



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

The Wayne A. Cawley, Jr.
Building 50 Harry S. Truman
Parkway Annapolis, Maryland
21401 Internet:
www.mda.maryland.gov

410.841.5700 Baltimore/Washington
301.261.8106 Washington, D.C.
800.492.5590 Toll Free

TELEPHONE: (410) 841-5769 FAX (410) 841-2750 EMAIL: Produce.safety@maryland.gov

2021 Produce Safety Rule Qualified Exemption Registration Worksheet

This worksheet is for your use in determining if you are eligible for the Qualified Exempt status and documenting the required annual review. Complete, but do not submit this worksheet (page 1) to MDA. The Produce Safety Rule Qualified Exempt Registration Form (page 2) 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.

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.

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 2018, 2019, and 2020).

2. Add your 2018, 2019 and 2020 Total Food Sales
(2018) + (2019) + (2020) = (Total food sales three years)

3. Divide your Total Three Year Food Sales by three to calculate your average.
Divided by "3" = (Three year average value)

Pause and assess: If your three-year average value of food sales is <\$571,214, proceed to step four of this worksheet to determine if you are eligible for 2021 Qualified Exempt status. If your three-year average value is >\$571,214, 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 2018, 2019 and 2020.

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). If your sales to Qualified End users was more than 50% of your food sales for the years 2017, 2018, and 2019 you are eligible for this exemption. Due to COVID-19, the FDA currently permits using 2017, 2018, and 2019 sales data to determine the amount sold to qualified end users for farms that met Qualified Exempt (QE) criteria in 2020 when determining eligibility for the QE in 2021 and any subsequent years that are affected by the COVID-19 public health emergency. If you did not meet QE criteria in 2020, use the last three years of sales data for steps 5 - 9.

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 Qualified End User Three Year Food Sales by three to calculate your average.
Divided by "3" = (Three year average value of sales to Qualified End Users)

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.
Divided by "3" = (Three 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 \$571,214.

Date of Annual Review:

Signature of Reviewer:

MDA_DOC_005



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

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
Internet: www.mda.maryland.gov

410.841.5700 Baltimore/Washington
301.261.8106 Washington, D.C.
800.492.5590 Toll Free

TELEPHONE: (410) 841-5769 FAX (410) 841-2750 EMAIL: Produce.Safety@maryland.gov

Maryland Produce Safety Program - 2021 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 farm was eligible for a qualified exemption based on total food sales for this year because the average sales value of all food is less than or equal to \$571,214+ (based on the 2018, 2019 and 2020 adjusted for inflation average) and more than 50% of the food sales for the years 2017, 2018, and 2019 were to Qualified End Users.
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: _____