

FSA
HANDBOOK

Emergency Relief Program

For State and County Offices

SHORT REFERENCE

1-ERP

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

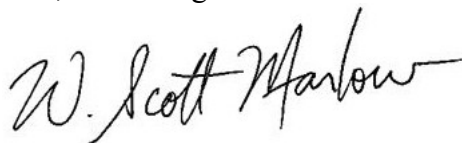
UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Emergency Relief Program
1-ERP**

Amendment 2

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reason for Issuance

Subparagraphs 4 A, 4 B, 4 D, and 4 E have been amended to remove the requirement to document Phase 1 actions in STC and COC minutes.

Subparagraph 65 B has been amended to clarify that share is assumed to be 100 percent to the primary policyholder unless otherwise designated.

Subparagraph 67 A has been amended to clarify that the primary policyholder must designate shares on FSA-520.

Subparagraph 85 E has been amended to remove the reference to FSA shares where the primary policyholder has an opportunity to share the payment with other producers associated with the policy.

| Page Control Chart | | |
|--------------------|---|---------|
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Part 1 General Information and Administrative Provisions

1 Overview

A Handbook Purpose

This handbook provides procedure for ERP, which is administered by DAFP through the Safety Net Division.

B Related Handbooks

| IF the material concerns... | THEN see... |
|--|-------------------|
| referring possible fraud cases to OIG | 9-AO. |
| State and county organization and administration | 16-AO. |
| Outreach | 22-AO. |
| Appeals | 1-APP. |
| signatures, powers of attorney, registers, name and address files, controlled substances, deceased individuals, or estates | 1-CM. |
| common payment reports | 9-CM. |
| acreage reporting, acreage determinations, and spot checks | 2-CP. |
| conservation compliance | 6-CP. |
| requests for relief and finality rule provisions | 7-CP. |
| issuing payments | 1-FI. |
| refunds of overpayments, withholding payments, and setoffs | 58-FI. |
| prompt payment interest | 61-FI. |
| assignments and joint payees | 63-FI. |
| NRRS | 64-FI. |
| managing crop acreage data | 1-GIS. |
| providing public information | 1-INFO. |
| NAP-covered crops | 1-NAP. |
| web-based subsidiary files | 3-PL (Rev. 2). |
| payment eligibility, payment limitation, and person determinations | 6-PL. |
| referring FSA or RMA discrepancies and potential abuse cases to RMA Regional Offices on AD-2007 | 4-RM. |
| records management | 32-AS. |
| file maintenance and disposition | 32-AS Supplement. |

2 Authority

A Public Law

ERP funding is authorized by the Extending Government Funding and Delivering Emergency Assistance Act (Pub. L. 117-43), signed on September 30, 2021.

B Federal Register Documents

Program provisions for the first phase of ERP were published in a NOFA in the Federal Register on May 18, 2022. The second phase of ERP will be published in a subsequent Federal Register document.

C Limitations

If different handbook provisions appear to apply to an issue or question, the provision that is the most restrictive on benefits or eligibility applies.

This handbook provides FSA's internal operating guidelines issued by DAFP for carrying out ERP. Handbook provisions are considered interpretive of notices and rules published in the Federal Register. Whenever an unintended conflict appears to exist between any handbook provision and the pertinent applicable provisions published in the Federal Register, the provisions published in the Federal Register will apply.

3 General Information

A Assistance

ERP provides assistance to producers with crop, tree, bush, and vine losses as a consequence of qualifying droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including polar vortex, smoke exposure, excessive moisture, and related conditions occurring in calendar years 2020 and 2021.

B Funding

The Extending Government Funding and Delivering Emergency Assistance Act, September 30, 2021 (Pub. L.117-43) authorized \$10 billion in funding for disaster assistance, including ERP, which is available until December 31, 2023.

C Website

The following website provides resources for administering ERP including program information, frequently asked questions, and contact information for policy, automation, and payment issues.

