



West Virginia Department of Agriculture

Produce Safety Program

Kent A. Leonhardt, Commissioner

Joseph L. Hatton, Deputy Commissioner

2021 PRODUCE SAFETY RULE EXEMPTION APPLICATION

Every farm must apply annually to qualify for exemption. Farms that are not exempt may be inspected. To qualify for an exemption, your farm must meet and identify the requirement for one of the exemptions listed below.

REQUIREMENTS FOR BASIC EXEMPTION

*One of the following requirements must be met to qualify for a basic exemption. **Choose only one***

- A.** Only grow produce that is rarely consumed raw, specifically the produce on the following exhaustive list: *Asparagus, black beans, great Northern beans, kidney beans, lima beans, navy beans, pinto beans, beets, garden (roots and tops) beets, sugar beets cashews, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, dates, dill (seeds and weed), eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, mature southern field peas (such as black-eyed peas, cowpeas, crowder peas, purple hull peas, sea island peas, silver peas, and speckled peas), winter squash, sweet potatoes, and water chestnuts.*
- B.** Produce grown is used only for personal consumption or produced for consumption on the farm or another farm under the same management.
- C.** During the previous 3-year period your average of all produce sales was less than \$28,625 (on a rolling basis)

REQUIREMENTS FOR PROCESSING EXEMPTION

As required in the rule, other requirements must be met to justify this exemption.

Produce grown receives commercial processing that adequately reduces the presence of microorganisms of public health significance.

REQUIREMENTS FOR QUALIFIED EXEMPTION

Both of the following requirements must be met.

- A.** During the previous 3-year period, annual food* sales are less than \$572,499, 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 West Virginia or within 275 miles of your farm.



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Applicant Name _____

Farm Name _____

Mailing Address _____

Farm Address _____

Phone _____ Email _____

County: _____

Select the type of exemption your operation qualifies for based on the requirements provided on the previous page (Check ONLY one)

- Basic Exemption A
- Basic Exemption B
- Basic Exemption C
- Processing Exemption
- Qualified Exemption

Pursuant to the provisions of FDA Produce Rule, the above-named farm/filer certifies compliance with requirements for exemption of inspections and regulations under the Food and Drug Administration Produce Safety Rule.

I/we further acknowledge that any of these Exemptions does not preclude my firm/farm from the following Produce Safety requirements:

- All adulteration and other applicable provisions under the Food, Drug and Cosmetics Act;
- All West Virginia Department of Agriculture Farmers Market regulations

Date of Affidavit preparation/submission: _____

Applicants Signature: _____

Applicants Title: _____ Date: _____

For more information, contact the WVDA at 304-558-2227 or produce@wvda.us

Check here if your farm does not grow produce of any type.

Check here if someone from your farm has attended a PSA Grower Training.

To File Affidavit: Email to produce@wvda.us
OR print and mail to: WVDA/Produce Exemption,
 1900 Kanawha Blvd, E., Charleston, WV 25305.



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2021 EXEMPTION WORKSHEET

Note: For farm use only; retain this for your records.
File the summary affidavit form with the West Virginia Department of Agriculture.

Step 1.

- Insert your total produce sales for 2018, 2019 and 2020 in the boxes below.
- Add your total 2018, 2019 and 2020 together:

$$\underline{\hspace{2cm}} + \underline{\hspace{2cm}} + \underline{\hspace{2cm}} = \$ \underline{\hspace{2cm}}$$

(B-2018) (C-2019) (D-2020) (E-Total produce sales for 3 years)

- Divide "E (total produce sales for 3 years) by "3" for three-year value for 2018-2020

$$\underline{\hspace{2cm}} \text{ E-Total produce sales for 3 years (above)} \quad \text{DIVIDED BY: "3" = } \$ \underline{\hspace{2cm}} \text{ F-Avg. 3-year value}$$

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
\$25,000	\$25,480	\$25,926	\$26,414	\$26,691	\$26,984	\$27,493	\$28,106	\$28,625	\$28,951	\$28,561

If "F" is less than *\$25,000, mark Basic Exemption C

If "F" is less than \$572,499, review the other requirements for Qualified Exemption

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