



Produce Safety Rule - Exclusion, Exemption, and Coverage Chart



| Annual Gross Sales | Produce Safety Rule Status |
|---|--|
| Less than \$25,000 annual gross sales of produce | Excluded - the Produce Safety Rule does not apply to you |
| More than \$25,000 but less than \$500,000 annual gross sales of all food and more than 50% of sales are to qualified end users (direct to consumer or retail, restaurants, and supermarkets within the same state or 275 miles from the farm). | Qualified Exempt (please note the following requirements still apply): (1) For roadside stands and farmers' markets you must have a sign with the name and address of your farm. (2) For sales to retail establishments each container of produce must have a label with the name and address of your farm. (3*) You must maintain financial documentation that demonstrates you qualify for the exemption (over a 3-year rolling average) |
| More than \$25,000 but less than \$500,000 annual gross sales of all food and less than 50% of sales are to qualified end users (direct to consumer or retail, restaurants, and supermarkets within the same state or 275 miles from the farm). | Covered - You are fully covered by the Produce Safety Rule |
| More than \$500,000 annual gross sales of all food | Covered - You are fully covered by the Produce Safety Rule |
| * Please note: The qualified exemption threshold value (\$500,000) was created by Congress in the Food Safety Modernization Act and cannot be changed by FDA or the states. In addition, FSMA states that the qualified exemption threshold value will adjust each year for inflation relative to 2011 (for 2017 the value is \$551,340). | |
| Additional Exemptions and Exclusions to Consider | |
| If you grow produce solely for personal/on-farm consumption, that produce is not covered by the Produce Safety Rule. | |
| If your produce is intended for commercial processing that adequately reduces pathogens (a "kill step"), your produce is eligible for exemption from the Produce Safety Rule, provided you maintain documentation from the processor that the produce undergoes a "kill step." | |
| If you grow only produce that FDA has identified as rarely consumed raw, that produce is not covered by the Produce Safety Rule. However, if you grow non-covered produce and covered produce and your farm meets the covered farm requirements from the table above, your covered produce falls under the Produce Safety Rule. | |