[Emergency Relief Program \(ERP\) \(usda.gov\)](https://www.usda.gov/erp)

3 General Information (Continued)

D Phases

Assistance will be administered in a two-phased approach.

Phase 1 will:

- use a streamlined application approach with prefilled application forms
- provide payments for crop, tree, bush, and vine **production** losses using data that is already on file with FSA or RMA as a result of the producer previously receiving a NAP payment or a crop insurance indemnity under certain crop insurance policies.

Phase 2 will provide assistance through a more traditional application process and will be available for:

- crop quality losses
- losses for which the producer did not have a crop insurance policy or NAP coverage for the crop and unit
- losses for which the producer had an applicable crop insurance policy or NAP coverage, but the loss was not significant enough to result in a crop insurance indemnity or NAP payment
- losses otherwise excluded in Phase 1.

Note: Applicants who receive a benefit under Phase 1 may participate under Phase 2.

3 General Information (Continued)

E Sign Up

The following table provides signup dates for ERP.

| Phase | Signup |
|--|---------------------------|
| Phase 1 for eligible producers with insured crops that received a crop insurance indemnity | May 23, 2022, through TBD |
| Phase 1 for eligible producer with NAP covered crops that received a NAP payment | TBD |
| Phase 2 | TBD |

F Modifying Provisions

Provisions in this handbook will **not** be revised without prior written approval from the National Office.

G Authorized Forms

The use of forms, worksheets, applications, or documents, other than those provided in this handbook or issued by the National Office is **not** permitted.

H Public Information

Follow instructions in 1-INFO for providing program information.

4 Responsibilities

A STC Responsibilities

Within the authorities and limitations in this handbook, STC's must:

- direct the program administration within the respective State
- ensure that FSA State and County Offices follow program provisions

* * *

- handle appeals according to 1-APP

Note: For Phase 1, appeals do not apply because a payment has not been denied.

- require reviews to be conducted by DD's to ensure that County Offices comply with program provisions

Note: STC's may establish additional reviews to ensure ERP is administered according to these provisions.

- require all applications executed by SED, State Office employees, STC members, DD's, COC members, CED's, County Office employees, and their spouses to be sent to STC, or designee, and review for completeness
- take any oversight actions necessary to ensure that PIIA provisions are met to prevent County Offices from issuing improper payments
- comply with all program provisions.

4 Responsibilities (Continued)

B SED Responsibilities

Within the authorities and limitations in this handbook, SED's will:

- ensure that County Offices follow program provisions

* * *

- handle appeals according to 1-APP

Note: For Phase 1, appeals do not apply because a payment has not been denied.

- ensure that DD's conduct reviews according to subparagraph 5 B

Note: SED may establish additional reviews to ensure ERP is administered according to these provisions.

- ensure all County Offices publicize ERP provisions
- immediately notify the National Office ERP Program Manager of software problems, incomplete or incorrect procedures, specific problems, or findings
- take any oversight actions necessary to ensure that PIIA provisions are met to prevent County Offices from issuing improper payments
- comply with all program provisions
- safeguard confidentiality of records according to 3-INFO.

4 Responsibilities (Continued)

C DD Responsibilities

Within the authorities and limitations in this handbook, DD's will:

- ensure that COC's and County Offices follow program provisions
- conduct reviews according to subparagraph 5 B
- ensure all County Offices publicize ERP provisions
- immediately notify the SED or designated State Office employee of software problems, incomplete or incorrect procedures, specific problems, or findings
- take any oversight actions necessary to ensure that PIIA provisions are met to prevent County Offices from issuing improper payments.
- fully comply with all program provisions
- ensure that CED directs the County FSA Office to follow all program provisions
- review the first 5 ERP applications filed in a Service Center, to verify that a completed and signed FSA-520 was filed by the person or authorized representative prior to payment
- handle appeals according to 1-APP

Note: For Phase 1, appeals do not apply because a payment has not been denied.

