



September 26, 2019

Hon. Barbara Gleim
163B East Wing
House PO Box 202199
Harrisburg, PA 17120-2199

Re: House Bill 1348, An Act providing for limited civil liability for agritourism activity providers, for notice of limited civil liability and for acknowledgement of limited civil liability.

Hon. Gleim,

We hope our first letter reached you well and helped provide some considerations for the bill. We are writing to you again on behalf of the Pennsylvania Farmers Union, a grass-roots organization that works to protect the social and economic well-being of family farmers throughout Pennsylvania.

This letter serves to voice our support for the overall goals of House Bill 1348 and appreciate and commend your dedication to helping protect farmers looking to diversify their revenue streams in order to stay viable. Liability obviously remains a concern to farmers in Pennsylvania as they engage in these new revenue streams. We understand that there are many factors in play in considering any bill that limits this liability and we value your rise to the challenge.

We would like, however, to reiterate our comments from before and provide a few additional comments based on our latest reading of the Act's language and knowledge of the agricultural industry through our membership that we believe could improve the Act's implementation and ability to support farmers:

1. We would still greatly support an expanded definition of "agritourism activity" to also include farm to table dinners and similar events, rather than excluding them. While we understand there are additional risks with these types of events, they often bring in significant revenue for farmers and are an ideal way to connect customers to their food. We believe that appropriate carve outs for food liability could be made while still protecting farmers for general attendance.
2. We have concern with the change from "or" to "and" in Section 3(a) in regards to the signage and written agreement requirements. For many farmers, it would be impractical and unachievable to have every participant at a farm event, corn maze, or festival have to sign a waiver agreement (or print individual tickets). The laws in Pennsylvania providing limited liability for u-pick operations and equine activities do not contain such requirement, but rather rely on farmer precautions and signage. We support the original approach of giving the farmers the option of which notice and waiver methodology best



fits their operation, and electing to do both only if they so choose. For a small group tour or event, a written agreement is likely appropriate, but not for an operation generally open to the public and not requiring a ticket.

3. We recommend changing the signage requirement to reflect language more consistent with that used in the Pennsylvania Equine Activity Act (4 P.S. §§601-606). Our concern is that the current language, "Read your written agreement or the back of your ticket. Under Pennsylvania law, except for limited circumstances, an agritourism activity provider is not liable for any injury or death of a participant resulting from an agritourism activity. Do not participate in the activity if you do not wish to waive liability" is excessively long, requiring two forms of waiver, and could seem intimidating to some attendees and discourage their participation. Whereas, in the Equine Activity Act, the signage requirement states, "You assume the risk of equine activities pursuant to Pennsylvania law." We believe this simpler language, which could be used as "You assume the risk of participating in agritourism events on this property pursuant to Pennsylvania law" could provide the necessary notice to participants without discouraging participation and is our consistent with our position that the language in the bill should require either signage or a written contract not both.

We once again thank you for your leadership on this issue and we would be happy to work with your office to further discuss any of our recommendations above or coordinate efforts to support the Act's goals and passage.

Sincerely,

A handwritten signature in blue ink that reads "Heidi Secord". The signature is written in a cursive style with a large initial 'H'.

Heidi Secord, on behalf of the Pennsylvania Farmer's Union
PO Box 863
Stroudsburg, PA 18360
(717)576-0794