

Produce Safety Rule Qualified Exemption Form 2024

INSTRUCTIONS

- Use this worksheet to determine if your farm is eligible for a qualified exemption under the Produce Safety Rule (21 CFR 112.5). Keep a copy on file with supporting sales records as proof of eligibility.
- Submit **Part II** to the Agency of Agriculture, Food, and Markets. See **Part II** additional instructions.
- For assistance completing this form contact agr.produce@vermont.gov or call (802) 828-2433. This form is updated annually at www.agriculture.vermont.gov/produceprogram.

Part I – Annual Review Worksheet

A **qualified end-user** is the consumer of the food (when the consumer is not a business) or a restaurant or retail food establishment located in Vermont or within 275 miles of the farm (21 CFR 112.3).

Food includes food or drink for humans or animals and chewing gum (21 CFR 112.3).

Farm Name: _____ Mailing Address: _____

Step 1: Annual food sales over the previous 3 years

2021 food sales: _____

2022 food sales: _____

2023 food sales: _____

(A) 3-year average food sales: _____

3-year average food sales
must be lower than the
inflation adjusted cut-off:

\$638,491

Step 2: Annual food sales sold to qualified end-users over the previous 3 years

2021 food sales to qualified end-users: _____

2022 food sales to qualified end-users: _____

2023 food sales to qualified end-users: _____

(B) 3-year average food sales to qualified end-users: _____

Step 3: Calculation

_____ ÷ _____ × 100 = _____ %

(B) Average food sales to qualified end-users

(A) Average food sales

(C) Percent food sales to qualified end-users

Average total food sales (A) must be less than \$638,491; AND

Percent food sales to qualified end-users (C) must be greater than 50%.

Reviewed by: _____ Role: _____

Signature: _____ Date: _____

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Part II – Annual Self-Certification (pg. 1)

ADDITIONAL INSTRUCTIONS

- The Vermont Agency of Agriculture, Food, and Markets asks produce farms to self-certify their qualified exempt status annually.
- Certification assists the Agency in determining which farms may require produce safety inspections and which do not because they satisfy the qualified exempt criteria.
- Certification is not required, but farms that do not annually self-certify may be selected for a records review or inspection to verify their status.
- Submit **Part II** (pgs. 1 and 2) to the Agency's Produce Program annually. A farm's qualified exempt status is valid for the duration of the applicable calendar year.
- Email the completed form to agr.produce@vermont.gov or mail to:

Vermont Agency of Agriculture, Food, and Markets
Attn: Produce Program
116 State Street, Montpelier, VT 05620

Farm Legal Name (e.g., LLC): _____ Alias (dba): _____

Owner/Operator: _____
First Name Last Name Role

Phone: _____ Email: _____

Mailing Address: _____
Address Town/City State ZIP

Primary Physical Address: _____
Address Town/City State ZIP

Average annual produce sales in 2021–2023:

\$0–\$25,000 \$25,001–\$250,000 \$250,001–\$500,000 \$500,001+

Percent food sales to qualified end users in 2020–2022 (Part I, field "C"): _____

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Part II – Annual Self-Certification (pg. 2)

I, as a responsible representative of the farm, certify that:

- I have completed an annual review and determined the farm satisfies the qualified exemption criteria under 21 CFR 112.5 because:
 - The farm’s average annual food sales in 2021–2023 are less than \$638,491.
- AND
- More than 50% of the farm’s average annual food sales in 2021–2023 were to qualified end-users, which include the consumer of the food (when the consumer is not a business) or a restaurant or retail food establishment, such as grocery store or food co-op, located in Vermont or within 275 miles of the farm.
- The farm complies with the following modified requirements for the qualified exempt criteria of the Produce Safety Rule:
 - Records are kept that document that the farm satisfies the qualified exempt criteria (see **Part I**). Records are kept for as long as necessary to support the farm’s status during the applicable calendar year (21 CFR 112.7).
 - The name and complete business address of the farm where produce was grown are prominently and conspicuously displayed on product labels and/or at the point of purchase, such as on a label, poster, sign, placard, or electronic notice if sold online (21 CFR 112.6).
- The information provided on this form is true and accurate to the best of my knowledge.

Additionally, I acknowledge that:

- A farm’s qualified exempt status may be revoked if it is determined necessary in order to protect public health and prevent a foodborne illness outbreak (21 CFR 112.201).
- A farm’s qualified exempt status does not exempt it from other applicable state and/or federal law, including prohibitions on the use, sale, or distribution of adulterated raw agricultural commodities (6 V.S.A. § 21).

Name of Filer: _____ Role: _____

Signature: _____ Date: _____