



## Produce Safety Rule (PSR) Status Determination

### EXEMPT

- Average annual produce sales are less than \$26,999 on a rolling three-year average basis (this is often referred to as the “de minimus” exemption)
- Produce grown is listed as “rarely consumed raw” in the Produce Safety Rule
- Produce is only grown for personal, family, or on-farm consumption
- Produce undergoes a commercial processing “kill step” (must adequately reduce the presence of microorganisms of public health significance)

### QUALIFIED EXEMPT

Must meet **BOTH** of the following requirements:

- Average annual total **food** sales are less than \$539,982 on a rolling three-year average basis
- **AND**
- The majority (more than 50%) of sales are to **qualified end users**

**Food** – This includes both human food and animal feed (e.g. produce, grain, hay, meat, dairy, eggs, value-added products, processed foods, and baked goods).

**Qualified end users** - either (a) the consumer of the food or (b) a restaurant or retail food establishment located in the same state or within 275 miles of the farm.

### SUBJECT TO PSR (COVERED)

- Average annual produce sales **OR food** sales are greater than \$539,982 (if the total food sales include more than \$26,999 in produce sales)
- Covered farms are subject to the requirements of the PSR

**Note: All dollar figures listed on this guide are based on 2018 inflation adjusted values. FDA updates these values in April of each year.**