FACILITY OR LOCATION SUPPLEMENTS

ITEM	YES	NO	ACTION ITEM
OUTDOORS			
Grounds, Sidewalks, Exterior			
Does the building show any signs of vandalism?			
Is lighting adequate?			
Are there signs of animal intrusion or pest insects?			
Do trees or other foliage present a risk to damaging the building?			
Are any outdoor electrical outlets equipped with GFCI protection, and are outlets covered?			
Is the building in good condition?			
Are stairways into the facility or outdoor stairways in good repair, and are handrails secured?			
Are exits unobstructed outside of the facility?			
Emergency Action Plan/Site Control			
Is the building clearly labeled or identified and visible for visitors or first responders?			
Is there clear access available to emergency vehicles either at the building or a nearby location?			
Outdoor Sanitation			
Are outdoor water spigots protected with backflow preventers or other means established to prevent backflow?			

ALL BUILDINGS/MAIN OFFICE INSPECTION CHECKLIST CONTINUED

ITEM	YES	NO	ACTION ITEM
INDOORS			
Exits			
Are all exit lights and emergency lights checked periodically to assure they are working?			
Are exit paths unobstructed?			
Are fire doors unobstructed and closed, not propped open by doorstoppers or wedges?			
Are floors at entries kept dry or have adequate mats to absorb moisture?			
Are thresholds into buildings free of elevation changes, curled rugs or other items that could lead to trips and falls?			
Overhead Garage Doors			
<p>Are at least one of the following safety features incorporated into each overhead garage door and periodically checked to ensure they are functioning correctly?</p> <ol style="list-style-type: none"> 1. Constant pressure actuation switch within sight of the door 2. External reversing device 3. Three-button control switch: <ol style="list-style-type: none"> a. Within sight of door b. Adjacent to warning sign c. With no automatic closing controls installed d. Where controller observes until door is completely closed 			
Walkways and Stairs			
Are carpets secured to floor and free of worn seams or other tripping hazards?			
Are walkways clear of protruding equipment and supplies or items on the floor that could create tripping, step on or run into hazards?			
Are stairways in good repair, and are handrails secured?			
Are walkways and stairs free of stored items?			
Are floors free of cracks, holes and other elevation differences that could create a tripping hazard?			

ALL BUILDINGS/MAIN OFFICE INSPECTION CHECKLIST CONTINUED

ITEM	YES	NO	ACTION ITEM
Fire Extinguishers			
Are fire extinguishers checked to confirm that they have not been removed, activated, tampered with or damaged?			
Are the above recorded on the attached tag?			
Are fire extinguishers serviced annually?			
Are fire extinguishers properly mounted, accessible and easy to use?			
Is the area in front of fire extinguishers free from obstructions?			
Electrical Panels			
Is there at least 36 inches of clearance in front of each electrical panel?			
Is each breaker in service labeled and identified?			
Is the panel fully enclosed with no openings, knockouts or wires exposed or blanks missing for unused breaker spaces?			
Are electrical utility closets free of storage?			
Electrical Cords and Power Strips			
Are equipment cords kept tidy and positioned away from possible foot entanglement or walkways?			
Are power strips plugged directly into the electrical outlet and not into another power strip?			
Are power cords that lay across floors or other walking areas covered by a cord guard?			
Are extension cords used only for temporary power (no longer than 90 days)?			
Are extension cords rated for more amperage than plugged in equipment can draw?			
Are extension cords not run through walls, floors or windows?			
Are cords in good condition with intact grounding pins without frayed or exposed wire?			

ALL BUILDINGS/MAIN OFFICE INSPECTION CHECKLIST CONTINUED

ITEM	YES	NO	ACTION ITEM
Electrical Cords and Power Strips Continued			
Do all equipment/appliances have UL or other nationally recognized testing laboratory certification?			
Are electrical outlets located within 6 feet of a water source, such as a sink or drinking fountain, protected with a ground fault circuit interrupter (GFCI)?			
Storage and Shelves			
Are there at least 18 inches of clearance between stored items and the ceiling or sprinklers?			
Are shelves or file cabinets free of unstable loads or overloaded supplies?			
Are heavy items located on lower shelves within easy reach?			
Is there a ladder or stepstool available for use to reach higher stored items?			
Are the aisles between shelves clear of slip, trip and fall hazards?			
Chemical Safety			
Are containers with chemicals properly labeled?			
Are safety data sheets readily available for every chemical in use?			
Are hazardous chemical products stored in a manner that prevents contact with guests?			
Machine Guarding			
In locations where people could reasonably contact them, are fan blades guarded to prevent contact with the blades?			
Propane Cylinder Storage			
If propane is stored indoors, is it located away from exits, stairways and other paths of egress?			
First-aid Kits and Blood Borne Pathogens			
Are first-aid kits periodically checked for restocking and are expired or tampered products disposed of?			
Are spill kits available to clean bodily fluid spills safely? Is personal protective equipment, such as nitrile gloves, available in the spill stations?			

