



VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES

Virginia Department of Agriculture & Consumer Services
Office of Dairy and Food - Produce Safety Program
102 Governor Street Richmond, VA 23219
Phone: 804-786-4003 Fax: 804-371-7792
www.vdacs.virginia.gov



1. Requirements for Qualified Exemption:

A. During the previous 3-year period, your average annual **food*** sales are less than \$500,000, adjusted for inflation.
**The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.*

AND

B. You sell more than 50% of your annual **food** sales to qualified end-users (e.g. consumer of the food, or a restaurant or retail food establishment that is located in the same state or the same Indian reservation as the farm or not more than 275 miles away from the farm).

2. Checklist for Qualified Exemption Eligibility:

When applying for a qualified exemption, all three of the following requirements must be met:

- I meet both **A** and **B** requirements listed above.
- I have performed an annual review and verification of my eligibility.
- I have dated sales receipts that demonstrate the criteria listed above.

3. Business Information:

Business name: _____ Owner/Manager: _____

Business physical address: _____

Business mailing address: _____

Primary phone number: _____ Secondary phone number: _____

Farm size based on 3-year average of annual **produce** sales (check one):

- Large farm >\$500,000
- Small farm >\$250,000 to \$500,000
- Very small farm \$250,000 or less

I hereby certify that according to 21 C.F.R. §112.7, I have performed an annual review and verification of my farm's continued eligibility for a qualified exemption.

Owner/Manager signature: _____ Date: _____

Owner/Manager title: _____

Example of annual review and verification
For personal use only. Do not submit this form.

Name and address of farm: _____ Date: _____

A. Average annual food sales (in addition to produce, these sales include all other food for humans, feed for animals, and sales of live food animals). List total sales for each year:

2017 \$ _____

2018 \$ _____

2019 \$ _____

Average of 3 years: \$ _____

This average ↑ must be less than \$561,494 to be eligible for a qualified exemption.

B. The amount of these food sales to qualified end-users (e.g. consumers anywhere of the food, or grocery stores and restaurants within 275 miles of the farm or within the same state or Indian reservation as the farm).

2017 \$ _____

2018 \$ _____

2019 \$ _____

Average of 3 years: \$ _____

The amount of these food sales to **non**-qualified end-users (e.g. wholesale buyers).

2017 \$ _____

2018 \$ _____

2019 \$ _____

Average of 3 years: \$ _____

***↑ The average amount in the first column must be larger than the second column ↑
to show you sell more than 50% to qualified end-users***

Dated sales receipts must also be retained to support this record.

Reviewed by: _____ Title: _____ Date: _____

More Information about Exemptions

The Produce Safety Rule does **not** apply to:

- Produce that is used for personal or on-farm consumption.
- Produce that is not a raw agricultural commodity. A raw agricultural commodity is any food in its raw or natural state.
- Food grains, including barley, dent- or flint-corn, sorghum, oats, rice, rye, wheat, amaranth, quinoa, buckwheat, and oilseeds (e.g. cotton seed, flax seed, rapeseed, soybean, and sunflower seed).
- Farms that have an average annual value of produce sold during the previous three-year period (2017, 2018, and 2019) of \$28,075 or less.
- The following produce commodities that FDA has identified as rarely consumed raw: asparagus; black beans, great Northern beans, kidney beans, lima beans, navy beans, and pinto beans; garden beets (roots and tops) and sugar beets; cashews; sour cherries; chickpeas; cocoa beans; coffee beans; collards; sweet corn; cranberries; dates; dill (seeds and weed); eggplants; figs; ginger; hazelnuts; horseradish; lentils; okra; peanuts; pecans; peppermint; potatoes; pumpkins; winter squash; sweet potatoes; and water chestnuts.

Commercial processing exemption:

- The Produce Safety Rule provides an exemption for produce that receives commercial processing that adequately reduces the presence of microorganisms of public health significance, under certain conditions.
- You must disclose in documents accompanying the produce that the produce is “not processed to adequately reduce the presence of microorganisms of public health significance.”

Withdrawal of a qualified exemption:

- A farm’s qualified exemption may be withdrawn if there is an active investigation of a foodborne illness outbreak that is directly linked to the farm, or
- If FDA determines it is necessary to protect the public health and prevent or mitigate an outbreak based on conduct or conditions associated with the farm that are material to the safety of the farm’s produce that would be covered by the rule.