How to Register a Produce Farm

with the Maryland Department of Agriculture

The Food Safety Modernization Act (FSMA), Produce Safety Rule (PSR) was adopted into law in 2016 and the Maryland Department of Agriculture (MDA) Food Quality Assurance Program (FQAP) has implemented a registration process (farm inventory) for all Maryland farmers growing, harvesting, packing, or holding produce. Produce is defined as any fruit or vegetable (including mixes of intact fruits and vegetables) and includes mushrooms, sprouts (irrespective of seed source), peanuts, tree nuts, and herbs.

This "farm inventory" allows MDA to provide resources to regulated farms and businesses and exclude farms that are not required to comply with the PSR.

If you are a farm/operation <u>growing</u>, <u>harvesting</u>, <u>packing</u>, or <u>holding</u> produce, the following information will help you to find the appropriate registration form(s) for your farm/operation.

For **<u>ALL</u>** Maryland Produce Farmers, the following registration will need to be completed > FSMA Produce Safety Rule Registration Form

**You may need to download the document to utilize the fillable PDF feature.*

- ★ This is a one-time registration for all farms that are growing, harvesting, packing, or holding produce.
  - Any significant ownership, address, and/or financial changes made to your farm/operation may result in the need to submit a new registration form.
  - This includes farmers covered by the PSR and produce farmers who may be exempt from the PSR.
- ★ This form helps a farm to establish their compliance dates and also assists the farmer in determining their eligibility for either partial or total exemption from complying with the PSR.

For <u>some</u> Maryland Produce Farmers > An additional registration form may be required if Exempt from the PSR or applying for a Qualified Exemption.

- ➔ Some farms who fall under these categories will need to keep three years of sales records to keep the farms in these categories.
  - ◆ This documentation will need to be completed and submitted annually, unless stated otherwise.

Exemption registrations are as follows:	
If an operation…	**…Then fill out this additional registration form**
Sells under $30,509[1] in produce, based on a three-year average	Produce Average Monetary Value Exemption Registration form[6]
Is only growing crops that are rarely eaten raw[2]	Non-Covered Commodities Exemption Registration form[7]
Is only growing crops that receive commercial processing[3]	Commercial Processing Partial Exemption form[6]
Sells between $30,509-$610,182[1] based on a three-year average in total food[4] sales to qualified end users[5]	Qualified Exemption Registration form[6]

The "Worksheet" portion attached to the exemption forms [page 1] are for your records only. DO NOT submit the financial worksheet portion to MDA.

[1] Average sales from 2020-2022, adjusted for inflation each year.

These values are updated annually in April by the FDA. Updated exemptions forms for the current year should be available by May.

[2] The following exhaustive list is produce that is rarely consumed raw:

> Produce that is rarely consumed raw, specifically the produce on the following exhaustive list: Asparagus; beans, black; beans, great Northern; beans, kidney; beans, lima; beans, navy; beans, pinto; beets, garden (roots and tops); beets, sugar; cashews; cherries, sour; chickpeas; cocoa beans; coffee beans; collards; corn, sweet; cranberries; dates; dill (seeds and weed); eggplants; figs; ginger; hazelnuts; horseradish; lentils; okra; peanuts; pecans; peppermint; potatoes; pumpkins; squash, winter; sweet potatoes; and water chestnuts.

[3] Commercial processing that adequately reduces the presence of microorganisms of public health significance (*e.g.* Baking, boiling, bottling, canning, cooking, cooling, cutting, distilling, drying/dehydrating raw agricultural commodities to create a distinct commodity (such as drying/ dehydrating grapes to produce raisins), evaporating, eviscerating, extracting juice, formulating, freezing, grinding, homogenizing, labeling, milling, mixing, packaging (including modified atmosphere packaging), pasteurizing, peeling, rendering, treating to manipulate ripening, trimming, washing, or waxing.)

[4] Food encompasses anything for human or animal consumption. This includes animal feed, livestock sales, and grain sales.

[5] Qualified end users are people who will consume/eat the food they are buying from the farm. Such consumers include those that buy from you at a farm stand, farmers market, through Community Supported Agriculture (CSA), through the internet or any other direct marketing channel. This also includes sales the farm made to retail food establishments (grocery stores that you deliver to directly) and restaurants within 275 miles of your farm.

[6] *This documentation will need to be completed annually, or it will be assumed you are covered by the PSR, and subject to inspection.*

[7] *This documentation will need to be reviewed annually, and applicable documentation submitted if farm operations begin growing covered produce to qualified end users.*

- ★ If you are **Qualified Exempt**, your operation will still need to comply with certain modified requirements and keep certain documentation, as per Sections 112.6 and 112.7 (https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-112) This includes:
    1. Subpart A (General Provisions);
    2. Subpart O (Records);
    3. Subpart Q (Compliance and Enforcement); and
    4. Subpart R (Withdrawal of Qualified Exemption)

Because of the above listed requirements, some operations that are Qualified Exempt choose not to submit the Qualified Exempt registration form. In not submitting the form, they voluntarily choose to be covered by the PSR and are therefore subject to inspection.

Covered Farms/Operations

- ➔ If you sell more than $610,182[1] in total food[4] sales to qualified end users[5] then your operation IS covered by the PSR and IS subject to inspection.
- ➔ Not submitting exemption documentation as required implies you are voluntarily requesting to be a covered farm, and therefore subject to inspection.

Registration and Exemption forms can also be found at:
https://mda.maryland.gov/foodfeedquality/Pages/Food-Safety-Modernization-Act.aspx

Completed forms can be submitted by email to **produce.safety@maryland.gov** or mailed to the following address:

Maryland Department of Agriculture - Food Quality Assurance Program
50 Harry S. Truman Parkway
Annapolis, MD 21401

For any questions or to request a hard copy of these forms please call the Food Quality Assurance Program (FQAP) at: (410) 841-5769.

Additional Resources for Farms/Operations:

University of Maryland Extension Office - Connect with your local extension agent.

Weekly Food Safety Newsletter for Maryland Farmers. This newsletter covers, current topics, upcoming events & meetings, available courses, and general information - Subscribe here

Nutrient Management Program - Farm operations that are utilizing fertilizers and/or managing animal waste are required to have a nutrient management plan.

Pesticide Applicator Certification - For anyone who purchases or uses Restricted Use Pesticides. A farmer who uses Restricted Use Pesticides on their own farm would need a Certified Private Pesticide Applicator License, while a professional contractor who uses pesticides on other people's farms would need a Certified Commercial Pesticide Applicator License.

Maryland Department of Health - Farm operations that are participating in on-farm processing[3], cottage foods, farmers markets, Community Supported Agriculture (CSA), selling meat(s), dairy, honey, and/or eggs… please reach out to your local health department to inquire about any additional requirements and/or licensing that may be needed.