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Are yearly TOTAL FOOD sales for your farm UNDER $25,000? (average of past 3 years)

No

Is SOME of the produce you grow specifically exempted by the FSMA Sec. 105 Produce Rule? (1)

Yes, one or more

No, some of my produce is not on the exempt list

Are yearly TOTAL FOOD sales for your farm OVER $500,000? (Exempt + Non-Exempt produce) (average of past 3 years)

Yes

Only those produce items ARE EXEMPT from the FSMA Sec. 105 Produce Rule.

No

Are MORE THAN 50% of yearly TOTAL FOOD sales for your farm to “qualified end-users?” (2) (average of past 3 years)

Yes

You MUST COMPLY with the FSMA Sec. 105 Produce Rule.

No

Your farm IS EXEMPT from the FSMA Sec. 105 Produce Rule.

Compliance Phase-in Scope and Timing

The period farmers have to comply with the Produce Rule depends on the yearly amount of TOTAL FOOD sales from their farm. The compliance clock would start after the Rule is finalized; most likely no earlier than Sept. 2014 and no later than June 30, 2015 (by US District Court ruling).

**Very Small Businesses** — those having, on a rolling basis, an average yearly value of food sold of no more than $250,000 during the previous three years. These farms will have four (4) years from the effective date to comply. They will have six years to comply with some of the water requirements.

**Small Businesses** — those having, on a rolling basis, an average yearly value of food sold of no more than $500,000 during the previous three years. These farms will have three (3) years from the effective date to comply. They will have five years to comply with some of the water requirements.

**Other Businesses** — they will have two (2) years from the effective date to comply. They will have four years to comply with some of the water requirements.

Notes:

(1) **Exempt produce** includes produce processed commercially that adequately reduces microorganisms of public health significance (e.g., green beans that will be canned). It also includes produce rarely eaten raw: arrowhead, arrowroot, artichokes, asparagus, beets, black-eyed peas, bok choy, brussels sprouts, chick-peas, collard greens, crab apples, cranberries, eggplant, figs, ginger root, kale, kidney beans, lentils, lima beans, okra, parsnips, peanuts, pinto beans, plantains, potatoes, pumpkin, radish, rutabaga, sugar beet, sweet corn, sweet potatoes, taro, turnips, water chestnuts, winter squash (acorn and butternut squash), and yams.

(2) **A qualified end-user** is either(a) the consumer of the food; or (b) a restaurant or retail food establishment located in the same state, or if located out of state, no more than 275 miles from the farm.