

Appendix IV

Risk Management and Liability Concerns

**a. Lawyer Explains Liability
Issues At Farmers' Markets**
Rich Schell, Growing for Market

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Lawyer explains liability issues at farmers' markets

By Rich Schell

Imagine a warm summer day at market, with fresh produce glistening in the sun and happy milling crowds. Who could possibly take the fun out of such a picture? Why, a person would need a lawyer to do that.

As a lawyer myself, I can assure you that a beautiful day at market does carry some risks. In this article, I will examine liability exposure for market growers who sell their own produce at farmers' markets.

Imagine a three-legged stool where each leg of the stool is a source of risk for the grower. The first leg represents injuries caused to people, the second represents injury to the property of others and the third represents risk involved in failure to follow governmental regulations. Each leg could be a source of risk and loss to the grower. However, each leg does not carry the same potential for loss.

Food poisoning presents, by far, the largest, most serious and most potentially damaging source of liability for the grower-marketer. For example, everyone knows that E. coli outbreaks can be devastating events because of the potential frequency and severity of the claims resulting from such outbreaks.

Clearly, avoiding the risk through proper handling of food stands out as the best strategy for dealing with this risk. If there were never an injury, then there would never be a claim against the grower. But even if a customer does get sick from a grower's produce, a lawsuit against the grower is far from automatic. The injured person will have to be able to remember what they ate and from whom they purchased it. Then, the injured party will need to bring an action against the grower which requires hiring a lawyer or doing it themselves. After the action is filed in court the grower or his or her attorneys will probably file a motion for summary judgment. The motion for summary judgment tests the sufficiency of the injured person's (plaintiff's) case, and the judge must find the case has a sufficient legal basis for it to survive. Then the action would have to be tried, and survive trial on the merits, and finally, the injured party has to get an award for damages, or judgment.

Many people who would become ill would have medical insurance. In that case, the sick person will go to get medical treatment, and then file a claim with their medical insurance company. Then, the insurance company might investigate the claim, and find out the person got food poisoning from the grower. If that happened, then the insurance company can assert its rights under the legal theory of subrogation. Under the legal doctrine of subrogation, the insurance company may stand in the shoes of the injured party. This allows the insurance company to bring a claim in the name of the injured person in order to recover money the insurance company spent on the medical claims. This doctrine is a bad thing for the grower because while the parties might be able to work things out amongst themselves, the insurance companies are really only interested in getting their money.

Some farmers' markets may require a grower to carry product liability insurance in order to sell at the market. Product liability insurance protects the policy's named insured from the loss if there is a claim. If an event occurs

which triggers coverage under the terms and conditions of the policy, the company also has a duty to provide legal representation to defend its named insured under the policy. Often, the insurance company will try to limit the claim amount by negotiating a settlement before the incident ever reaches a trial in court. The insurance company has a duty to defend its insured party, and, thus, the insurance company will probably be providing the lawyer. The insured party has a duty to cooperate with the insurance company and its attorneys in defending the claim.

Other markets may require the grower to sign a "hold harmless" agreement, or indemnity agreement. This agreement means that the organizer will be held harmless from claims that may arise because the grower has assumed the organizer's liability.

Opening a booth to the public means opening up exposure to liability for injuries to patrons who visit it. Growers have a duty to maintain a safe booth. If a patron slips and falls on a piece of produce, they can try to sue the grower and the organizer. The organizer will probably have purchased a Special Events policy to cover the farmers' market. Growers should be aware that the Special Events policy covers the organizer not the grower. So it would be wise for the grower to have his or her own insurance and not to rely on any insurance that the organizer of the market might take out.

Visitors to the booth might also be injured if a stiff wind caused the structure to collapse. If that happened, the grower might well expect to be held liable for their injuries.

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Liability...

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The second leg of the stool represents injuries to property. In addition to the grower's duty to conduct his or her affairs so as not to cause harm to other people, the grower also has a duty not to injure the property of others. For example, if the grower's tent blows over and damages another grower's property, the grower whose tent caused the damage must expect to have to pay for the damage. Likewise, if the visitors parked their cars near the tent and the grower's tent blew over and damages their cars, then the car owners will probably sue as well.

If the grower caused a fire, which spread to the tents of other growers, then the results and analysis would be similar. If the grower used fire in his or her area and it spread to another tent, the grower would be liable to any people injured in the fire or to anyone whose property was damaged by the fire.

Employee-employer relationships also expose the grower to liability. If a grower employs people - even the neighbor's kid just hired for the summer, the grower now has an

employee with all of the liabilities that employees bring. The grower as employer is liable for the injuries his or her employee inflicts under the legal doctrine of *respondeat superior*. *Respondeat superior* literally means let the master answer for his servant. If the employee injures someone or something during the course of his or her employment, the employer can be forced to pay damages to the injured party. Employees can damage the property, person or reputation of fellow growers or customers in a multitude of ways.

The last leg in the stool represents any liability imposed by state local or federal regulations. For example, the grower might face criminal and or civil liability for failing to meet state requirements governing accurate weights and measures. The government also regulates how the employer must behave toward his or her employees. The employer must expect to have to answer for injuries to the employee during the course of his or her employment. Many states require

employers to carry workers compensation insurance to compensate injured employees.

Any business has risks. Growers should balance the three legs of the stool carefully to make sure they are all on firm ground so as to avoid an unpleasant upset.

In a future issue the discussion will focus on specific strategies for how market growers can eliminate some risks; manage some risks; and insure for those which are out of their hands. ☺

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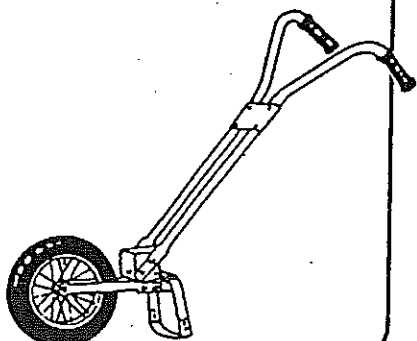
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**b. How much insurance do you
need?**

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APPENDIX I

How Much Insurance Do You Need?

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Growing for Market, Nov. 1999

One of the business matters that farmers must think about, like it or not, is insurance. There's not much enjoyment to be had in visualizing the possible disasters that could befall the farm, and nobody gets excited about spending money on insurance, but few would deny that insurance is a necessary evil for direct-market farms.

Working your way through the insurance maze is not easy. You need insurance, but what kind? How much? And how much should it cost?