- ensure all County Offices publicize ERP provisions
- take any oversight actions necessary to ensure that PIIA provisions are met to prevent County Offices from issuing improper payments

4 Responsibilities (Continued)

C DD Responsibilities (Continued)

- ensure that FSA assists persons by providing as much program information as it can in a variety of ways.

Notes: Because of limited resources, publication may or may not be by direct mail or on an individual basis. FSA meets its publication responsibilities by making broad program announcements in the press, print and electronic media, Federal Register documents, radio and television announcements, and through posting program information in USDA Service Centers.

FSA cannot be responsible for reaching out to every potential program participant with all program information. Producers must seek information on program details and not wait for FSA to individually write or communicate with them about program provisions. As resources permit, COC will ensure that program provisions are publicized and maintain a record of all publicity efforts.

D COC Responsibilities

Within the authority and limitations in this handbook, COC's will:

- fully comply with all program provisions
- ensure that CED's fully comply with all program provisions
- handle suspected fraud cases according to applicable procedure
- ensure that for each crop and unit on a Phase 1 application for which a producer is requesting payment, the claimed share adds up to 100 percent
- handle appeals according to 1-APP

Note: For Phase 1, appeals do not apply because a payment has not been denied.

* * *

4 Responsibilities (Continued)

D COC Responsibilities (Continued)

- ensure that producers receive complete and accurate program information
- ensure that program provisions and other important items are publicized as soon as possible after information is received from the National Office, including but not limited to the following:
 - application period
 - payment limitation
 - basic participant eligibility criteria

Note: For Phase 1, COC approvals or disapprovals are not required.

4 Responsibilities (Continued)

E CED Responsibilities

Within the authorities and limitations in this handbook, CED's will:

- fully comply with all program provisions
- ensure that all County Office employees fully comply with all program provisions
 - review the first 5 ERP applications filed in a Service Center according to subparagraph 5 A, to verify that a completed and signed FSA-520 was filed by the person or authorized representative prior to payment
- conduct CED reviews according to subparagraph 5 A
 - handle appeals according to 1-APP

Note: For Phase 1, appeals do not apply because a payment has not been denied.

* * *

- immediately notify SED or State Office program specialist responsible for the administration of ERP, through DD, of software problems, incomplete or incorrect procedures, specific problems, or findings
- take any oversight actions necessary to ensure that PIIA provisions are met to prevent County Offices from issuing improper payments
- ensure that FSA assists persons by providing as much program information as it can in a variety of ways.
- safeguard confidentiality of records according to 3-INFO.

4 Responsibilities (Continued)

F PT Responsibilities

Within the authorities and limitations in this handbook, PT's will:

- fully comply with all program provisions
- immediately notify the CED of software problems, incomplete or incorrect procedures, or specific problems
- ensure that all program eligibility requirements have been met by producers before issuing any payment to ensure that PIIA provisions are satisfied
- safeguard confidentiality of records according to 3-INFO.

G Producer Responsibilities

The producer is responsible for being aware of program provisions and accurately certifying to all required information as applicable on FSA-520.

For Phase 1, producers may elect to participate by returning a completed FSA-520 to their recording county. Producers must:

- complete or have on file required forms listed in Part A of FSA-520
- certify that their loss was due, in whole or in part, to a qualifying disaster event in item 15 for insured crops and item 23 for NAP crops
- agree to linkage requirements according to paragraph 46
- if applicable:
 - complete and submit FSA-510 certifying that at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, or forestry related activities if the increased payment limitation is requested
 - certify to RMA SBI shares and obtain SBI signatures.

5 Internal Controls

A CED Reviews for Phase 1

The purpose of this review is to ensure applications and eligibility forms are completed correctly and demonstrate the County Office understands program policy and is following the policy correctly. The CED is required to review the **first 5 completed applications per Service Center** as part of their supervisory responsibility to ensure program integrity and accountability requirements are met.

Note: For Phase 2, applicants may submit documentation to support program requirements, which may not be needed for Phase 1.

