



## DISASTER ASSISTANCE

### ELAP - LIVESTOCK ASSISTANCE / Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program

#### Overview

The Agriculture Improvement Act of 2018 (the 2018 Farm Bill) amended the 2014 Farm Bill which authorized the Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP). ELAP provides emergency assistance to eligible producers of livestock, honeybees and farm-raised fish. It covers losses due to an eligible adverse weather or loss condition, including blizzards, disease (including cattle tick fever), water shortages and wildfires, as determined by the Secretary. ELAP covers losses that are not covered under other disaster assistance programs such as the Noninsured Crop Disaster Assistance Program, Livestock Forage Disaster Program (LFP) and the Livestock Indemnity Program (LIP). The 2018 Farm Bill, enacted Dec. 20, 2018, amended certain provisions related to ELAP effective with the 2019 program year.

#### Those amendments included:

- providing reimbursement of 90 percent of the cost of losses for socially disadvantaged, limited resource, or beginning or veteran farmer or rancher.
- removing ELAP from the combined ELAP and LFP maximum per person and legal entity payment limitation for the 2019 and subsequent program years (as discussed in this fact sheet)
- in addition to covering the cost related to gathering livestock to treat for cattle tick fever, ELAP will now cover the cost related to gathering livestock to inspect for cattle tick fever;
- no longer covering livestock death losses due to diseases that are caused or transmitted by a vector and are not controlled by vaccination or an acceptable management practice. The 2018 Farm Bill authorizes these diseases to be covered under LIP.
- ELAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

#### Policy Enhancement

In response to ongoing drought conditions across the U.S., USDA expanded ELAP to help drought-stricken ranchers cover above normal costs of hauling water and feed or hauling livestock to forage or other feeding location. ELAP livestock and feed hauling assistance was retroactive for 2021 and is available for losses in subsequent years.



#### How it Works

There are five categories of livestock losses covered by ELAP, described in greater detail within this fact sheet:

- Grazing losses that are not due to drought or wildfires on federally managed lands;
- Livestock feed losses caused by eligible loss condition that result in purchased or mechanically harvested feed being destroyed, additional feed purchased above normal, and additional cost of feed delivery;
- Losses resulting from the additional cost of transporting water to livestock due to an eligible drought;
- Losses resulting from above normal costs of hauling feed to livestock due to an eligible drought;
- Losses resulting from above normal costs of hauling livestock to forage or other feeding location and back due to an eligible drought; and
- Losses resulting from the additional cost associated with gathering livestock for treatment and inspection related to cattle tick fever.

## What Is Eligible?

### Livestock Feed and Grazing Losses

#### Eligible Livestock

For livestock feed and grazing losses, livestock must be:

- Grazing animals that are weaned, such as alpacas, adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo, deer, elk, emus, equine, goats, llamas, ostriches, reindeer, sheep, and adult or non-adult water buffalo;
- Livestock that would normally have been grazing the eligible grazing land or pastureland during the normal grazing period for the specific pasture type of grazing land or pastureland in the county where the eligible adverse weather or loss condition occurred;
- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

#### Eligible Producer

An eligible producer is a person or legal entity who, in addition to satisfying other payment eligibility requirements, is an owner or contract grower of livestock that shares in the livestock or the risk of producing the livestock who:

- During the 60 calendar days before the beginning date of the eligible adverse weather or loss condition, owned, cash-leased, purchased, entered into a contract to purchase or been a contract grower of eligible livestock;
- Suffered a loss on land that is either:
  - Native or improved pastureland with a permanent vegetative cover; or
  - Planted to a crop specifically for the purpose of providing grazing for covered livestock; and
  - Provided pastureland or grazing land during the normal grazing period to eligible livestock, including cash-leased pastureland or grazing land for livestock that is physically located in the county where the eligible adverse weather or loss condition occurred during the normal grazing period.



#### Eligible Adverse Weather or Loss Condition

- Eligible adverse weather or loss conditions for livestock feed and grazing losses include, but are not limited to:
  - Blizzard;
  - Eligible winter storm;
  - Flood;
  - Hurricane;
  - Lightning;
  - Tidal surge;
  - Tornado;
  - Volcanic eruption; or
  - Wildfire on non-federal land.

Drought and wildfire on federally managed land are not eligible adverse weather or loss conditions for livestock feed and grazing losses under ELAP. These conditions are covered by LFP.

#### Eligible Grazing Losses

Eligible grazing losses must be incurred on eligible grazing lands physically located in the county where the eligible adverse weather or loss condition occurred and because of an eligible adverse weather or loss condition. The daily livestock payment rates per head for eligible livestock grazing losses for 2023 is \$1.94.

