

## **Oregon's USDA Certified Mediation Program**

### **Background**

The U.S. Department of Agriculture's (USDA) Agricultural Mediation Program helps agricultural producers, their lenders, and other persons directly affected by the actions of USDA, resolve disputes. Through mediation, a trained, impartial person (mediator) helps participants review their conflicts, identify options, and agree on solutions.

Mediation is a valuable tool for settling disputes in many different USDA program areas. These include farm loans, farm and conservation programs, wetland determinations, rural water loan programs, grazing on national forest system lands, and pesticides. The program, reauthorized by the United States Grain Standards Act of 2000, is administered by USDA's Farm Service Agency (FSA).

### **How Mediation Works**

Persons disputing USDA actions that directly affect them are offered the opportunity to request mediation services as part of the Department's informal appeals process. However, parties must request mediation before an appeals hearing is held with USDA's National Appeals Division.

If mediation is requested, the mediation program will suggest steps participants should take to prepare for mediation. The mediation program will then assign one or more mediators to the case. Participants may accept or eliminate these mediators. Once a mediator is accepted, all potential parties are advised that a mediation process is underway and given a chance to participate.

**The mediator schedules a time and place** to meet that is convenient to all parties. Mediation length can vary from a few hours to several days, depending on the complexity of issues and the number of participants. If an agreement is not reached, the case is closed and all parties remain free to pursue other available administrative appeals or legal actions.

**Mediation services can also include** counseling and financial analysis to prepare parties for the mediation session. In addition, many states provide mediation training and consultation services for producers, lenders, and USDA agencies.

### **Mediators**

Unlike a judge or arbiter, a mediator has no decision-making authority, but is there to help participants resolve problematic issues and settle disputes. Successful mediation is based on the cooperation and involvement of all participants.

## **Mediation Benefits for Lenders and Borrowers**

- Mediation may settle disputes within a participant's financial means, providing a low-cost alternative to appeals or to often expensive litigation and bankruptcy.
- The program may reduce stress caused by lengthy litigation. While it can take years for a case to filter through the courts, mediation generally takes only a few meetings to complete.
- The program has a high success rate of 85% and is well supported by government officials and community leaders.
- Mediation is confidential. Documents are not used for any other legal action against the participants.
- Mediators can also provide referrals for producers and lenders and informally discuss with them issues or concerns.

## **Mediation Cost to Participants: There is no cost to utilize the mediation option**

For Questions about the program in Oregon, contact:

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Daniel LoFaro, Farm Service Agency's Acting State Executive Director, at (503) 404-1122.

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