

# Service Animals on U-Pick Farms

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**UNIVERSITY OF GEORGIA**  
**EXTENSION**



The Produce Safety Rule (PSR) under the U.S. Food Safety Modernization Act contains regulations for growers on the management of wildlife, working animals, and domesticated animals on farms that grow fresh produce. The PSR requires that if domesticated animals are allowed on the farm, their feces must be controlled to prevent the contamination of produce (FDA, 2015). For this reason, many growers exclude domesticated animals from their farms. However, when portions of the farm are open to the public, the Americans with Disabilities Act (ADA) protects the rights of individuals with disabilities who are accompanied by a service animal. This protection extends to individuals participating in activities or obtaining goods at U-pick operations, roadside food stands, and on-site restaurants.



## What is considered a service animal?

**Service animals are designated by the ADA as dogs (or miniature horses, discussed later) that are “trained specifically to do work or perform tasks for a person with disability” (DOJ, 2011).**

The ADA further stresses that the animal must meet several requirements, including: **a) the individual accompanied by the animal must have the disability for which the animal is trained to assist**, and **b) the animal must be under complete control of the individual at all times**, either by leash or tether, or in the event that such methods interfere with the animal’s ability to serve its purpose, must be under voice, signal, or other means of control.

**Animals that are not dogs and/or whose purpose is only to provide comfort or support are not considered service animals under the ADA.** In the state of Georgia, a trainer of service animals (when they are an agent of a school for eye, hearing, service, or guide dogs) and their animal-in-training have the same rights as an individual with a disability accompanied by a service animal (Georgia Code § 30-4-2).



## Conditions for which a service animal may be necessary

Not all disabilities will be obvious to the casual observer, and service animals are trained to provide a broad spectrum of tasks. They may accompany individuals with:

- Vision or hearing impairment
- Seizure disorders
- Diabetes
- Post-traumatic stress disorder (PTSD)
- Autism
- Other disabilities

# Where are service animals allowed?

All state and local governments, businesses, and nonprofit organizations are required by the ADA to allow service animals to accompany individuals with disabilities in all areas that are normally open to the public. This includes the public areas of business that sell or prepare food, regardless of state or local codes.

# What does this mean for produce farms?

Farms that have U-pick operations, roadside stands, on-site restaurants, or other venues that are open to the general public are required to allow service animals in all areas to which the general public has access, provided that the service animal accompanies an individual with the disability for which that animal is trained. In contrast, farms that are not open to the public are not required to let any individual of the public onto their operation, including individuals with disabilities and their animals. However, when an operation that is closed to the public hires an individual with a disability who requires a trained service animal, the operation must allow that individual to be accompanied by their service animal.

# How does an operation identify a service animal?

**Staff are only allowed to ask two questions to clarify whether a dog is a service animal, including:**

- **Is the animal a service animal required for a disability?**
- **What work or task has the animal been trained to do?**

**Under no circumstance should staff ask about the individual's disability nor require the individual to provide medical proof of their disability.** In addition, it may

not be asked for the animal to perform its task on command, and you may not ask for documentation that the animal has been trained as a service animal.

**Service animals are not required to have any identifying equipment, vests, or patches.** Additionally, allergies or fear

of dogs are not an allowable reason to exclude a service animal from a facility.

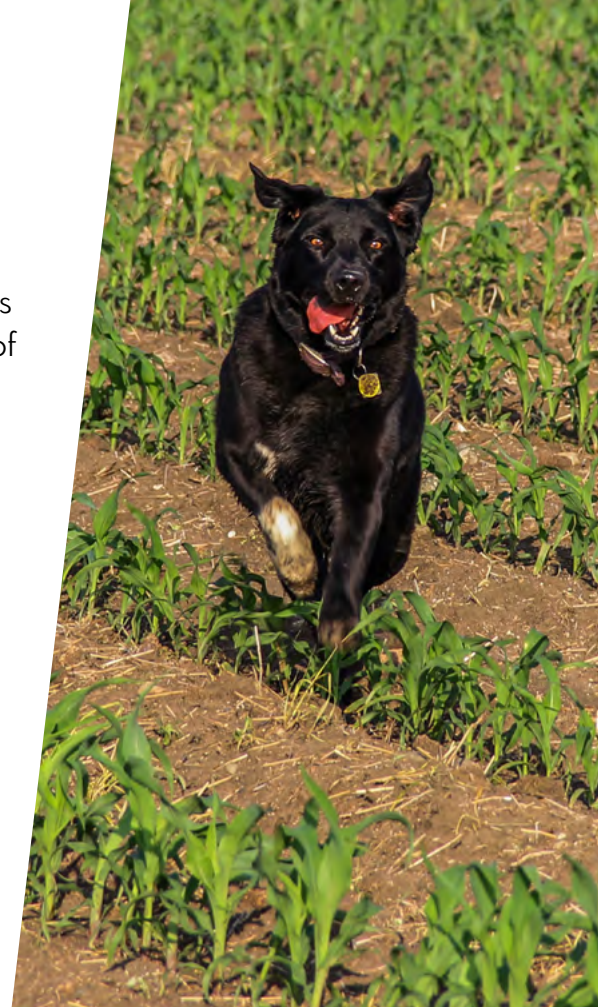
In these situations, both the individual with the disability and the individual with the allergy or fear should be accommodated as much as the facility is able (DOJ, 2011; DOJ, 2015).