#### Eligible Feed Losses

Eligible feed losses under ELAP are losses:

- Of purchased forage or feedstuffs;
- Of mechanically harvested forage or feedstuffs;
- Resulting from the additional costs incurred for feed delivery to eligible livestock because of an eligible adverse weather or loss condition; and
- Resulting from the additional costs of purchasing additional feed, above normal quantities, required to maintain eligible livestock during an eligible adverse weather or loss condition, until additional livestock feed becomes available.

Eligible feed losses must not exceed 150 days of lost feed.

### Eligible Transportation Losses

To be eligible for ELAP assistance, livestock must be intended for grazing in a county suffering an eligible drought and producers must have incurred feed or livestock transportation costs on or after Jan. 1, 2023. Although producers will self-certify losses and expenses to FSA, producers are encouraged to maintain good records and retain receipts and related documentation in the event these documents are requested for review by the local FSA County Committee.

### Grazing Loss Payments, Excluding Wildfire on Non-Federal Land

Payments for eligible grazing losses, except grazing losses due to wildfires on non-federal land, will be calculated based on a minimum of 60 percent of the lesser of the total value of:

- The feed cost for all covered livestock owned by the eligible livestock producer based on the number of grazing days lost, not to exceed 150 days of daily feed cost for all covered livestock; or
- Grazing lost for eligible livestock based on the normal carrying capacity of the eligible grazing land of the eligible livestock producer for the number of grazing days lost, not to exceed 150 days of lost grazing.

Payments for eligible livestock producers for losses suffered because of a wildfire on non-federal land will be calculated based on a minimum of 60 percent of:

- The result of dividing the number of acres of grazing land or pastureland acres affected by the wildfire by the normal carrying capacity of the specific type of eligible grazing land or pastureland, multiplied by;
- The daily value of grazing multiplied by;
- The number of days grazing was lost due to the wildfire, not to exceed 180 calendar days.

### Livestock Feed Payment Calculations

Payment calculations for feed losses will be based on a minimum of 60 percent of the producer's actual cost for:

- Livestock feed that was purchased or mechanically harvested forage or feedstuffs intended for use as feed for the producer's eligible livestock that was physically damaged or destroyed due to an eligible adverse weather or loss condition;
- The additional costs incurred for transporting livestock feed to eligible livestock due to an eligible adverse weather or loss condition; and
- The additional cost of purchasing additional livestock feed above normal to maintain the eligible livestock during an eligible adverse weather or loss condition until additional livestock feed becomes available.

FSA will calculate ELAP payments for an eligible livestock producer for livestock feed and grazing losses for no more than 150 calendar days.

### Livestock Transportation Payment Calculations

USDA will reimburse eligible ranchers 60% of livestock transportation costs above what would have been incurred in a normal year. Producers qualifying as underserved (socially disadvantaged, limited resource, beginning or military veteran) will be reimbursed for 90% of the feed transportation cost above what would have been incurred in a normal year.

USDA uses a national cost formula to determine reimbursement costs that will not include the first 25 miles and distances exceeding 1,000 transportation miles. The calculation will also exclude the normal cost to transport hay or feed if the producer normally purchases some feed or normally transports livestock. For 2023, the initial cost formula of \$6.44 per mile will be used (before the percentage is applied).

### Losses Resulting from Additional Cost of Transporting Water

#### Eligible Livestock

For losses resulting from the additional cost of transporting water, eligible livestock must be:

- Alpacas, adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo, deer, elk, emus, equine, goats, llamas, ostriches, reindeer, sheep, and adult or non-adult water buffalo;
- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition;
- Livestock that are grazing eligible pastureland or grazing land during the normal grazing period for the specific pasture type of grazing land or pastureland that:
  - Are physically located in the county where the eligible adverse weather or loss condition occurred;
  - Had adequate livestock watering systems or facilities before the eligible adverse weather or loss condition occurred; and
  - Do not normally require the transport of water by the producer; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

Livestock that were or would have been in a feedlot are not eligible for livestock losses resulting from transporting water under ELAP.

### Eligible Producer

For losses resulting from transporting water, producers must have, during the 60 calendar days before the beginning date of the eligible adverse weather or loss condition, owned, cash-leased, purchased, entered into a contract to purchase or been a contract grower of eligible livestock.

### Payments for Losses from Transporting Water

Payments for losses due to transporting water will be based on a minimum of 60 percent of the lesser of:

- The total value of the cost to transport water to eligible livestock for 150 days, based on the daily water requirements for the eligible livestock; or
- The total value of the cost to transport water to eligible livestock for the program year, based on the actual number of gallons of water the eligible producer transported to eligible livestock for the program year.

The national average price per gallon to transport water is provided in the following table based on the method the producer uses to transport water for the applicable program year. A state or regional price may be established based on the recommendation and documentation by the FSA State Committee.

Method of Transporting Water	National Average Price per Gallon
Personal labor/equipment	\$0.035
Hired labor/rented equipment	\$0.05
Contracted water transportation	\$0.07

### Eligible Adverse Weather or Loss Condition

Eligible adverse weather for losses resulting from the additional cost of transporting water to eligible livestock includes an eligible drought, meaning that any area of the county has been rated by the U.S. Drought Monitor as having a D3 (extreme drought) intensity that directly impacts water availability at any time during the normal grazing period.

