

Food Safety Modernization Act-Produce Safety Rule Qualified Exemption Annual Review & Verification Worksheet

A farm is eligible for a qualified exemption from the Food Safety Modernization Act (FSMA) Produce Safety Rule (21 CFR § 112) if the farm's annual **food sales** are less than \$500,000, averaged over the previous 3 years and adjusted for inflation and a majority of these sales are to **qualified end-users**.

This worksheet may be used to meet the requirement in 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 records used to determine calculations for the annual review.

See reverse for definitions and inflation-adjusted figures.

Step One: Sales receipts or records reflecting total **food sales** over the previous 3 years

Year 1 (sales year): _____ \$ _____

Year 2 (sales year): _____ \$ _____

Year 3 (sales year): _____ \$ _____

Average total food sales: _____ \$ _____

Step Two: Food sales directly to **qualified end-users** over the previous 3 years

Year 1 (sales year): _____ \$ _____

Year 2 (sales year): _____ \$ _____

Year 3 (sales year): _____ \$ _____

Average sales to qualified end-users: _____ \$ _____

Step Three: Calculation

_____ ÷ \$ _____ × 100 = _____ %

Average sales to
qualified end-users

Average
total food

Percentage sales to
qualified end-users

Farm Name: _____

Farm Address: _____

Reviewed by: _____ Title: _____

Signature: _____ Date: _____

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

Definitions 21 CFR § 112.3 Found in the FSMA Produce Safety Rule:

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 that is 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

FSMA Inflation Adjusted Cut Offs

See <https://go.usa.gov/xns8V> (case sensitive URL) for additional cut offs.

| Baseline Value for Cut-offs (2011) | Value in 2012 | Value in 2013 | Value in 2014 | Value in 2015 | Value in 2016 | Value in 2017 | Value in 2018 | Value in 2019 | Value in 2020 | Ave. 3-yr. Value for 2018-2020 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------------------------|
| \$500,000 | \$509,590 | \$518,529 | \$528,277 | \$533,822 | \$539,672 | \$549,863 | \$562,119 | \$572,499 | \$579,022 | \$571,214 |

Modified Requirements for farms that are eligible for a qualified exemption:

Labeling: 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). You can also link to the rule from <https://go.usa.gov/xQgKv> (case sensitive).

Questions? Contact the New Hampshire Department of Agriculture, Markets & Food, NH Produce Safety Program,

Office of Commissioner (603)-271-3551.

Victoria M. Smith, Produce Safety Specialist, (603) 848-4781, victoria.m.smith@agr.nh.gov.

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