ALL BUILDINGS/MAIN OFFICE INSPECTION CHECKLIST CONTINUED

ITEM	YES	NO	ACTION ITEM
First-aid Kits and Blood Borne Pathogens Continued			
Is adequate ventilation provided to counter heat exposure for persons or animals?			
Are first-aid kits and automatic external defibrillators easily accessible?			
Security			
Is money stored in a locked and secure location?			
Other Inside Items			
Is the building adequately lit throughout, particularly in stairways?			
Are cones or other devices present to warn of wet floors?			
Is garbage or other debris removed and disposed of properly?			
Are ceiling tiles intact and in place?			
Are paper cutter cutting edges guarded and locked?			
Are there signs of animal intrusion or pest insects?			
Does the building show signs of water leaks or damage either from the roof or from piping?			

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COOKING FACILITIES INSPECTION CHECKLIST SUPPLEMENT

Building: _____ **Completed by:** _____ **Date:** _____

TO BE USED WITH ALL BUILDINGS/MAIN OFFICE CHECKLIST

ITEM	YES	NO	ACTION ITEM
OUTDOORS			
Large Outdoor Propane Tanks			
Are outdoor propane tanks that are less than 125 gallons in capacity located at least 3 feet horizontally away from any building opening that is below the level of the pressure relief device?			
Are outdoor propane tanks that are between 125 and 500 gallons in capacity at least 10 feet away from structures?			
Are ignition sources (such as weeds or long, dry grass) removed within 10 feet of propane tanks?			
Are propane tanks that are subject to tampering or vehicle collisions protected with appropriate barriers?			
Are signs present and conspicuous that warn "LP gas storage: No smoking or open flames within 50 feet"?			
Propane Cylinder Storage			
Are outdoor cylinder propane storage areas located at least 20 feet from doors and protected from heat and moisture?			
Are cylinders equipped with automatic pressure relief devices?			
Are cylinders stored in an LP-gas cage or in a manner to prevent physical damage or tampering?			
Are cylinders stored vertically on a flat surface? If not, are cylinders stored horizontally with relief valves positioned above the fuel level?			
Are signs present and conspicuous that warn "LP gas storage: No smoking or open flames within 50 feet"?			

COOKING FACILITIES INSPECTION CHECKLIST SUPPLEMENT CONTINUED

ITEM	YES	NO	ACTION ITEM
INDOORS			
Fire Extinguishers			
Is a class K fire extinguisher present within 30 feet of deep fat fryers?			
Is a sign present that states: "The automatic fire suppression system covering the cooking areas must be activated before using the fire extinguisher"?			
Ventilation Hood			
Are the filters cleaned and ducts free of grease or other obstructions?			
Does the hood-mounted fire suppression system have both manual and automatic operation?			
Is the manual pull station clear for easy access?			
Are fire suppression spray nozzles clean and free of grease buildup?			
Sanitation			
Are hand washing stations available and operational for food service workers?			
Are signs posted that inform food service workers of the dangers of cross-contamination and of good hand hygiene?			
Are ice makers or freezers clean and mold free?			
Other Inside Items			
Do all refrigerators and freezers have a mechanism to prevent people from being trapped inside?			
Are wet floors addressed to limit slip and fall injuries, such as using anti-slip mats or having drainage?			