Eligible Losses from Transporting Water Eligible losses due to the additional costs of transporting water under ELAP are losses that:

- Are due to an eligible drought;
- Are for the additional cost of transporting water to eligible livestock, including, but not limited to, costs associated with water transport equipment fees, labor and contracted water transportation fees; and
- Do not include the cost of the water itself.



### Losses Related to Treatment and Inspection for Cattle Tick Fever

#### Eligible Livestock

For losses resulting from the additional cost to treat and/or inspect for cattle tick fever, eligible livestock must be:

- Adult or non-adult dairy cattle, adult or non-adult beef cattle, adult or non-adult buffalo, adult or non-adult beefalo and adult or non-adult water buffalo;
- Owned, cash-leased, purchased, under contract for purchase or been raised by a contract grower or an eligible livestock producer, during the 60 calendar days prior to the beginning date of the eligible adverse weather or loss condition; and
- Maintained for commercial use as part of the producer's farming operation on the beginning date of the eligible adverse weather or loss condition.

Livestock that were or would have been in a feedlot are not eligible for livestock losses resulting from the additional cost to treat for cattle tick fever under ELAP.

Eligible losses include those losses resulting from the additional cost associated with gathering livestock to treat and/or inspect for cattle tick fever. To be considered an eligible loss, acceptable records that provide the number of livestock treated and/or inspected for cattle tick fever and the number of treatments given during the program year must be on file with the USDA Animal and Plant Health Inspection Service (APHIS).

### Payments for Losses for Gathering Livestock to Treat and/or Inspect for Cattle Tick Fever

Payments for losses resulting from the additional cost associated with gathering livestock to treat and/or inspect for cattle tick fever will be equal to the sum of the following for each treatment:

- A minimum national payment factor of 60 percent multiplied by;
- The number of eligible livestock treated and/or inspected by APHIS for cattle tick fever, multiplied by;

- The average cost to gather livestock, per head, as established by FSA.

**Socially Disadvantaged, Limited Resource, Beginning, or Veteran Farmers and Ranchers**

With respect to the national payment rates referenced above, an eligible livestock producer who certifies they are socially disadvantaged, limited resource or a beginning or veteran farmer or rancher will receive 90 percent of the payment rate for livestock losses under ELAP.

**Payment Limitations**

The 2018 Farm Bill removed ELAP from the combined \$125,000 payment limitation under ELAP and LFP. Therefore, for 2019 and subsequent program years, payment limitation does not apply to ELAP benefits. The average adjusted gross income (AGI) limitation on payments for persons or legal entities, excluding joint ventures and general partnerships, with certain levels of average AGI will apply. Specifically, a person or legal entity with an average AGI (as defined in 7 CFR Part 1400) that exceeds \$900,000 will not be eligible to receive ELAP payments.

Direct attribution provisions also apply to ELAP. Under direct attribution, any payment to a legal entity will also be considered for payment limitation purposes to be a payment to persons or legal entities with an interest in the legal entity or in a sub-entity. For more information on payment limitations, visit [fsa.usda.gov/limits](https://fsa.usda.gov/limits).

**How to Apply**

Producers can apply to receive ELAP assistance at local FSA service centers. The ELAP application period ends Dec. 31 of each calendar year. In addition to submitting an application for payment, producers who suffered livestock losses should submit a notice of loss to the local FSA office that maintains their farm records.

The following table provides the final dates to file a notice of loss and application for payment for livestock losses.

Date of Livestock Loss	Final Date to File Notice of Loss	Final Date to Submit an Application for Payment
For program years 2019 through 2022, within Jan. 1 – Dec. 31	30 days after loss is apparent  For producers applying for livestock, feed and water hauling, the loss apparent date may be extended back if the county is in an eligible drought designation during the grazing season	Jan 30 after the program year in which the loss occurred.
For program year 2023 and subsequent years, within Jan. 1 – Dec 31	Jan 30 after the program year in which the loss occurred	Jan 30 after the program year in which the loss occurred

The producer must include a copy of the grower contract if they are a contract grower and any other supporting documents required for determining eligibility. Supporting documents must show evidence of loss, current physical location of livestock in inventory and evidence that grazing land or pastureland is owned or leased.

FSA will use data furnished by the applicant to determine eligibility for program benefits. Furnishing the data is voluntary; however, without all required data, program benefits will not be approved or provided.

**More Information**

This fact sheet is for informational purposes only; other restrictions may apply. For more information about ELAP, visit [fsa.usda.gov/ELAP](https://fsa.usda.gov/ELAP) or contact your local FSA office. To find your local FSA office, visit [farmers.gov](https://farmers.gov).