There's no simple answer that will work for every farm, because every farm is different in the amount of risk it faces and the amount of assets it has to protect. But it helps to know what's available before deciding whether you've got the right insurance, and enough of it. If your business has grown or your marketing has changed since you bought your insurance, now might be a good time to reconsider whether your insurance has you covered.

There are four types of insurance that farmers need to think about (besides the personal insurance issues of health, disability and life insurance): farm liability, product liability, employee coverage, and vehicle insurance. Your best resource for figuring all this out is

your insurance agent. Although he or she is in the business of selling insurance, if you've got a good one, you can trust the advice you'll receive.

The most important thing to know about talking to an insurance agent is that you have to be completely honest about every aspect of your business and make the agent understand exactly what it is you do. Neil Hamilton, director of the Agricultural Law Center at Drake University and author of *The Legal Guide for Direct Farm Marketing*, advises growers not to understate any aspect of their operations in the hope of saving money on the premium.

"If you don't disclose the full nature of your business, there is a greater likelihood that the insurance you buy will be inadequate," Hamilton says. "Then, if something happens and you ask the insurer to cover you (which is why you bought insurance in the first place), you may find out your policy does not cover the situation. Then you are in the worst possible situation: you have paid good money for an insurance policy that was not what you needed and now you have a problem for which you are uninsured."

Before you go to see an agent and explain your business, though, it helps to know some of the basics about direct marketing risks and policies.

How serious a risk?

Some farmers don't buy insurance because they don't expect to get sued. Their operations may be small, they may not have people out to the farm, or they may feel they know their customers and don't worry about them suing. That's the optimistic view, and there are two things you need to know before you decide to adopt it.

The most important thing to consider is that someone who is injured on your farm or by your products may be forced to sue you by his or her own insurance company. They may like you, even love you, but they have signed an insurance contract that allows their company to seek repayment from you if they get injured on your farm. This is known as "subrogation." Neil Hamilton describes how it works in *The Legal Guide for Direct Farm Marketers*.

Consider a situation like the one discussed in Chapter Nine, where a CSA member was injured on the farm. If Jimmy breaks his leg on the CSA, his family will go to their insurer who will pay the medical expenses based on the insurance contract for first-person coverage. But the insurer will also ask, "How did Jimmy break his leg and where did it happen?" Under the "subrogation" clause in the policy, the company has a right to seek recovery from someone else if they are

responsible for what happened to Jimmy. If the company believes such recovery is possible, they could sue the owner of the CSA to recover from the owner's insurance (or sue the owner personally if there is no insurance). Under the subrogation clause the company can ask their insured to be a "use plaintiff," so the suit will be in the insured's name. Insurance companies usually don't bring suits in their own names because it might prejudice the jury. The insured is obligated to cooperate with the subrogation and to help with the case, such as by testifying. If the insured party refuses to sign or cooperate, because the third party being sued is a friend, the company can refuse to pay the coverage or seek repayment from the insured. For this reason you cannot assume that friends won't sue you if something goes wrong. In most cases they will not be making this decision; the insurance company will, and the insurance company is not interested in friendships.

That's probably enough to scare you into calling an insurance agent; but if you're a gambler, you might also want to know the frequency of lawsuits against direct marketers. Charlie Touchette, director of the North American Farmers Direct Marketing Association, studied direct marketing insurance for several years while creating a policy specifically for direct marketers (more on that later), and he says there's just no industry data on direct marketing claims.

Touchette has also managed the liability insurance coverage for the farmers' markets in Massachusetts, and in 12 years, with 50 to 70 markets covered each year, there have

been only three successful claims. All three involved wind-related accidents — signs or canopies blowing over and hitting customers; all three customers went to the hospital; and the claims were settled for \$12,000, \$26,000 and \$32,000.

In other words, the statistical risk of an accident is probably small, but accidents do happen and farmers and markets do get sued. Touchette says that for about a \$300 annual premium, farmers don't have to worry about accidents or about defending themselves against a lawsuit, but he adds that it's a personal decision. "Sometimes it's just for peace of mind; it's hard to want to spend \$300, but what kind of productive energy is lost worrying about it if you don't have it?" he asked.

Farm liability policy

If you've decided you had better have insurance, the first policy to consider is your liability policy. Many growers, when they first sell produce, assume that their homeowner's insurance will cover them both on the farm and at a farmers' market. That may or may not be true. Your homeowner's policy will cover an accident on the farm to a guest or visitor, but once that guest is paying you for your products, the relationship changes. For example, if you let a friend pick a bouquet on your farm, injuries would be covered by your homeowner's policy. If you charge that friend \$20 to pick flowers, it might not be covered. Some companies won't quibble about small commercial transactions, but if you're making more than a few hundred dollars in farm sales, you'd better check to find out whether that business is covered. In some

cases, you can just add excess liability coverage, called an umbrella policy, for your business activities. If you're currently buying only a homeowner's policy, read it carefully for mention of commercial activity, particularly the exclusions, and have a talk with your agent.

Once you start farming in earnest, you need a farm liability policy, which will cover all activities related to farming in addition to the usual liabilities of owning property. Whether your direct marketing activities are included in the company's definition of farming activities will vary, particularly if you're buying from a company that does most of its business with traditional farmers. Again, read the exclusions to find out if roadside markets, off-farm farmers' markets and pick-your-own operations are covered. Generally, PYOs will require additional coverage because the exposure, or potential for someone to be injured, is greater when there are more people visiting the farm.

Farm liability policies may contain two types of coverage: personal liability and medical payments to others. At the *Growing for Market* editor's farm, for example, our insurance company would pay up to \$1,000 to any person who was injured on our farm if we had not been negligent. If the injured person decided to sue us, alleging negligence, we would be covered up to \$500,000 and the insurance company would handle the defense.

How much coverage?

This brings up the point of how much coverage you need to purchase. The old insurance maxim is "Cover your assets." In theory, if

someone was injured seriously because of your negligence (in the eyes of the court), the damage award could take everything you own and even attach your future earnings. In the Northeast and on the West Coast, where the price of real estate is high, and on farms with a lot of buildings and equipment, many direct marketers insure for \$1 million. Farmers of more modest means might decide to go with \$100,000 or \$300,000 coverage.