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GRANDSTANDS/BLEACHERS INSPECTION CHECKLIST SUPPLEMENT

Building: _____ **Completed by:** _____ **Date:** _____

TO BE USED WITH ALL BUILDINGS/MAIN OFFICE CHECKLIST

ITEM	YES	NO	ACTION ITEM
Grandstands/Bleachers			
Are all openings less than 4 inches?			
Are guardrails present at heights more than 30 inches from the ground?			
Are guardrails secure and capable of supporting weight of people leaning?			
Are seats and handrails free of splinters or protruding objects?			
Do foundations, floorboards, supports and brackets show evidence of deterioration or degradation?			
Site Control			
Are barriers or methods in place to protect spectators from events?			
Are there barriers or methods to direct crowds safely?			

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MAINTENANCE SHOP/STORAGE ROOM INSPECTION CHECKLIST SUPPLEMENT

Building: _____ **Completed by:** _____ **Date:** _____

TO BE USED WITH ALL BUILDINGS/MAIN OFFICE CHECKLIST

ITEM	YES	NO	ACTION ITEM
Machine Guarding			
Are moving parts guarded to prevent accidental contact?			
Are machines guarded or repaired to prevent contact with electrical components?			
Are machines guarded to prevent accidental startup?			
Flammable Storage			
Are flammable materials, such as gasoline, stored away from ignition sources?			
Are flammables stored away from exits?			
Are flammables stored in secure areas, such as flammable storage cabinets or in flammable storage rooms, with fire-rated walls and doors.			
Is gasoline stored in approved containers with flash arrestors and self-closing lids?			
Ladders			
Are ladders free of defects and corrosion, such as bent, damaged or missing rungs or frames?			
Compressed Gasses			
Are compressed gas cylinders stored securely to prevent tipping over?			
Are compressed gas cylinders equipped with automatic pressure relief devices that vent pressure in an emergency?			
Are flammable gasses stored away from combustibles or oxidizers (e.g., oxygen tanks)?			

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OUTDOOR GROUNDS/CAMPING AREAS/EVENT SPACES INSPECTION CHECKLIST SUPPLEMENT

Building: _____ **Completed by:** _____ **Date:** _____

TO BE USED WITH ALL BUILDINGS/MAIN OFFICE CHECKLIST

ITEM	YES	NO	ACTION ITEM
Grounds, Sidewalks, Exterior			
Is the parking lot clear of items that could damage vehicles or injure pedestrians?			
Is foliage trimmed to ensure that signs are visible?			
Are outdoor electrical panels, junction boxes and electrical panels covered to protect against the elements, animals, pests and people from contacting exposed wiring?			
If wells are present, are they securely covered to prevent unauthorized or accidental entry or falls?			
Security			
Are buildings or locations on the grounds free of vandalism?			
Are doors and gates locked, fences secured and lighting adequate to deter vandalism and theft?			
Does law enforcement conduct periodic patrols of the area?			
Sanitation and Drainage			
Are water hoses stored off of the ground and away from waste or soiled materials?			
Are water sources not intended for human consumption labeled, "Water not for human consumption"?			
Are wash bays or manure collection locations positioned so as to avoid drainage issues?			
Are portable restrooms adequately anchored, supplied and emptied?			
Are handwashing stations present near animal areas, food service buildings and other areas as needed?			
Are an adequate number of garbage cans placed around the grounds and emptied regularly?			

OUTDOOR GROUNDS/CAMPING AREAS/EVENT SPACES INSPECTION CHECKLIST SUPPLEMENT CONTINUED

ITEM	YES	NO	ACTION ITEM
Inflatable Amusements			
Are inflatables set up with a softer fall zone in place, not concrete or asphalt?			
Is the area free of debris, overhead wires and vehicle traffic?			
Is the inflatable well anchored?			
Is the inflatable free of tears and defects, and is the blower in good condition?			
If the blower is powered by a generator, is it located a sufficient distance away from the inflatable and other structures to prevent the build-up of carbon monoxide?			
Is the amusement adequately supervised?			
Site Control			
Are signs present labeling buildings, parking areas and animal transport zones?			
Are fences or barriers present to direct and control the flow of people to appropriate locations, such as ticket booths, queuing areas or the agricultural society office?			

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RESTROOMS INSPECTION CHECKLIST SUPPLEMENT

Building: _____ **Completed by:** _____ **Date:** _____

TO BE USED WITH ALL BUILDINGS/MAIN OFFICE CHECKLIST

ITEM	YES	NO	ACTION ITEM
Are restrooms equipped with functional handwashing sinks?			
Is adequate soap and toilet paper provided?			
Are the floor and toilets regularly cleaned and disinfected during the fair?			

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