

LABELING AND SIGNAGE RULES FOR QUALIFIED EXEMPT FARMS

FOOD SAFETY MODERNIZATION ACT | PRODUCE SAFETY RULE



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WHAT DOES IT MEAN TO BE QUALIFIED EXEMPT?

Under the Produce Safety Rule, your farm might be Qualified Exempt. This means that a farm qualifies for an exemption from the major regulations in the Rule. The exemptions are based on your annual sales and the types of buyers you sell to.

If your farm is eligible for a Qualified Exemption:

- You will not be subject to routine FSMA inspections.
- You need to follow rules regarding labeling and signage.
- You need to keep sales records to prove you qualify for the exemption.

To learn more about your status under the FSMA PSR, visit www.z.umn.edu/fsma-psr or refer to the other factsheet in this series, *How does the Produce Safety Rule apply to my farm?*

LABELING AND SIGNAGE REQUIREMENTS

Qualified Exempt farms must follow labeling and signage rules when selling produce that is considered 'covered' by the Produce Safety Rule. This provides contact information for the farm in case there is an issue with the produce.

WHAT IS 'COVERED PRODUCE'?

The labeling and signage requirements described here only apply to produce that is considered 'covered' under the Produce Safety Rule. 'Covered' produce includes all fruits, vegetables, herbs, sprouts, and mushrooms that are not on the FDA's list of items considered rarely consumed raw. You can find a full definition and list of rarely consumed raw produce items at www.z.umn.edu/psr-rarely-consumed-raw.

LABELING REQUIREMENTS

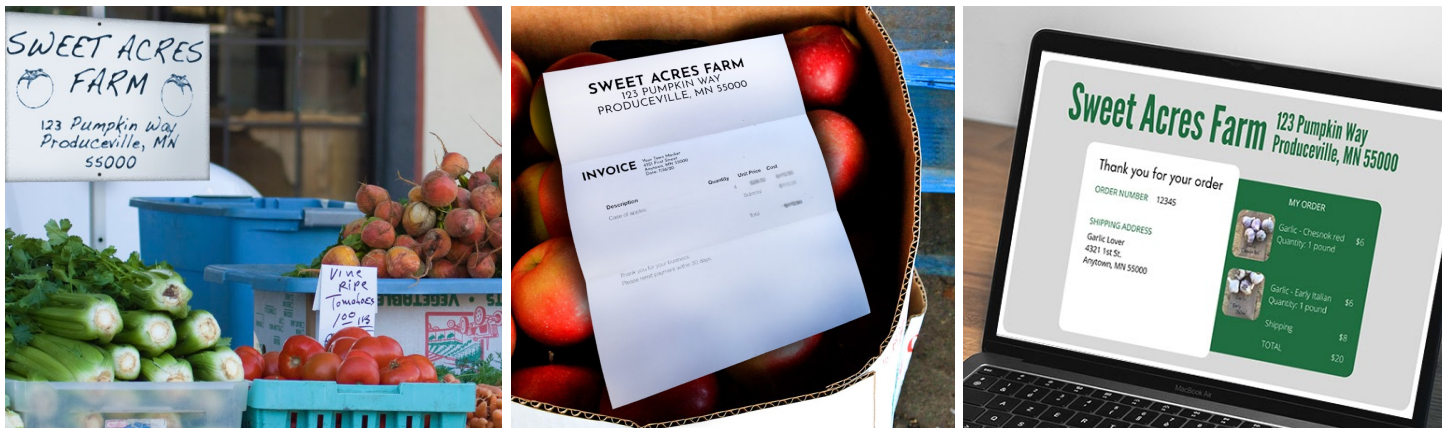
When you sell 'covered produce' that requires a label, the label must prominently display the name and complete business address of the farm where the produce was grown.



These three images show the correct labeling for packaged produce items sold by Qualified Exempt farms.

SIGNAGE REQUIREMENTS

When you sell 'covered produce' that doesn't require a label, you must prominently display the name and complete business address of the farm where the produce was grown at the point of purchase. This can be on a sign, poster, placard, or on documents delivered with the produce, and can be handwritten or printed. In the case of internet sales, this can be an electronic notice.



