



Fact Sheet FS1310

The Public and Their Animals: Regulations and Risks to Your Direct Market Farm

Meredith Melendez, Agriculture and Natural Resources Agent, Mercer County

Wesley Kline, Agriculture and Natural Resources Agent, Cumberland County

An increasing number of customers are bringing animals when visiting farm markets, pick your own farms, or agritainment activities. Animals can pose a food safety risk to produce, introduce disease to farm animals, and frighten or upset farm animals. Outside animals can also pose a potential risk to employees, market customers, and farm visitors. Farmers need to consider these risks while maintaining food safety regulatory compliance and buyer requirements. Also important is maintaining biosecurity for the protection of farm animals. The Americans with Disabilities Act (ADA) governs what actions are legally allowed regarding customers visiting your market or on your farm with service animals. This fact sheet covers specifics of the ADA, animals not protected by the ADA regulations, and how to reduce potential risks from outside animals. States may have regulations that exceed the federal ADA regulation—information presented is specific to New Jersey. If you farm in another state please consult the [Table of State Service Animal Laws](https://www.animallaw.info/topic/table-state-assistance-animal-laws) (<https://www.animallaw.info/topic/table-state-assistance-animal-laws>).

What Do the ADA Regulations Cover?

While many types of animals can provide comfort and emotional support, only service animals are protected by the ADA, specifically within Title II and III. The ADA regulations define "service animals" as dogs, and less commonly miniature ponies, that are individually trained to do work or perform tasks for people with disabilities such as guiding a blind person, alerting people who are deaf, assisting a person in a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or other duties. The work or task a service animal has been trained to perform must be directly related to the person's disability. Some disabilities are visible, others are not.

What Questions Can You Legally Ask?

When it is not visible that an animal is a service animal only two questions may be asked to determine if the animal is a service animal.

1. Is the service animal required because of a disability?
2. What work or task has the service animal been trained to perform?

The service animal must have been trained to perform a specific task or work for a person with a disability in order to qualify for protection under the ADA regulations. Note that service animals do not always wear vests or harnesses, and there is no paperwork or identification card carried by anyone with a service animal.

What Questions Are You Legally Prevented from Asking?

1. You may not ask about the person's disability.
2. You may not ask for proof of the person's disability.
3. You may not ask for documentation or proof that the service animal is trained.
4. You may not ask for an animal health certificate.

What Should You Do Once You Determine the Animal Is a Service Animal?

1. Inform the handler which areas of the farm are open to the service animal and handler.
2. Inform the handler where handwashing areas are located, and they should wash their hands before handling and consuming produce.
3. Inform the handler of the proper area for the service animal to relieve themselves.
4. Inform the handler of where plastic bags and trash cans are available to dispose of fecal material.
5. Inform the handler of any farm policies specific to service animals.

Are Comfort or Emotional Support Animals Protected by Regulations?

Neither comfort nor emotional support animals are covered by the ADA regulations. Without the ADA regulatory protection these animals can be refused entry to your farm without fear of legal ramifications based on risk to your crops, farm animals, employees, or customers.

What Risks Do Outside Animals Pose for Farm Livestock and Other Farm Animals?

When outside animals are present on your farm there are diseases that can be spread to and by your farm animals and livestock. Zoonotic diseases are diseases spread between humans and animals and include *E. coli* O157:H7, salmonella, and others. The most common way for diseases to spread is through direct contact, indirect contact, vectors, and contaminated food. It is estimated that six out of ten known infectious diseases impacting humans are spread also by animals. For more information on zoonotic disease risks and preventive controls visit the [CDC Zoonotic Diseases webpage \(https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html\)](https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html).

Can You Deny Entry to Animals on the Farm?

In general, the ADA regulations state that service animals may be present where the public is normally permitted. You may restrict service animals from specific areas such as produce handling areas used for washing, packing, and storage (risk of food contamination) or livestock areas (natural predator/prey relationships that can upset farm animals or potentially be a source of disease transmission).

What Is Appropriate Behavior for a Service Animal and Their Handler?

Service animals should always be under the control of their handler. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents the use of these devices. Service animals have been trained to perform a service for their handler and should be focused on that task.

Can You Ask Someone with a Service Animal to Leave the Farm?

If the service animal is behaving in a way that indicates they are not under the control of their handler, or if the handler is unable to control the animal, you may ask them to leave. Examples of this type of behavior would be: consumption of produce, urination, marking, or defecation in the production areas, excessive barking, or aggressive behavior.

Can Service Animals Go into Pick-Your-Own Areas?

You should consider your production practices and the risk involved with an animal in your fields when determining what parts of the farm service animals can access. Crops typically consumed raw are considered higher risk since there is no process to kill potentially pathogenic organisms found on the surface. Crops grown near the ground, such as strawberries, leafy greens, and lettuces, are inherently higher risk crops for contamination when compared to crops growing farther from the ground such as tree fruit. In many pick-your-own settings the customers are eating produce in the fields as they pick. Contact with animals can increase the risk of contamination of that produce as it is harvested and consumed. Handwashing stations should be provided to give customers an opportunity to clean their hands after touching the service animal.

