Maryland
Department of Agriculture
Office of Marketing, Animal Industries and Consumer Services

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin M. Atticks, Secretary
Steven A. Connelly, Deputy Secretary

Food Quality Assurance

Agriculture | *Maryland's Leading Industry*
mda.maryland.gov

The Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, Maryland 21401

410-841-5769 Baltimore/Washington
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2025 Produce Safety Rule Qualified Exemption Registration Worksheet

TELEPHONE: (410) 841-5769 FAX (410) 841-2750 EMAIL: 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 per 21 CFR 112.7(b). 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.

Complete this worksheet (page 1) and retain for your records.

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 2022, 2023, and 2024).
2. Add your 2022, 2023 and 2024 Total Food Sales

   _____ (2022) + _____ (2023) + _____ (2024) = 0 (Total food sales three years)
3. Divide your Total Three Year Food Sales by three to calculate your average.

   0 (Total food sales for 3 years from step 2) Divided by "3" = 0 (Three-year average value)

⚠ **Pause and assess**: If your three-year average value of total food sales (all food for human and animal consumption) is <$665,947, proceed to step four of this worksheet to determine if you are eligible for 2025 Qualified Exempt status. If your three-year average value of total food sales is >$665,947, you are not eligible for this exemption. † *On a rolling basis and adjusted for inflation; current value is based on adjusted inflation value for 2022, 2023, and 2024.*

4. Enter your direct food sales to ***Qualified End Users***
   Qualified End User: Consumers, restaurants and/or retailers in Maryland OR not more than 275 miles from your farm.
5. Add your direct food sales to Qualified End Users.

   _____ (2022) + _____ (2023) + _____ (2024) = 0 (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.

   0 (Total Qualified End User food sales for 3 years from step 5) Divided by "3" = 0 (Three-year average value of sales to Qualified End Users)
7. Enter your direct food sales to Non-Qualified End Users
   Non-Qualified End Users include Wholesalers, Broker, Auctions, restaurants and/or retailers or any sales more than 275 miles from your farm.
8. Add your direct food sales to all other buyers.

   _____ (2022) + _____ (2023) + _____ (2024) = 0 (Three-year total food sales to Non-Qualified End Users)
9. Divide your Total Three Year Food Sales to all other buyers by three to calculate your average.

   0 (Total "other buyer" food sales for 3 years from step 8) Divided by "3" = 0 (Three-year average value)

? Is the three-year average value (Step 9) less than the three-year average value of sales to qualified end users (Step 6)?

☐ YES - You are eligible for the Qualified Exemption, fill out and submit the registration on page 2.

☐ NO - You are NOT eligible for this exemption even though your food sales are less than $638,491.

Date of Annual Review: **Signature of Reviewer:**

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Maryland Produce Safety Program - 2025 Produce Safety Rule Qualified Exempt Registration

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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 previous three-year average gross produce sales.

Name of Farm _____ **Name of person filing** _____

Telephone _____ **Email** _____

Mailing Address _____ **Mailing City, State and Zip Code** _____

Please select a category for the previous three-year average gross produce sales from your operation:

☐ Small ($250,000-$500,00); ☐ Very Small ($25,000-$250,000)

I/we acknowledge the following:

- My/our farm was eligible for a qualified exemption based on total food sales for 2025, because the three-year average sales value of total food sales is less than or equal to $665,947 (based on adjusted for inflation values of 2022, 2023, and 2024) and more than 50% of the total foods sales for the years 2022, 2023, and 2024 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 understand that we must establish and keep adequate records necessary to demonstrate that my/our farm satisfies the criteria for a Qualified Exemption that are described in § 112.5, including written records reflecting that I/we have performed and annual review and verification of my/our farm's continued eligibility for the qualified exemption (*Page 1*) per § 112.7(b).
- I/we are required to submit the Qualified Exempt registration form annually to MDA to remain eligible for a Qualified Exemption.
- 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 per § 112.6(b).
- 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.

Filer's Signature: _____ **Date:** _____

Filer's Title: _____

Send completed documentation to: Email: produce.safety@maryland.gov; Fax: (410) 841-2750; or
Mail: Food Quality Assurance Program 50 Harry S Truman Parkway Annapolis, MD 21401

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