

APPLICATION FOR PRODUCE SAFETY RULE QUALIFIED EXEMPTION



Requirements for Qualified Exemption:

Both of the following requirements must be met. Please complete both pages.

A. 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.

**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** (*consumer of the food and/or a restaurant or retail food establishment*) located in Kentucky or within 275 miles of your farm.

Name of Applicant _____ Phone: _____

Mailing Address: _____
Street City State Zip Code

Name of Farm: _____ Email: _____

Farm Address: _____
Street City State Zip Code

Produce Safety Alliance Grower Training Course Completion Date(Required): _____

By signing this form, I attest that this information is accurate for my intended operations and I meet all qualifications for Qualified Exemption. I will notify the Kentucky Department of Agriculture if my farm is no longer eligible for a Qualified Exemption, so that any requirements can be reassessed to ensure continued compliance with the Produce Safety Rule.

Applicant Signature: _____ Title: _____ Date _____

Please indicate which crops are grown, packed, harvested, or held on your farm:

- Kale, head lettuce, leafy greens Peppers Onions
- Cucumbers Cantaloupes Other _____
- Tomatoes Honey Dew Melons

For official use only

_____ Paperwork reviewed and exemption denied
_____ Paperwork reviewed and exemption granted

Farm Number _____
Date _____
Reviewer Initials _____

Send application to: Kentucky Department of Agriculture
Produce Safety Program
107 Corporate Drive
Frankfort, KY 40601

Email: tyler.goodlett@ky.gov
Phone: (502) 782-7811

QUALIFIED EXEMPTION WORKSHEET

Please complete this worksheet and send in with Qualified Exemption application.

To be Eligible for a Qualified Exemption: 'A' is less than 'B' AND 'C' is more than 'D'

Total food sales (in addition to produce, these sales include all other food for humans, feed for animals, and sales of live food animals)

Year 1 (Sales year: _____) \$ _____

Year 2 (Sales year: _____) \$ _____

Year 3 (Sales year: _____) \$ _____

Average total food sales \$ _____ **A**

Inflation adjusted¹ threshold for (range) \$ 561,494 **B**

Sales to qualified end users (QEUs) (e.g. consumers anywhere, or grocery stores and restaurants within 275 miles or within the same state)

Year 1 (Sales year: _____) \$ _____

Year 2 (Sales year: _____) \$ _____

Year 3 (Sales year: _____) \$ _____

Average food sales to QEUs \$ _____ **C**

Sales to non-QEUs (e.g. wholesale buyers)

Year 1 (Sales year: _____) \$ _____

Year 2 (Sales year: _____) \$ _____

Year 3 (Sales year: _____) \$ _____

Average food sales to non-QEUs \$ _____ **D**

Sales receipts must also be retained to support this record.

¹FDA updates the inflation adjusted value (B) yearly:

<https://www.fda.gov/food/guidanceregulation/fsma/ucm554484.htm>

Baseline Value for Cut-offs (2011)	Value in 2012	Value in 2013	Value in 2014	Value in 2015	Value in 2016	Value in 2017	Value in 2018	Value in 2019	Value in 2020	Average 3 Year Value for 2018 - 2020
\$500,000	\$509,590	\$518,529	\$528,277	\$533,822	\$539,672	\$549,863	\$562,119	\$572,499	\$579,022	\$571,214

This publication is supported by the Food and Drug Administration (FDA) of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award [U2FFD007449] totaling \$728,500 with 100% funded by FDA/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by FDA/HHS, or the U.S. Government.

Send application to: Kentucky Department of Agriculture

Produce Safety Program
107 Corporate Drive
Frankfort, KY 40601

Email: tyler.goodlett@ky.gov

Phone: (502) 782-7811