

# Produce Safety Rule Excluded Farms Form

## Part I – Definition of Excluded Farms

### INSTRUCTIONS

- Review the categories below to determine whether your farm is excluded from the Produce Safety Rule (21 CFR 112.4). Produce farms that are not excluded are subject to the requirements of the Rule.
- Submit **Part II** to the Agency of Agriculture, Food, and Markets (the Agency). See **Part II** instructions.
- For assistance completing this form contact [agr.produce@vermont.gov](mailto:agr.produce@vermont.gov) or call 802-828-2433. This form is updated annually at [www.agriculture.vermont.gov/produceprogram](http://www.agriculture.vermont.gov/produceprogram).

### “Micro” Farm Size Exclusion (less than \$25,000 in average annual produce sales)

- Applies to farms with average annual produce sales less than \$25,000 over the previous three-year period when adjusted for inflation using 2011 as a baseline (21 CFR 112.4(a)).
- The 2019-2021 three-year average annual produce sales inflation adjusted cutoff is **\$29,245**.

*Farms with average annual produce sales above the inflation adjusted cutoff should refer to the Qualified Exemption Form at [www.agriculture.vermont.gov/produceprogram](http://www.agriculture.vermont.gov/produceprogram).*

### Rarely Consumed Raw Exclusion

- Applies to produce that FDA considers rarely consumed raw (21 CFR 112.2(a)). See table below.

Rarely Consumed Raw Produce List			
Asparagus	Coffee beans	Figs	Pecans
Beans, dry	Collards	Ginger	Peppermint
Beets	Corn, sweet	Hazelnuts	Potatoes
Cashews	Cranberries	Horseradish	Pumpkins
Cherries, sour	Dates	Lentils	Squash, winter
Chickpeas	Dill	Okra	Sweet potatoes
Cocoa beans	Eggplants	Peanuts	Water chestnuts

### Personal or On-Farm Consumption Exclusion

- Applies to produce which is produced solely for personal consumption or for consumption on the farm or another farm under the same management (21 CFR 112.2(a)).

### Enforcement Discretion Policy (hops, wine grapes, pulse crops, and almonds)

- Applies to hops, wine grapes, pulse crops, and almonds. Enforcement discretion means that the Agency does not intend to enforce provisions of the Rule that apply to these specific crops.

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## Part II – Self-Certification (pg. 1)

### ADDITIONAL INSTRUCTIONS

- The Vermont Agency of Agriculture, Food, and Markets asks produce farms to self-certify their exclusion status at least once every five (5) years and whenever the farm status changes.
- Certification assists the Agency in determining which farms may require produce safety inspections and which do not because they meet the criteria for an exclusion.
- Certification is not required, but farms that do not self-certify may be selected for a records review or inspection to verify their status.
- Submit **Part II** (pgs. 1 and 2) to the Agency’s Produce Program. **Part III** is optional and may be submitted along with **Part II**.
- Email the completed form to [agr.produce@vermont.gov](mailto:agr.produce@vermont.gov) or mail to:

Vermont Agency of Agriculture, Food, and Markets  
Attn: Produce Program  
116 State Street, Montpelier, VT 05620

Farm Legal Name (e.g., LLC): \_\_\_\_\_ Alias (dba): \_\_\_\_\_

Owner/Operator: \_\_\_\_\_  
First Name Last Name Role

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Address Town/City State ZIP

Physical Address: \_\_\_\_\_  
Address Town/City State ZIP

Average annual produce sales over the previous three-year period:

- \$0-\$25,000       \$25,001-\$250,000       \$250,001-\$500,000       \$500,001+

Select all activities that apply to the farm:

- Grows Produce       Harvests Produce       Packs Produce       Holds Produce       Retail Produce       Processes Produce

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**Part II – Self-Certification (pg. 2)**

I, as a responsible representative of the farm, certify that:

- The information provided on this form is true and accurate to the best of my knowledge.
- I have completed a review and determined that the farm is excluded and satisfies the criteria under 21 CFR 112.2 and/or 112.4 because:

The farm’s previous three-year average annual produce sales are less than **\$29,245**.

*Produce means any fruit or vegetable and includes mushrooms, sprouts, peanuts, tree nuts, and herbs (21 CFR 112.3). Produce does not include maple sap or maple syrup.*

*Farms with less than three years of produce sales should include only years with actual produce sales when calculating their average.*

AND / OR

All produce distributed by the farm meets one or more of the following criteria:

Produce is rarely consumed raw produce as defined by the FDA under 21 CFR 112.2(a).

Rarely consumed raw crops include: \_\_\_\_\_

Produce is for personal consumption and/or consumption on the farm or another farm under the same management.

Produce satisfies the enforcement discretion criteria because produce is either hops, wine grapes, pulse crops, or almonds.

Enforcement discretion crops include: \_\_\_\_\_

Additionally, I acknowledge that:

- A farm’s exclusion status does not exclude it from other applicable state and/or federal law, including prohibitions on the use, sale, or distribution of adulterated raw agricultural commodities (6 V.S.A. 21).

Name of Filer: \_\_\_\_\_ Role: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Part III – Crop and Farm Information (optional)**

**INSTRUCTIONS**

- Information provided on this form assists the Agency in better understanding the produce farm landscape. This form is optional and can be included when submitting a self-certification form.

Farm’s growing season start month: \_\_\_\_\_ End month: \_\_\_\_\_

List the farm’s top six (6) produce commodities by monetary value:

1.	
2.	
3.	
4.	
5.	
6.	

List any remote field(s) used for growing produce which are physically separate from the main farm.  
*Include field name, acreage, and physical address.*

Is the farm registered with the FDA as a food facility? \_\_\_\_\_ FEI#: \_\_\_\_\_

Does the farm undergo annual food safety audits? \_\_\_\_\_ Type: \_\_\_\_\_

List the names of any active employees who completed a Produce Safety Alliance Grower Training: