



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Julianne A. Oberg, Deputy Secretary

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2020 Produce Safety Rule Qualified Exemption Registration Worksheet

The Maryland Department of Agriculture (MDA) is enforcing the U.S. Food and Drug Administration's (FDA) Produce Safety Rule through Maryland legislation that was effective July 1, 2019. Information on individual farms collected through this program will not be shared with any entities or persons outside of the MDA unless it is part of an active food borne illness outbreak investigation. All data collected concerning farms is shared with FDA as aggregate data only. If you have questions concerning your eligibility, please review the MDA "Produce Safety Rule Exemptions and Compliance Dates Fact Sheet" or contact MDA at (410) 841-5769 or produce.safety@maryland.gov. This worksheet is for your use in determining if you are eligible for the Qualified Exempt status and documenting the required annual review. Do not submit the worksheet to MDA. The Produce Safety Rule Qualified Exempt Registration Form is required to be filed with MDA annually to exclude you from the inventory of farms required to fully comply with the Produce Safety Rule.

Name of Farm:

Name/Title of Person conducting annual review:

Address of Farm:

- 1. Insert your total food sales (All food for human and/or animal consumption not just produce sales for 2017, 2018, and 2019).
2. Add your 2017, 2018 and 2019 Total Food Sales
(2017) + (2018) + (2019) = (Total food sales three years)
3. Divide your Total Three Year Food Sales by three to calculate your average.
Total Food sales for 3 years from above Divided by "3" = 3 Year average value

If your three-year average value of food sales is <\$561,494†, complete the Qualified End Users portion of the worksheet to determine if you are eligible for Qualified Exempt status. If your three-year average value is >\$561,494, you are not eligible for this exemption. Please refer to the other exemption categories to determine if you are eligible for another type of exemption. † On a rolling basis and adjusted for inflation; current value is based on adjusted inflation value for 2017, 2018 and 2019.

- 4. Enter your direct food sales to Qualified End Users (Consumers, restaurants and/or retailers in Maryland or not more than 275 miles from your farm). MDA is accepting the revised FDA issued COVID-19 criteria based on disruptions to the food supply chain. Please see further explanation in the MDA Factsheet on Compliance dates and exemptions. If your sales to Qualified End users was more than 50% of your food sales for the two years prior to March 2020, you are still eligible for this exemption if your 2020 sales do not meet the Qualified End User requirements.
5. Add your direct food sales to Qualified End Users.
(2017) + (2018) + (2019) = (Three year Total food sales to Qualified End Users)
6. Divide your Total Three Year Food Sales by three to calculate your average.
Total Qualified End User Food sales for 3 years from above Divided by "3" = 3 Year average value
7. Enter your direct food sales to all other buyers.
8. Add your direct food sales to all other buyers.
(2017) + (2018) + (2019) = (Three year Total food sales to all other buyers)
9. Divide your Total Three Year Food Sales to all other buyers by three to calculate your average.
Total Food sales for 3 years from above Divided by "3" = 3 Year average value*

*If this value is less than the 3-year average value of sales to Qualified End Users you are eligible for the Qualified Exemption. If this value is more than the 3-year average value of sales to Qualified End Users you are not eligible for this exemption even though your food sales are less than \$561,494†.

Date of Annual Review:

Signature of Reviewer:



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Maryland Produce Safety Program - 2020 Produce Safety Rule Qualified Exempt Registration

Note: File this form with the Maryland Department of Agriculture to be excluded from the inventory of farms required to fully comply with the Produce Safety Rule. You are not required to apply for the Qualified Exemption just because you are eligible. If you are eligible and do not apply for the Qualified Exempt status, you will be considered fully covered by the Produce Safety Rule and your compliance date will be based on your annual produce sales.

Name of Farm

Name of person filing

Telephone

Email

Mailing Address

Mailing City, State and Zip Code

Farm Location Address(s)

I/we acknowledge the following:

- My/our average sales value of all food is \$561,494† (based on the 2017, 2018 and 2019 adjusted for inflation average) or less and more than 50% of the food sales for two years prior to the establishment of the COVID-19 exclusion of meeting this requirement during the public health emergency (i.e. 2018 and 2019) were to a Qualified End User meeting the eligibility requirements for the Qualified Exempt category of the Produce Safety Rule.
I/we are required to maintain records verifying our status as Qualified Exempt that may be inspected by the Maryland Department of Agriculture.
I/we are required to review our records annually to verify we continue to meet both the sales value of food and sales to a Qualified End User requirements of the Qualified Exempt category and document the review.
I/we are required to submit the Qualified Exempt registration form annually to MDA to remain in the Qualified Exempt category.
I/we are required by law to provide the name and complete business address of the farm where the produce was grown either on a label or at the point of sale while operating under the Qualified Exempt category as of January 1, 2020.
I/we understand my/our Qualified Exempt status may be revoked if there is an active investigation of food borne illness linked to my/our farm and/or it is determined necessary by MDA and/or FDA to protect public health.
Qualifying my/our farm for this exemption does not preclude me/us from following the requirements of the FDA Produce Safety Rule and Maryland Produce Safety Program.
Qualifying my/our farm for this exemption does not exempt my farm from complying with all adulteration and other applicable provisions under the U.S. Food, Drug and Cosmetics Act.
Qualifying my/our farm for this exemption does not exempt my/our farm from complying with other applicable Maryland and local laws and regulations.

Filers Signature: _____

Date: _____

Filers Title: _____