The cost difference between \$300,000 coverage and \$500,000 coverage is relatively small — \$25 a year on the premium, in our case. It would cost more to increase the medical payment for non-negligence accidents from \$1,000 to \$5,000 than it would to increase liability coverage to \$500,000 because the risk of a small injury is greater than the risk of a big, lawsuit-producing one.

My insurance agent tells me it's unlikely that a court would force a farmer to sell the farm, but cash assets would be an easy target for the opposing attorney. And there have been cases in which defendants' homes, while not taken away from them, have been put in a trust that reverts to the injured person upon the death of the owner.

Products liability

Your general farm liability policy may or may not cover an incident in which your farm products made someone sick. Check to find out. If you're selling fresh produce only, you're probably covered. If you're doing any value-added products, you may need to purchase separate products liability coverage.

Some stores won't buy from you unless you have a products liability policy. Some insurance companies won't even insure for farm-made products like jams, salad dressings, baked goods and so forth, so you may need to shop around to find coverage. For example, one company that provides farmers' cooperative's products liability coverage, as well as personal farm policy, is Goodville Mutual Casualty Company (New Holland, Pennsylvania, 800-448-4622). It operates in nine states.


Farmers direct policy

If it's one-stop insurance shopping you're looking for, you might want to call the North American Farmers Direct Marketing Association for information about their new coverage written specifically for direct market farmers. It provides general liability of \$1 million per occurrence or \$2 million total per

year. It covers all bodily injury and property damage claims resulting from direct marketing activities, on farm and off-farm, including farm stand and farmers' markets, hay rides, petting zoos, PYO, school tours, mazes, bakery, restaurants and festivals. It also covers losses up to \$1,000 during a robbery, on or off your premises.

The cost is \$3 per \$1,000 gross receipts, or \$300 minimum. Also, you must be a member of NAFDMA, which costs \$75 a year and has other membership benefits. Call 888-884-9270 for information.

If you don't want to pay for \$1 million coverage, find an independent insurance agent, preferably one recommended by farmer friends. You should be able to purchase a \$300,000 or \$500,000 farm liability policy, excluding products liability, PYO or vehicles, for under \$200 a year.

NOTE: For insurance to cover employees and vehicles, see the original GFM article (Nov. 1999) or *The Legal Guide for Direct Farm Marketers*. [See Resources, Chapter 2] 

**c. A Guide To Managing Risks
And Liability At California
Certified Farmers' Markets**

Desmond Jolly and Chris Lewis,
Small Farm Center, UC Davis



A GUIDE TO

Managing Risks and Liability at California Certified Farmers Markets



Small Farm
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A GUIDE TO Managing Risks and Liability at California Certified Farmers Markets

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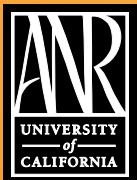
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Resources

Appendix A: Farmers Market Safety Checklist

Appendix B: Accident Report Form

Appendix C: Protecting Your Cash at Market



Managing Risks and Liability at California Certified Farmers Markets

One of the most important considerations in running a farmers market, one that demands a manager's constant supervision, is the safety and security of the market's customers, vendors, and community at large. Nothing compromises the viability of a farmers market more quickly than personal injury, property damage, or theft. In a recent incident, a vehicle accident at Santa Monica's popular farmers market resulted in ten deaths and serious injuries to many more customers and vendors, tragically emphasizing just how important issues of safety and security are.

Risks vary with a market's size and location, but in every case advance planning and preparation can reduce the likelihood of accidents and the hours of a manager's time that must be devoted to crisis management when accidents do occur. A carefully crafted risk management strategy also can reduce consequent liability costs incurred as fines, fees, and other cash payments and lost business. This publication focuses on common risks associated with operation of a farmers market in California and provides guidelines for managing those risks effectively to reduce the likelihood and cost of such events.



A busy day at an urban market can draw thousands of visitors.

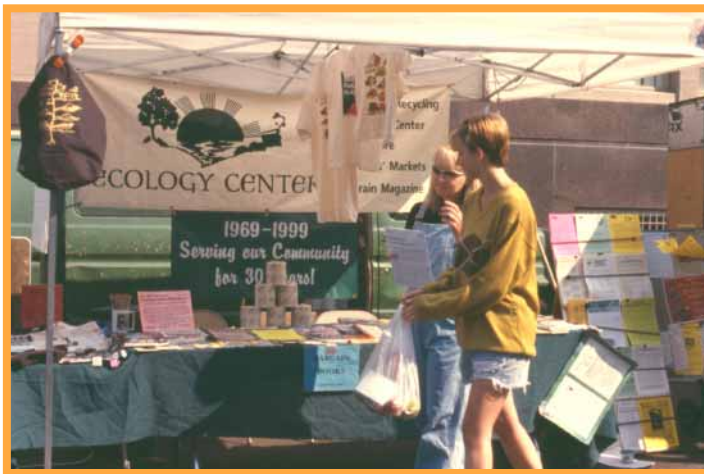


Laytonville's rural farmers market.

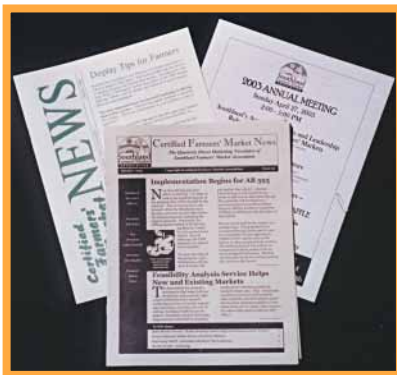
Running a Safe and Secure Market

Safety should be one of the primary objectives of market management during every phase of a market's development and a day-to-day concern throughout each season. Considering safety during both site selection and development of the market's bylaws and operational protocols can greatly reduce risks once the market commences operation.

On market days, continuous monitoring of safety issues by either the manager or by trained assistants helps to ensure reduced risk exposure for everyone associated with the market.



The market management booth is a key element in the safety information network.



Newsletters and annual meetings educate vendors about safety issues and regulatory changes.

Delegating this monitoring to qualified, trained assistants and volunteers is appropriate, especially at larger markets, but volunteers cannot replace a manager's overall responsibility for foresight and enforcement of safety precautions.

Vendors and customers can be kept informed about safety issues and

upcoming events that might require special considerations through:

- ⦿ newsletter articles,
- ⦿ leaflets and postings at the market's information booth,

- ⦿ email and the market's website, and
- ⦿ annual or other market meetings.

Assessing Specific Risks

The following sections address specific safety issues that market managers frequently cite as important, along with suggestions on how to reduce exposure to these risks.

