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?

YES → **STOP** You are **not covered** by the Produce Safety Rule

NO

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

NO → 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.*

YES

Is your three-year average of gross produce sales **less than** $33,297†
†Adjusted for inflation (Based on 2022, 2023, 2024)

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

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

NO

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 (≥51%) of total **food sales** to Qualified End Users (QEU) or Non-Qualified End Users (NQEU)?

More sales (≥51%) to NQEU

More sales (≥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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