These three images show the correct use of signage for Qualified Exempt farms.

WHAT NEEDS TO BE INCLUDED IN THE COMPLETE BUSINESS ADDRESS OF MY FARM?

In all cases, the address must be that of the farm where the produce was grown. The address must include:

Street address or post office box, city, state, and zip code.

OR

Comparable full address if the farm is outside of the U.S.

MINNESOTA GROWN LABELING/SIGNAGE COST SHARE

If you are developing a new label, tag, bag, box, or permanent sign and would like to add the Minnesota Grown logo, you may be eligible to receive up to \$250 reimbursement in the current fiscal year (July 1 - June 30). Visit Minnesota Grown for more information: www.minnesotagrown.com/members-retailers/cost-share-program.

DOCUMENTATION REQUIREMENTS FOR QUALIFIED EXEMPT FARMS

In addition to labeling and signage requirements, you must keep some records to demonstrate that your farm meets the criteria for a qualified exemption. You can find details about standard practices for all record keeping in Subpart O of the Produce Safety Rule.

REQUIRED DOCUMENTS

- Sales records to show your rolling 3-year annual average food sales are below \$500,000* and the majority of your sales are to qualified end users*. Sales receipts must be dated, but do not require a signature or initials.
- Written record that you performed an annual review and verification of your farm's continued eligibility for the qualified exemption.

*This number is the original 2011 value. It is adjusted each year for inflation. For the most current number, please visit www.mda.state.mn.us/produce-safety-rule-farm-status or contact the Minnesota Department of Agriculture Produce Safety Program.

HOW DO I KEEP ANNUAL RECORDS TO SHOW I MEET THE CRITERIA FOR A QUALIFIED EXEMPTION?

We recommend that you make and keep a sales report for each calendar year to track your eligibility for the qualified exemption. Fill out the record on at least an annual basis. Keep any supporting documentation (receipts, etc.) to help verify your eligibility for a qualified exemption. Keep these records for the previous 3 years to demonstrate the 3-year rolling annual average required for eligibility.

*A qualified end-user is either the consumer of the food regardless of location, OR a restaurant or retail food establishment that is located in your state or on your Indian reservation, or not more than 275 miles away from your farm.

The Produce Safety Alliance offers templates for record-keeping at www.z.umn.edu/psr-records-required.

HOW DO I KEEP RECORDS FOR SALES AT FARMERS' MARKETS OR SIMILAR TRANSACTIONS TO CONSUMERS?

In situations where sales are directly to consumers, you could keep track of daily sales totals instead of tracking each individual sale. If you have internet sales, you could run reports of your total weekly sales online. You must date each sales record.

HELPFUL RESOURCES

The Minnesota Department of Agriculture has a lot of helpful information and links to templates, webinars, and much more at www.mda.state.mn.us/food-feed/produce-safety-resources.

As a farm that qualifies for an exemption from the Produce Safety Rule, it's a good idea to get familiar with the actual written regulations. This website breaks it down into the different subparts (like subpart O mentioned above) so it's easy to find what you're looking for. www.z.umn.edu/psr-regulations.

NOT SURE IF YOUR FARM IS QUALIFIED EXEMPT?

Visit www.z.umn.edu/fsma-psr, or see the factsheet *How does the Produce Safety Rule apply to my farm?* Or contact the MDA's Produce Safety Program at the contact information below.

MORE INFO ABOUT FSMA AND THE PRODUCE SAFETY RULE

University of Minnesota Extension
On-Farm Food Safety Program
www.extension.umn.edu/safety/growing-safe-food
Annalisa Hultberg: 651-480-7710 or hultb006@umn.edu

Minnesota Department of Agriculture
Produce Safety Program
www.mda.state.mn.us/producesafety
651-539-3648 or producesafety.mda@state.mn.us

Produce Safety Alliance
www.producesafetyalliance.cornell.edu

U.S. Food and Drug Administration
www.fda.gov
Search for: FSMA Final Rule on Produce Safety



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