Structures, Tables, and Surface Conditions

Temporary structures such as canopies, umbrellas, and tables are easily knocked down or blown over. Uneven surfaces, curbs, and potholes are easily obscured by boxes or debris, and wet surfaces can be slippery and hazardous to customers maneuvering through crowds. Market managers, staff members, and volunteers should constantly watch for such unsafe conditions. Use the following guidelines when scanning the market for safety concerns.

- ⦿ Shade structures may require anchoring to heavy objects such as buckets filled with concrete.
- ⦿ Tables and other display equipment must be strong and stable so that they will not collapse under the weight of produce or if bumped or nudged.
- ⦿ Wet, icy, or otherwise unsafe surface conditions should be marked with caution signs and possibly taped off to prevent access.

Equipment failure and "trip and fall" accidents are the most common types of risks at farmers markets.



Any such hazards should be clearly marked.



- ⦿ Surface conditions such as potholes and uneven ground should be noted and reported to the appropriate agent for repair (e.g., the property owner or city officials).
- ⦿ Vendors should maintain clean, orderly stalls with minimal clutter. Waste should not be allowed to accumulate on the ground. It should be kept in buckets or other appropriate waste containers.

See the *Safety Checklist* under Appendix A for a more complete list of concerns and use the checklist to routinely assess safety risks at your market.

Emergency Access

Emergency and public safety personnel and vehicles may at times need to enter the market. Adequately wide and frequent access lanes facilitate this vital service. Local authorities such as the fire marshal can answer questions about these requirements.

With regard to emergency access:

- ⦿ Check with the fire department regarding protocols for access for emergency response vehicles and personnel.
- ⦿ Plan for several entrance and exit points and for sufficient unobstructed space between stalls and along main aisles.
- ⦿ From market set-up until the last vendor leaves, monitor access areas to ensure that they remain unobstructed by boxes, bicycles, vehicles, or other objects.

Equipment and Facilities

While “walking the market,” make a habit of inspecting vendor tables for signs of overloading and keep an eye out for obstacles overhead as well as underfoot that could cause accidents. Also, watch for jagged or sharp objects protruding from vehicles, canopies, and tables.

Market-owned equipment should be routinely inspected and promptly repaired or replaced if broken. Examples of some items that need routine attention include chairs, tables, carts, shade structures, hanging signs, fire extinguishers, hand rails, barricades, and light fixtures. Facilities such as restrooms, water faucets, drains, and electrical outlets should also be routinely inspected.

Fire and Electrical Hazards

Before the market opens, verify all of the following.

- ⦿ Check with the local fire department or inspector regarding potential fire or electrical hazards — special use permits may be required for temporary electrical service.
- ⦿ A working, routinely inspected fire extinguisher should be located at the market information booth and at the stall of any vendor who uses electricity or open flames.
- ⦿ If extension cords are used, make sure they are protected from foot and other traffic and that they do not stretch across wet areas.

Some activities require special permits.



Vendor stalls where open flames or electricity are in use should be equipped with fire extinguishers.

First Aid

Injuries and other health emergencies occasionally occur at large public events. In such an emergency, proper first aid can make the difference between life and death and significantly reduce the likelihood of serious liability on the part of the market. Some common injuries and health emergencies to prepare for include:

- ⦿ heat stroke and dehydration
- ⦿ sprained ankles
- ⦿ minor cuts and scrapes
- ⦿ health crises arising from existing conditions such as heart attacks, strokes, diabetes, and asthma.

Be sure to have a complete first aid kit at the manager's table or booth and make sure that its location is commonly known and clearly visible at the market. A bright banner or flag, for example, helps people identify this important service point.

If possible, the manager or another person who is typically present at the market should hold current first aid and CPR certifications. Check with vendors and other staff members to see if they have such training. The American Red Cross offers courses in first aid, CPR, and other types of occupational safety training, and other local agencies such as fire departments may offer training as well. See the *Resources* section of this guide for additional information.



Proper food safety practices are critical when vendors offer samples.

Food Safety

Proper food safety practices are a critical component of any market's successful risk management strategy. For more information, see the companion guide on this topic, *Food Safety at Farmers Markets and Agritourism Venues* (forthcoming).

Night Operation

For a market that operates at dusk or into the evening, plan to provide adequate illumination on paths leading to the market and throughout the area. Inspect lights frequently and promptly service broken or inadequate fixtures. Night operation also sometimes requires additional security such as extra police service.

Parking and Traffic

Parking and traffic issues are growing concerns at markets, and they often influence where markets can be established. Market management should consider these issues periodically as a market grows and particularly whenever a special event is planned. Other factors that can affect parking and traffic at and around the market include nearby construction projects and other events being held nearby.



Traffic safety devices such as these cones help to protect pedestrians at busy crossings.



Large construction projects can impact traffic flow and parking in a market's vicinity.

Consider the safety of customers while they are on their way to and from the market from parking areas or public transportation access points. Does the market need a volunteer to assist people who are elderly or who have limited mobility cross busy intersections? Can city personnel help by providing traffic control devices, police personnel to regulate a crossing, or additional parking closer to the market?



Special parking restrictions help to reduce accidents involving unauthorized vehicles entering or leaving the market.

Accidents involving vehicles are of great concern when a city street or parking lot is transformed into a busy market filled with pedestrians. The risks in these situations can be substantially reduced with careful planning and monitoring.

- ⊙ Vendor vehicles should be equipped with wheel chocks or blocks to prevent inadvertent motion.
- ⊙ Some markets exclude vendors who arrive late and do not allow vendors to leave early in order to minimize hazards associated with vehicles moving through the market during peak customer traffic.
- ⊙ To improve access and eliminate the need for double parking, some markets provide customers with a drive-up loading and unloading zone. It might be possible to have the city designate an official “white zone” on a street adjacent to the market. White zones are parking areas along curbs that permit stopping for loading and unloading passengers only during specifically posted times and days.

Pets and Live Animals

Pets, with the exception of guide dogs, should generally be excluded from markets. The crowds and excitement can make even well-trained pets difficult to control. Other live animals, for sale or demonstration, should be securely caged or penned, and such activities may generate a need for special inspections, licensing, or permitting. Health codes can be very restrictive about these matters.

Managers of markets that offer petting zoos or other activities where people come in contact with live animals should review the California Department of Health Services' *Guidelines for Reducing the Risk of Disease at Petting Zoos, Animal Exhibits or Other Areas Where the Public May Have Contact with Farm Animals*.



