



Maryland Department of Agriculture

Produce Safety Rule

Eligibility and Exemption Flow Chart

Part I

Start

Does your farm grow, harvest, pack, or hold produce?

(fruits, vegetables, microgreens, mushrooms, sprouts, nuts, and herbs)
Sections [112.1](#) and [112.3\(c\)](#)

Complete the **Produce Safety Rule Registration Form**

NO

STOP

You are **not covered** by the Produce Safety Rule

YES

Is it for personal consumption only?

NO

YES

Produce that is rarely consumed raw, as listed on the exhaustive list in Section [112.2](#) is **not covered** by the Produce Safety Rule

(e.g., asparagus, beets, corn, eggplant, okra, potatoes, pumpkins, winter squash)

Complete the **Non-Covered Commodities Exemption** if you are **only** growing produce that is on the exhaustive list. Reassess eligibility if new crops are grown.

Is **any** of the produce you grow and sell usually consumed raw?

NO

YES

Is your three-year average of gross produce sales **less than** \$33,297[†]

[†]Adjusted for inflation
(Based on 2022, 2023, 2024)

YES

NO

You are **exempt** from the Produce Safety Rule.

Complete the **Sales Value Exemption** form annually as it applies

My three-year average of gross produce sales is greater than \$33,297[†]

YES

Proceed to Part II

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Part II Qualified Exemption Eligibility

Start

Does your farm on average (in the previous three years) as per Section [112.5](#), have **more than \$33,297[†]** and **less than \$665,947[†]** annual **food*** sales?

[†]Adjusted for inflation (Based on 2022, 2023, 2024)

Define

***Food** as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act and includes seeds and beans used to grow sprouts.

(f) The term "**food**" means (1) articles used for food or drink for man or other animals.

(E.g., produce, eggs, dairy, meat, honey, processed or homemade foods (jams, pickled items, baked goods...), beverages, foods/drinks purchased for resale (commercially produce and/or purchased from other farms...), sales of live food animals, and animal feed such as pet milk, hay, silage, grain...)

NO
higher
sales

YES

Do you sell to **Qualified End Users**?

Qualified End Users include:

Farm Stands, Farmers Markets, CSAs, Restaurants and/or Retailers in MD or not more than 275 miles from the farm.

NO

YES

Do you sell to **Non-Qualified End Users**?

Non-Qualified End Users include:

Wholesale Distributors, Brokers, Produce Auctions, any sales (including Restaurants and/or Retailers) more than 275 miles from the farm.

NO

YES

Are the majority ($\geq 51\%$) of total **food sales** to Qualified End Users (QEU) or Non-Qualified End Users (NQUEU)?

More sales
($\geq 51\%$) to
NQUEU

More sales
($\geq 51\%$) to
QEU

Your farm
IS COVERED
by the Produce
Safety Rule and
subject to the full
requirements of
[21 CFR Part 112](#)

You are eligible for a **Qualified Exemption** under Section [112.5](#) and must meet the requirements of Section [112.6](#).

Complete the **Qualified Exemption** form annually as it applies.

*Documentation must be submitted each year to be eligible. Without documentation on file, it is assumed your operation is fully **COVERED** by the Produce Safety Rule*

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