

Application for Produce Safety Rule Exemption

Requirements for Basic Exemption — *One of the following requirements must be met:*

A. Only grow produce that is rarely consumed raw, specifically the produce on the following exhaustive list: asparagus, black beans, great Northern beans, kidney beans, lima beans, navy beans, pinto beans, beets, garden (roots and tops) beets, 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, mature southern field peas (such as black-eyed peas, cowpeas, crowder peas, purple hull peas, sea island peas, silver peas, and speckled peas), winter squash, sweet potatoes, and water chestnuts.

OR

B. All produce grown is used only for personal consumption or produced for consumption on the farm or another farm under the same management.

Requirements for Micro-Exemption:

During the previous 3-year period your average produce sales was less than \$25,000 (on a rolling basis) adjusted for inflation using 2011 as the baseline year for calculating the adjustment. Records for the previous 3-year period must be provided upon request to prove exemption based on sales.

Requirements for Commercial Processing Exemption:

All produce grown receives commercial processing that adequately reduces the presence of microorganisms of public health significance. You must disclose in documents accompanying the produce to the processor, in accordance with the practice of the trade, that the food is “not processed to adequately reduce the presence of microorganisms of public health significance,” AND you must annually obtain written assurance, from the customer that performs the commercial processing that they have established and are following procedures that adequately reduce the presence of microorganisms of public health significance.

Requirements for Qualified Exemption* — *All of the following requirements must be met:*

1. During the previous 3-year period, annual FOOD sales are less than \$500,000 adjusted for inflation, and the amount of sales sold to qualified end-users exceeded the amount sold to all other buyers.

AND

2. You sell more than 50% of your annual food sales to qualified end-users located in New Mexico or within 275 miles of your farm.

The issuance of an exemption by the New Mexico Department of Agriculture is valid for one year from the date of issuance.

**FDA may withdraw a farm’s Qualified Exemption (QE) when an active investigation of a foodborne illness outbreak is directly linked to that farm and if an enforcement agency determines that it is necessary to withdraw the QE to protect the public health and prevent or mitigate a foodborne illness. FDA may consider other actions, such as warning letters, recalls, and administrative detention, to protect the public health before withdrawing a Qualified Exemption. If the FDA withdraws a Qualified Exemption, the farm has 120 days from the order to comply with the Produce Safety Rule or appeal the withdrawal.*

Application for Exemption from the Produce Safety Rule

Farm Name _____ Phone _____

Farm Address _____
Street City State Zip Code

Phone _____ Email _____

Check here if Mailing Address is the same as Farm Address.

Mailing Address _____
Street City State Zip Code

Type of Exemption

Basic Exemption (Select A or B)

Micro-Exemption

Commercial Processing Exemption

Qualified Exemption

Pursuant to 21 CFR §112.5, the above named Applicant certifies compliance with requirements for exemption of inspections and regulations required under the Produce Safety Rule. Details of such exemptions are listed on page one of this application.

Applicant's Name and Title _____

Applicant's Signature _____ Date _____

Farms must apply annually to qualify for any exemption

Office Use Only

Paperwork reviewed and in compliance

Exemption-USAPLants number _____ Exemption Expiration Date _____