Special events often draw larger than usual crowds.

This document is available free from the Department of Health Services at www.dhs.cahwnet.gov/ps/ddwem/environmental/Institutions/GuidelinesReducingRiskPetZoosMD.PDF and is summarized in our forthcoming companion leaflet, *Food Safety at Farmers Markets and Agritourism Venues*.

Special Events

Special events require careful consideration regarding how they affect entrances, exits, and traffic flow at the market and whether or not they present other risks that are not part of the market's day-to-day operation.

Review special event plans with the market board and with local officials. Discuss each potential risk point by point and arrange to manage or reduce it. It may also be wise to contact your insurance carrier regarding any activities that go beyond the market's routine. This is especially true if the activities increase existing risks or add new exposures.



Signs and postings can reduce risks associated with certain activities at the market.



Weather

Inclement weather conditions such as rain, ice, and snow can drastically increase “trip and fall” risks. Strong winds can topple equipment, and extreme sun and heat can be hazardous for everyone, especially elderly participants.

On rainy or icy days, slippery walking areas should be clearly marked with *Caution* signs and also may need sand or salt treatment to increase traction.

On hot days, offer access to drinking water and a shaded place to rest if possible.

Security

Unfortunately, as a public gathering, a farmers market can occasionally become the scene of a crime. Theft and disorderly conduct are two of the most common security concerns that market managers encounter. Because farmers markets often bring together people from diverse communities, individual vendors may not be familiar with the risks involved in doing business in an unfamiliar environment.

Successful markets transfer tens of thousands of dollars in cash during a few hours of operation. This large volume of cash can tempt thieves in any community. Some special considerations for managing this risk appear in Appendix C, *Protecting your Cash at Market*.

Some markets have volunteer or paid customer assistance staff on hand at the market, particularly at entrance and exit points. These people answer or redirect customer questions and monitor incidents that could require immediate attention, such as an unleashed pet or a disorderly person, for example. A quick response often helps avert serious consequences in hazardous situations.

It is important to share all of these precautions with the market’s vendors and include them with tips and other topics in the market’s newsletter. Annual reminders are important, particularly when a market closes between seasons. In addition, it is prudent to provide this information to all new vendors before they begin participating in the market.

In some cases, markets have hired outside security services or contracted for additional city police services to enhance safety. These matters should be discussed with the market board of directors and at the market’s annual meetings.

Staffing

Unexpected staff absences make it difficult to provide an adequately safe environment at a market. Maintaining a list of alternate staff members or volunteers who can replace someone who is unable to work on market day helps to minimize gaps in safety. For special events when customer turnout is high, additional workers may be necessary.

Reports

If an accident occurs at the market or at a special event, it is important to make and maintain a written record of what occurred and where and when the accident took place. In addition to facilitating communication with authorities and insurance adjusters, these reports identify where hazards exist and suggest how to prevent similar accidents in the future. A sample *Accident Report Form* is provided under Appendix B of this guide.

Obtaining Liability and Other Insurance

Operating a farmers market is already a challenge without concerns about large financial losses suffered as a result of unforeseen circumstances such as property damage, theft, accidents, and worker injuries. Good commercial insurance coverage protects the market and its employees from the impacts of such events and is therefore one of a market's most important financial investments. It can save a market from disaster after a severe loss, not only preventing the market from failing but also allowing it to recover with minimal interruption and manageable financial liability. Over time, as a market develops and evolves, the kind and amount of insurance coverage required often changes, so market managers should periodically re-evaluate their markets' needs to ensure adequate coverage.

Types of Insurance

Commercial insurance covers broad areas of risk that are common to many businesses. Some kinds of coverage include:

- ⦿ commercial property,
- ⦿ commercial automobile,
- ⦿ commercial general liability,
- ⦿ directors' and officers' insurance, and
- ⦿ workers compensation.

Farmers markets are much like other businesses in terms of the general types of commercial insurance coverage that are appropriate and at the same time introduce some risks peculiar to their activities. An understanding of the general types of commercial insurance that are available can facilitate communication with broker-agents and help managers obtain appropriate coverage at a reasonable cost.

A brief discussion of each kind of commercial insurance coverage follows, with additional emphasis placed on workers compensation insurance. For more detailed information, see *Small Business Guide to Commercial Insurance*, a publication available free from the California Department of Insurance.

Commercial Property

Property insurance covers declared property that is stolen, damaged, or destroyed by perils specified in the policy. Property insurance typically covers buildings and structures and can be extended to include personal property such as furniture,

Liability insurance is one of the major expenses for certified farmers markets. This cash demand can be a determining factor in whether or not a market gets off the ground. It is important that market organizers know something about obtaining the best deal for their insurance dollar.

— From *Organizing a Certified Farmers Market* by the California Department of Food and Agriculture

fixtures, and equipment. Property insurance can also be extended to cover the personal property of others (legal liability).

Commercial Automobile

Commercial automobile coverage protects a market from losses incurred while employees and volunteers are using vehicles during market operations and for damage done to vehicles covered in the policy. Most policies address each individual vehicle separately, and coverage and costs vary depending on factors such as vehicle size and intended use.

Commercial General Liability

Most of the remaining risks to which a market is exposed are covered under a comprehensive general liability policy. Factors that determine the specific details of this kind of coverage and its cost include the size and location of the market and the various activities that occur there.

Directors' and Officers' Insurance

Directors' and officers' insurance is a specific type of policy that safeguards the market's board members and management staff from legal action not covered in a general liability policy. Even the most proactive risk management policies and procedures cannot prevent a board member or market manager from being named as a defendant in a legal claim while acting on behalf of the market, and indemnification clauses in bylaws provide only limited protection against some types of liability. Directors' and officers' insurance can, for example, provide broad coverage for employment-related claims.

Farmers Market Activities and Related Insurance

Under normal circumstances, incidents that result in liability on the part of the market and its employees, affiliates, and board of directors should rarely, if ever, occur. Still, managers and boards benefit from being informed about these risks so they can protect themselves and the market from liability.



Farmers markets engage in a wide variety of activities, many of which introduce risks not typical of other businesses in the community. They often take place in locations normally used for other activities, are located outdoors, and may attract thousands of people to a location for only a few hours a week. Some occur in conjunction with other events that serve prepared foods or offer activities that bring people in contact with animals. As a result of this diversity of activities and conditions, insurance providers and risk management professionals, including public regulatory and emergency response agencies, usually examine each market individually, reviewing its unique set of activities and the risks associated with them.