Can Service Animals Go into Farm Stores?

Service animals may be given access to store areas that are generally open to the public. Service animals would be prohibited from food processing areas, such as a store kitchen, due to contamination risk.

What Should You Provide to Help Reduce Risk When Service Animals Are on the Farm?

While the presence of service animals on your farm is likely to be a rare event, be prepared by having a designated area for service animals to relieve themselves, complete with pick-up bags and a trash can to dispose of fecal material. Handwashing facilities should be available for the handler.

What If I Let My Customers Bring Animals onto My Farm Without Restrictions?

Should you allow animals other than service animals onto your farm, be prepared to frequently deal with customers with animals. At minimum you should consider the following:

- Where will animals urinate and defecate?
- What supplies will you provide to allow proper clean-up of defecation? (i.e. plastic bags and a trash can)
- Who will be trained to properly monitor this area to ensure that it does not become a contamination risk or an eyesore for your farm?
- Where will the customer handwashing station be located so that hands can be washed after handling their animal and after managing a defecation event?
- What signage will you need to instruct customers on your expectation for animal behavior and handling at the farm?
- How will you handle a situation when the animal and/or the handler is behaving inappropriately?

What Are the Steps to Enforce Your Policies When Someone Wants to Bring an Animal on the Farm?

Your own policies regarding service animals on your farm will dictate the conversation with a member of the public who wishes to bring an animal onto your property. Below are two examples of a farm policy:

Service Animals Covered by the ADA Regulations Permitted Only

1. Animals other than service animals will be asked to leave the farm.
2. If the disability is not known or visible the handler will be asked the following questions to confirm the animal is a service animal:
 - a. "Is the animal a service animal required for a disability?"
 - b. "What task has the service animal been trained to do?"
3. If the animal is confirmed as a service animal the handler will be informed of the following:
 - a. Areas that are open to the handler and service animal
 - b. Location of hand washing areas
 - c. Areas where the service animal can eliminate waste
 - d. Policies at the farm specific to service animals
4. If the animal is not a service animal, the handler will be asked to remove the animal from the property. If you refuse to leave the property, the police may be called.

Customers Are Permitted to Bring Outside Animals onto the Farm Property

1. Animals are permitted on the farm property without restriction.
2. Customers are made aware of the farm policies regarding outside animals on the farm by prominent signage at:
 - a. The farm entrance
 - b. The designated animal relief area(s) at the farm.
3. Signage will inform the customer of the following:
 - a. Areas that are open to the animal
 - b. Location of hand washing areas
 - c. Situations that would warrant when it is appropriate to wash their hands
 - d. Area(s) where the service animal can eliminate waste
 - e. Instructions for what the customer should do if their animal accidentally relieves themselves in inappropriate areas
4. Animal behavior that is considered unacceptable in the farm environment:
 - a. Consumption of produce
 - b. Urination, marking, or defecation in areas outside of the designated relief area
 - c. Excessive barking
 - d. Aggressive behaviors towards other customers, employees, or farm animals
5. Customers who are not handling their animals in accordance with the farm policies may be asked to leave

What Do You Need to Do to Comply with the Food Safety Modernization Act - Produce Safety Rule or a Buyer-Required Third Party Audit?

Produce safety inspectors and auditors will focus on the potential risk of contamination with animals on your farm. You can expect questioning to focus on the production areas where the animals are permitted access, the areas where the animals are allowed to relieve themselves, how those areas are maintained, availability of handwashing facilities for the handler, and relevance and prominence of appropriate signage for the handler. Signage should indicate your expectations for the animal handler, locations of areas to support proper handwashing and trash disposal, and appropriate areas for the animal to urinate and defecate.

Where Can I Learn More About the ADA Regulations on Service Animals?

- [ADA 2010 Revised Requirements – Service Animals \(https://www.ada.gov/service_animals_2010.htm\)](https://www.ada.gov/service_animals_2010.htm)
- [Frequently Asked Questions about Service Animals and the ADA \(https://www.ada.gov/regs2010/service_animal_qa.html\)](https://www.ada.gov/regs2010/service_animal_qa.html)
- [State Specific Regulatory Table \(https://www.animallaw.info/topic/table-state-assistance-animal-laws\)](https://www.animallaw.info/topic/table-state-assistance-animal-laws)

Rutgers Cooperative Extension would like to thank The Seeing Eye, Inc., the New Jersey State Board of Agriculture, New Jersey Farm Bureau and the New Jersey Department of Agriculture for their assistance in developing this fact sheet.

Photo credits: (l-r) Jessica Niederer, clipart-library.com, istockphoto.

Copyright © 2020 Rutgers, The State University of New Jersey. All rights reserved.

August 2019

For more information: njaes.rutgers.edu.

Cooperating Agencies: Rutgers, The State University of New Jersey, U.S. Department of Agriculture, and County Boards of Chosen Freeholders. Rutgers Cooperative Extension, a unit of the Rutgers New Jersey Agricultural Experiment Station, is an equal opportunity program provider and employer.