# Service animal management at the U-pick operation

While a U-pick operation is required to allow service dogs accompanying an individual with a disability on their public access grounds, the farm is allowed to enforce rules to ensure the safety of their produce.

- **The animal should be kept between rows and not be allowed to trample or otherwise damage plants.**
- **The animal should only be allowed to defecate or urinate in designated areas.** Make sure that these designated areas are easy to identify, clearly marked, and located away from produce fields, food preparation areas, or walkways. In the event that the animal does defecate in the field, it is the responsibility of the owner of the service animal to report the incident to a staff member of the U-pick operation. It is the U-pick operation farm's responsibility to have staff trained and prepared to follow a standard operating procedure to remove the contamination in a manner that prevents contamination to remaining produce.



## Farm rights under the ADA

**If for some reason the individual (handler) is unable to maintain control of their service animal, then staff may ask that the service animal be removed from the facility.** This includes instances where an animal defecates in a produce field or in a similarly unacceptable location. However, the individual must be allowed to purchase goods or receive services once the animal has been excluded from the farm or location.

- The animal must not interfere with the other patrons' ability to enjoy the activity or facility. This includes excessive barking (in a quiet environment or without provocation), jumping on people, or otherwise disrupting other patrons.
- The handler is responsible to compensate a farm or facility for any damages caused by a service animal.
- The farm is not required to provide food, water, or supervision for the service animal. This is the responsibility of the handler.
- While organizations do sell registration documents and identifying equipment, these are not recognized by the ADA as proof that an animal is a service animal. Again, the animal must be required because of a disability and must be trained to carry out a specific job or task.
- An individual with a disability and their service animal are only allowed access to areas of the farm which are open to the general public. They are not allowed access to areas of the farm that are restricted from the public.

# Miniature horses

Miniature horses are the only other animal recognized by the ADA as service animals when they have been individually trained to perform a task, but as with service dogs, they must be housebroken, under the owner's control, and the animal's presence must not compromise the safe operation of the farm or facility. The farm's policies must be modified to allow a service miniature horse accompanying an individual with a disability as long as the facility can reasonably accommodate the animal. For example, a farm must allow a housebroken service horse accompanying an individual with a disability into a U-pick vegetable field, but the farm is not necessarily obligated to allow a service horse into a greenhouse if the structure cannot support the weight or size of the animal. As long as the general safety or structural integrity of a facility is not compromised, an individual with a disability accompanied by a trained service horse must be accommodated in the same manner as an individual with a service dog (DOJ, 2011).



# Other animals on the U-pick operation



**Pets, companion, and emotional support animals, including dogs, should be excluded from all farm facilities** to minimize the potential for fecal contamination of produce and disruption to the farm operation and its patrons. Posted rules should indicate that no animals, except for service animals accompanying an individual with a disability, are allowed on U-pick grounds. Service animals are highly trained animals that will cause minimal disruption to a farm or other operation, while allowing an individual the ability to enjoy an activity or environment they would otherwise be unable to experience.

## *References*

- Right to equal public accommodations; right to be accompanied by guide dog or service dog, Georgia Code § 30-4-2. (2016). <https://law.justia.com/codes/georgia/2016/title-30/chapter-4/section-30-4-2/>
- U.S. Department of Justice. (2020). *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)
- U.S. Department of Justice. (2020). *Service animals*. [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)
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