Activities Assessment

Preparing a list of market activities before consulting with a broker-agent will help the agent understand the market's needs clearly and may also reduce the premium, especially if market management can demonstrate efforts taken to proactively manage and reduce risks.

The following examples of market activities summarize some of the risks associated with market operations. The safety considerations discussed in the first part of this publication and the checklist provided in Appendix A are also useful in assessing a market's insurance needs on a per-risk basis.

Assessing a farmers market's insurance needs starts with listing all the activities the market sponsors or engages in that could result in a loss. The activities list is also useful in assessing other needs, such as permits and licenses.

- ⊙ Equipment failures resulting in injuries and “trip and fall” mishaps are the most common accidents at farmers markets. Potentially hazardous situations result when temporary structures such as umbrellas and tables are knocked down or blown over. Boxes and debris can obscure uneven surfaces such as curbs and potholes. What steps has market management made to assess and reduce these risks? How are they monitored on an ongoing basis?
- ⊙ Accidents can involve vehicles travelling within the market area and vehicles used to transport people and equipment to and from the market. What efforts has market management made to assess and reduce these risks?
- ⊙ Special events at markets can increase risk exposure and introduce new risks not normally covered by the market's management plan or insurance policy. Will larger-than-usual crowds or additional equipment affect traffic flow or compromise emergency access? Will animals be present at the market? Will alcoholic beverages be served? How are these risks being managed?
- ⊙ When the market contracts for special services (such as a “bounce house” or a pony ride for children), does the vendor also carry adequate coverage against losses? Can the vendor's safety record be verified by a third party, such as the manager of another market?
- ⊙ Product liability issues may arise from consumption of contaminated produce or from food products that are prepared or stored improperly. Non-agricultural products, such as toys or other items for small children for example, can also present liability risks. Will individual vendors, as well as the market, need product liability coverage?

Workers Compensation Insurance

Nearly every working Californian is protected by workers compensation benefits, so it is important that employers and employees alike understand workers compensation insurance and how it works.

Employers who fail to purchase workers compensation insurance violate the California Labor Code, and their businesses can be shuttered until workers compensation insurance is secured. In addition to being subjected to stop orders, uninsured businesses can be fined.

Injured workers are entitled to specific benefits that vary with the circumstances of the injury or illness. There are five basic types of workers compensation benefits: medical care, temporary disability benefits, permanent disability benefits, vocational rehabilitation services, and death benefits. Injured workers may be entitled to one or more of these benefits.

Employers who fail to provide workers compensation insurance violate the California Labor Code.

How Is Workers Compensation Insurance Purchased?

Employers must purchase workers compensation insurance from either a licensed insurance company or the State Compensation Insurance Fund (SCIF). Employers may also be able to self-insure for this coverage. A commercial broker-agent can assist market management with purchasing workers compensation insurance from a licensed insurance company and can assist with information on SCIF and self-insurance.

Information on insurance companies licensed to sell workers compensation insurance can be obtained on the California Department of Insurance website at: www.insurance.ca.gov.

Regulations, Permits, and Licenses

A farmers market is a business, and like other businesses, California certified farmers markets are regulated by state, county, and local codes, policies, and agencies. This section reviews some common, general legal concerns

A market activities list can help determine if a market has satisfied all permitting and licensing requirements. The list and the market's mission statement, bylaws, and market rules are useful tools when contacting appropriate city, county, and state agencies regarding permits and licensing.

involved with farmers market operations in California. However, market managers should contact appropriate city, county, and state regulatory agencies for specific requirements since markets vary considerably in terms

of size and activities and some regulations also vary regionally.

It is also wise to contact other markets and associations in the area for information and recommendations on regulatory issues. Farmers market associations advocate at the state level and can help keep individual market personnel informed about current regulations and changing requirements.

In general, state and local regulations treat the market as one business entity and individual vendors as separate entities. However, for certain regulations, market management can be held accountable for vendor compliance, thus requiring managers to be aware of all relevant legal issues.

California Food and Agriculture Code

The most significant body of state law that directly affects farmers markets in California is contained within the Food and Agriculture Code, which includes general provisions regarding market operation, certification requirements, code violations, and enforcement procedures. These requirements are described primarily under Sections 47000–47026 of the California Food and Agriculture Code, which can be viewed online at www.leginfo.ca.gov.

Much of this body of law addresses requirements for individual vendors, but some sections specifically assign responsibilities to market management. For example, the code states that:

47004(b) Certified farmers' markets are locations established in accordance with local ordinances, where California farmers may transport and sell to the public California agricultural products that they produced, that are exempt from the established grade, size, labeling, packaging and other such requirements for fruits, nuts, and vegetables, and operated in accordance with this chapter and regulations adopted pursuant to this chapter.

—From Section 47004 of the California Food and Agriculture Code

The governing body of any certified farmers' market . . . shall adopt written rules and procedures pertaining to the operation of the market. [Sec. 47004(c)]

Certificates: Markets and Producers

The Food and Agriculture Code also specifies two types of certificates required by the State of California for certified farmers markets. One is granted to the market itself and the other to individual vendors. Both are issued by the market's county agricultural commissioner under the authority of the California Department of Food and Agriculture, and the certificates should be displayed at the market.

California Department of Food and Agriculture

Specific questions regarding state regulation of farmers markets may be directed to the California Department of Food and Agriculture (CDFA). CDFA can answer questions regarding state-regulated issues such as market certification, the types of products that can be sold at the market, and who can sell them. See the *Resources* section at the end of this guide for contact information.

California Health and Safety Codes

Another area of concern regarding state regulation and farmers markets involves health and food safety. The California Retail Food Facilities Law (CURFFL) governs health standards for retail food

sales. The text of this law can be found on the Internet at www.leginfo.ca.gov/calaw.html beginning with Health and Safety Code Section 113700.

Health and food safety laws are enforced by county agents. Individual interpretations of the laws can vary, from county to county and from inspector to inspector. Check with your county's health department for specific requirements and educate and frequently remind your vendors about the requirements to prevent citations, fines, losses, and incidents.

Questions market management should ask of local health officials include:

- ⦿ What are the rules about offering food or produce samples?
- ⦿ What are the requirements for selling processed, prepared, and ready-to-eat foods?
- ⦿ What are the requirements regarding restroom facilities?
- ⦿ Are there any special requirements for farmers markets?

