



# Produce Safety Rule Qualified Exemption Worksheet

Produce farms may be eligible for a qualified exemption from the Food Safety Modernization Act (FSMA) Produce Safety Rule if the farm's annual **food sales** are less than \$500,000 on average over the previous 3 years (adjusted for inflation) AND a majority of these sales are to **qualified end-users**.

Produce farms may use this worksheet to meet the requirement in the Produce Safety Rule (21 CFR § 112.7(b)) that "you must establish and keep adequate records necessary to demonstrate that your farm satisfies the criteria for a qualified exemption... including a written record reflecting that you have performed an annual review and verification of your farm's continued eligibility for the qualified exemption."

To support this record, retain all sales receipts and records used to determine calculations for the annual review. See reverse for definitions and inflation-adjusted figures.

## Step 1: Record total **food sales** over the previous 3 years:

Year 1: 20\_\_\_ total food sales: \$ \_\_\_\_\_

Year 2: 20\_\_\_ total food sales: \$ \_\_\_\_\_

Year 3: 20\_\_\_ total food sales: \$ \_\_\_\_\_

(1A) Average total food sales: \$ \_\_\_\_\_

## Step 2: Record food sales sold to **qualified end-users** over the previous 3 years:

Year 1: 20\_\_\_ food sales to qualified end users: \$ \_\_\_\_\_

Year 2: 20\_\_\_ food sales to qualified end users: \$ \_\_\_\_\_

Year 3: 20\_\_\_ food sales to qualified end users: \$ \_\_\_\_\_

(2A) Average sales to qualified end-users: \$ \_\_\_\_\_

## Step 3: Calculation

\$ \_\_\_\_\_ ÷ \$ \_\_\_\_\_ × 100 = \_\_\_\_\_ %

Average sales to qualified end-users (2A)	Average total food sales (1A)	Percentage sales to qualified end-users
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If annual total food sales are less than \$500k AND the percentage of sales to qualified end-users is greater than 50% your farm is eligible for the qualified exemption. See reverse for more information.

Farm Name: \_\_\_\_\_

Farm Address: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Title: \_\_\_\_\_

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

*This record must be reviewed, dated, and signed by a supervisor or responsible party for the farm to meet the requirements in 21 CFR § 112.7(b).*

# What is the Produce Safety Rule?

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The Produce Safety Rule is a federal food safety regulation that establishes minimum food safety standards for farms that grow, harvest, pack, or hold fruits and vegetables in order to reduce foodborne illness. Learn more: [agriculture.vermont.gov/produceprogram](http://agriculture.vermont.gov/produceprogram).

## Definitions (21 CFR § 112.3)

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**Food:** (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

**Food Sales:** All food sales from the farm, including human and animal food.

**Qualified End-User:** The consumer of the food OR a restaurant or retail food establishment located in the same state as the farm that produced the food or within 275 miles of the farm.

Examples of qualified end-users include, but are not limited to, the following when the end-user is located in the same state or within 275 miles of the farm:

- CSA shareholder
- Farm stand
- Grocery store
- Restaurant

## FDA Produce Safety Rule Inflation Adjusted Cut Offs

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See [go.usa.gov/xns8V](http://go.usa.gov/xns8V) (URL is case sensitive) for additional cut offs.

<b>Baseline Value for Cut-offs (2011)</b>	Value in 2017	Value in 2018	Value in 2019	Average 3 Year Value for 2017 - 2019
\$500,000	\$549,863	\$562,119	\$572,499	\$561,494

## Modified Requirements for qualified exempt farms

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A farm eligible for a qualified exemption from the Produce Safety Rule must notify consumers as to the complete business address of the farm where the food is grown, harvested, packed, or held. The compliance date for this requirement is January 1, 2020.

If your farm is eligible for a qualified exemption, you must comply with certain modified requirements and keep documentation as per sections 112.6 and 112.7 in the rule, including the following subparts:

1. Subpart A (General Provisions)
2. Subpart O (Records)
3. Subpart Q (Compliance and Enforcement)
4. Subpart R (Withdrawal of Qualified Exemption)

These subparts can be reviewed via the [Electronic Code of Federal Regulations](#) (Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption).

Questions? Contact the Produce Team at [agr.fsma@vermont.gov](mailto:agr.fsma@vermont.gov) or (802) 828-2433

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