Visit the California Department of Health Services' website for information and access to other resources:
www.dhs.ca.gov

The department also maintains small business resources at:
www.dhs.ca.gov/publications/smallbusiness/

Local and City Concerns

In addition to a business license, city governments may require farmers markets to obtain special use permits, parking permits, police services evaluations, and fire safety inspections. Some may waive all or part of the fees associated with the permitting process because they regard farmers markets as public events that benefit a broad section of the community.

As a market grows and evolves within a community, its size and activities change. These changes may require new permits or a review of existing ones. For example, market management could decide to add prepared foods, build a permanent structure, or expand an existing location. A list of the market's proposed changes and letters of support

from the community are often helpful when communicating with city or county officials.

Following are a few more suggestions regarding communication with local governing bodies.

- ⦿ Local officials should know who is responsible for managing the market and how that person or persons can be reached.
- ⦿ Useful documents for meetings with officials include a copy of the market's rules, proof of insurance coverage, maps showing the market's existing and/or proposed locations, and scale drawings of the market's layout, indicating placement of individual stalls, emergency access routes, and other temporary and permanent structures.

U.S. Department of Agriculture

Unless the market operates on federal property or allows the sale of U.S. Department of Agriculture (USDA) graded produce such as meat or poultry, it is not necessary to contact the USDA for anything other than information. However, USDA does offer a number of resources to those involved in farmers markets through its Agricultural Marketing Service Farmer Direct Marketing Program. Find out more about the marketing program at www.ams.usda.gov/directmarketing/.

Any vendor who plans to sell USDA-graded products should have contacted the USDA Food Safety and Inspection Service (www.fsis.usda.gov).

If the market takes place on federal property, it will be subject to certain USDA guidelines, which are outlined in the free publication *How to Establish a Farmers Market on Federal Property*. This publication is available online from USDA at www.ams.usda.gov/farmersmarkets/fedpro.htm.



Resources

U.S. Department of Labor

Office of Small Business Programs
Room C-2318
200 Constitution Avenue NW
Washington, DC 20210
Phone: 202.219.9148
Fax: 202.219.9167
Web: www.dol.gov/osbp/programs/sbrefa.htm

USDA Farmers Market Programs

Errol Bragg, Associate Deputy Administrator
Marketing Services Branch – USDA
1400 Independence Avenue SW
Room 2642 – S Stop 0269
Washington, DC 20250-0269
Phone: 202.720.8317
Fax: 202.690.0031
Email: Errol.Bragg@usda.gov

Markets on Federal Property

“How to Establish a Farmers Market on Federal Property.” USDA.
Web: www.ams.usda.gov/farmersmarkets/fedpro.htm

California Department of Food and Agriculture

1220 N Street
Sacramento, CA 95814
Phone: 916.654.0466 (recorded contact information)
916.654.0462 (public affairs office)
Web: www.cdfa.ca.gov

CDFA Certified Farmers Market Program

Email: jprice@cdfa.ca.gov (Janice Price)
Web: www.cdfa.ca.gov/is/fveqc/cfmprogram.htm

American Red Cross

Attn: Public Inquiry Office
431 18th Street NW
Washington, DC 20006
Phone: 202.639.3520
Email: internet@usa.redcross.org
Web: www.redcross.org
The Red Cross offers both first aid and CPR courses and other types of occupational safety training and information.

California Department of Health Services

Kathy Brown, Small Business Liaison
Department of Health Services
Administration Division
1800 Third Street, Room 455
Sacramento, CA 95814
Email: kbrown1@dhs.ca.gov
Phone: 916.323.2122
Web: www.dhs.cahwnet.gov

California Department of Industrial Relations

PO Box 420603
San Francisco, CA 94142
Phone: 415.703.5070
Web: www.dir.ca.gov
Division of Workers Compensation
Phone: 415.703.4600 / 800.736.7401

Workers Compensation Insurance Rating Bureau

525 Market Street, Suite 800
San Francisco, CA 94105-2716
Phone: 415.777.0777
Web: www.wcirbonline.org

Farmers Market Associations

California Federation of Certified Farmers' Markets
Randii MacNear
PO Box 1813
Davis, CA 95617
Phone: 530.753.9999
Email: rmacnear@wheel.dcn.davis.ca.us
Web: www.cafarmersmarkets.com

Southland Farmers' Market Association
1308 Factory Place Box 68
Los Angeles, CA 90013
Phone: 213.244.9190 ext. 14
Fax: 213.724.9180
Email: sfma@earthlink.net

Urban Village Farmers' Market Association
California Division
Phone: 510.745.7100
Fax: 510.745.7180
Email: urbanvillage@earthlink.net
Web: www.urbanvillageonline.com

Pacific Coast Farmers' Market Association
5046 Commercial Circle, Suite F
Concord, CA 94520
Phone: 800.949.3276
Email: mrcarrot@pcfma.com
Web: www.pcfma.com

Mendocino County Farmers Market Association
PO Box 2176
Fort Bragg, CA 95437
Phone: 707.964.6340
Email: goldseal@mcn.org
Web: www.mcfarm.org

California Farmers' Market Association
830 Navaronne Way
Concord, CA 94518
Phone: 800.806.3276
Fax: 925.689.4188
Email: Doug@CAFarmersmkts.com
Web: www.cafarmersmkts.com

Risk Management for Nonprofits

BoardSource, formerly the National Center for Nonprofit Boards, is a comprehensive resource for practical information, tools, training, and leadership development for board members of nonprofit organizations. BoardSource is a 501(c3) nonprofit organization.

BoardSource
1828 L Street NW, Suite 900
Washington DC 20036-5114
Phone: 202.452.6262 / 800.883.6262
Fax: 202.452.6299
Web: www.boardsource.org

The following two publications from BoardSource are of particular interest with regard to risk management.

The Legal Obligations of Nonprofit Boards. Leifer, Jacqueline, and Michael Glomb. 1998.

Leaving Nothing to Chance. Herman, Melanie, and Leslie White. 1999.

California Department of Insurance

300 South Spring Street, South Tower
Los Angeles, CA 90013
Phone: 800.927.4357
Email: 927HELP@insurance.ca.gov
Web: www.insurance.ca.gov

California Department of Insurance offers a free publication, "Small Business Guide to Commercial Insurance," online at www.insurance.ca.gov/CSD/Brochure/Business/CommercialInsurance.htm#What%20Kind%20of%20Insurance.

Insurance Brokers and Agencies

The following companies provide a comprehensive range of commercial insurance services in California and are familiar with farmers market risk management issues. The list is provided for information purposes only and does not represent an endorsement on the part of the authors or publisher of this guide.

Foster and Parker Insurance Agency, Inc.
1521 North Schnoor Avenue
Madera, CA 93637
Phone: 559.674.8536 / 800.441.3259
Fax: 559.674.5231
Email: sbarsotti@fosterparker.com
Web: www.fosterparker.com

InterWest Insurance Services
Capitol Division – Sacramento
Noack and Dean
PO Box 255188
Sacramento, CA 95865-5188
Phone: 916.488.3100 / 800.444.4134
Fax: 916.488.7143
Web: www.iwins.com/home/home.asp

Appendix A: Farmers Market Safety Checklist

Location _____ Survey Date _____ Time _____

Address _____ Evaluation by _____

Key: **S** = Satisfactory **U** = Unsatisfactory **NA** = Not Applicable

| | S | U | NA | | S | U | NA |
|---|-----------------------|-----------------------|-----------------------|--|-----------------------|-----------------------|-----------------------|
| A. ENTRY/EXIT WAYS | | | | 6. Display tables properly arranged and filled within load capacity. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 1. Adequate barriers, orange warning cones, etc. provided to/from market areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 7. Appropriate licenses issued by the State Department of Agriculture, etc. conveniently posted near vendor areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Pets not allowed in market areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 8. Vendors informed of disciplinary procedure for failing to correct unsafe conditions in timely manner. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Use of bicycles, skateboards, roller skates, roller blades, in-line skates, etc. prohibited and properly signed in market areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 9. Sidewalk and customer area boundary lines properly identified and enforced. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 4. Appropriate "NO SMOKING" and "OPEN FLAME" signage conveniently displayed. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 10. Boxes or crates containing produce kept at least six inches off the ground per state health and safety codes. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 5. Motor vehicles properly parked to not obstruct access to fire hydrants, fire lanes, and other emergency vehicle access points. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | E. MARKET AREAS | | | |
| B. SIDEWALKS | | | | 1. Vegetation, including tree branches, shrubs, etc., kept from obstructing sidewalks, parking lots, common areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 1. Walking/working areas provided with even surfaces and no potholes. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 2. Lawn sprinklers installed away from common areas to prevent trip and fall hazards. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Changes in elevation and abrupt surface edges provided with warning markings, signage, etc. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 3. Leaves, debris, etc. removed from walking surfaces to reduce "trip and fall" hazards. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Handicap access provided along sidewalks and ramps where necessary. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 4. All parking lots and walkways well-lighted. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| C. PARKING LOTS | | | | 5. Electrical equipment, including extension cords, wiring, etc., properly rated for outside use. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 1. Parking stalls provided free of potholes and other obstructions. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 6. Electrical outlets equipped with ground fault circuit interrupters to reduce shock hazard. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 2. Curb bumps/parking blocks properly secured and highlighted. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 7. Tarps, canopies, table legs, etc. properly secured and installed to reduce "trip and fall" hazards and risk of collapse. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 3. Speed bumps well identified/marked. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | F. SPECIAL HAZARDS | | | |
| 4. Vendor vehicles such as large trucks, vans, etc. provided with wheel chocks or blocks to help prevent movement. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 1. Areas under construction, repair, or modification properly barricaded/fenced with appropriate warning lights and/or flashing beacons. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| D. VENDORS EQUIPMENT/SET-UP | | | | 2. Customers and employees restricted from fenced/barricaded construction areas. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 1. Market manager and/or assistant manager trained in emergency procedures, including first aid, emergency response, earthquake preparedness, bomb threat, etc. and coordinated with local authorities. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | G. ADDITIONAL CONCERNS/COMMENTS | | | |
| 2. Fully approved first aid kit and fire extinguisher provided at main location. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| 3. Appropriate refuse/trash containers available and used by public. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| 4. Emergency barricades, orange warning cones, etc. available in case of emergency situation. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |
| 5. Vendors required to have "standardized" display tables, supports, awnings, and umbrellas approved by the market manager. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | |

Provided by Dirk Duchscherer, InterWest Insurance Services, Inc. www.iwins.com.

Appendix B: Accident Report Form

Market Information

Market name and location: _____

Market day and hours: _____

Market manager: _____

Telephone number: (_____) _____ - _____

Fax number: (_____) _____ - _____ Email: _____

Accident Report

Date and time of accident: _____

Description of accident: _____

Nature of any injuries: _____

Bodily injury: _____ Property damage: _____

Medical attention requested? _____ Provided: _____

Facility providing care: _____

Injured Party

Name: _____

Telephone number: (_____) _____ - _____

Address: _____

City: _____ State: _____ Zip Code: _____

Name and telephone number of any witnesses:

Person Completing this Report if Not Market Manager

Name: _____

Telephone number: (_____) _____ - _____

Email: _____

Appendix C: Protecting Your Cash at Market

Thousands of dollars have been stolen from vendors at farmers markets. Many of these losses could have been prevented, and no one wants potential thieves to view farmers markets as easy targets.

Easy Ways to Avoid Theft

Have enough help and keep them when needed.

Have enough people working your booth to monitor activities from open to close. Cash and products are most vulnerable when the person behind the counter cannot keep up with the number of customers approaching the booth. Thefts also tend to occur at the end of the day when the till is full and people are tired. Any time the person behind the counter must turn away, theft is a real possibility.

Lock Up!

Much of the cash taken from farmers markets disappears from unwatched cash boxes and unlocked vehicles.

Keep all your vehicle's doors securely locked.

A cash box is not protected because it is behind your table. Bolt the box to the table and shelter it from above and on the three sides facing away from you. Otherwise, it is easy for someone to reach across a table and grab a handful of bills.

Hide the bulk of your cash as it comes in.

Any money that you do not need for change should be taken out of circulation (out of your apron, cash box, money bowl) and locked in your vehicle. A small safe with a "cash drop" also can be used to secure your money during the day. A cash drop is a small slot — too small for hands — through which you place extra cash while the safe remains locked.

Be aware.

Stay alert and watch people. Sometimes eye contact alone will deter someone from trying to steal from you. If eye contact does not work, a watchful stare or a comment like "Can I help you?" may be enough. Remain observant of the surroundings and talk to your neighbors at the market.

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