Upon completion, the CED will certify to the DD or State Office designee that the first 5 completed applications have been reviewed and provide the application package for DD/State Office designee to review. The County Office may **not** issue payments until written approval is received from DD or State Office designee.

Note: The CED does not have to wait until all 5 applications have been reviewed to submit to the DD. For the first 5 applications, payment can be issued upon DD review and approval of each one. Once the first 5 applications have been reviewed and payment has been authorized by the DD, all additional applications may be processed by the County Office unless otherwise directed by the DD.

5 Internal Controls (Continued)

A CED Reviews for Phase 1 (Continued)

The following questions are for the CED to document when reviewing the first 5 applications prior to approval.

| State: _____ County: _____ | |
|---|----------------------------|
| Producer Name: _____ | |
| Application Number: _____ Application Value \$ _____ | |
| CED Application Questions | |
| 1. Did the applicant certify to an eligible disaster event as described in Part A of the FSA-520? | Yes or No |
| 2. Do all shares equal 100 percent in Part C? | Yes or No |
| 3. Did the applicant certify to linkage requirements for all crops/units listed in Parts C and D? | Yes or No |
| 4. Was valid signature authority on file for the producer who signed in item 24A of the FSA-520, if applicable? | Yes, No, or Not Applicable |
| 5. Has an FSA representative signed the FSA-520, recording their certification of completeness? | Yes or No |

5 Internal Controls (Continued)

A CED Reviews for Phase 1 (Continued)

| CED Application Questions | |
|---|----------------------------|
| <p>6. For purposes of the CED review, have the following forms been received, acted upon, and accurately recorded in the applicable software for the producer, as required?</p> <p>Note: The eligibility forms on FSA-520, Part A, are not required to be filed prior to approval, but must be filed within 60 days to comply with payment attribution and payment eligibility provisions.</p> | |
| 7. FSA-520, ERP Application | Yes or No |
| 8. AD-2047, Customer Data Worksheet (if not already on file) | Yes, No, or Not Applicable |
| 9. CCC-902, Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years | Yes or No |
| 10. CCC-901, Members Information, if applicable | Yes, No, or Not Applicable |
| 11. AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, including affiliates | Yes or No |
| 12. FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs (if applicable) | Yes, No, or Not Applicable |
| 13. CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification (if applicable). | Yes, No, or Not Applicable |
| <p>County Executive Director Review:</p> <p>County Executive Director:</p> <p>Review Completion Date:</p> | |
| <p>CED Notes:</p> | |

5 Internal Controls (Continued)

B DD Reviews for Phase 1

A DD or other employee designated by the SED will review the first 5 applications filed in a Service Center to verify that a signed FSA-520 was filed by the person or authorized representative of a legal entity.

Upon completion of the reviews, the DD or designee will provide written approval to the County Office for payments to be issued.

Note: Review may be completed and authority to process the application provided to the CED, 1 application at a time, until at least 5 have been reviewed.

The following questions are to be answered by the DD or designee to complete the first 5 reviews prior to certifying and signing payments in NPS.

| | |
|--|----------------------------|
| State: _____ County: _____ | |
| Producer Name: _____ | |
| Application Number: _____ Application Value \$ _____ | |
| DD Application Questions | |
| 1. Is the FSA-520 complete with all relevant certifications? | Yes or No |
| 2. Did the producer and applicable SBI's sign the application? | Yes or No |
| 3. Was a valid signature authority on file for the producer and SBI who signed? | Yes, No, or Not Applicable |
| 4. Has FSA Representative signed the FSA-520, recording their certification of completeness? | Yes or No |

5 Internal Controls (Continued)

B DD Reviews for Phase 1 (Continued)

| Conservation | |
|--|----------------------------|
| 5. Has AD-1026 been recorded appropriately in Subsidiary for the producer and applicable affiliates, with “certified,” “not filed,” or “awaiting affiliate certification”? (“Certified” in 2020 subsidiary is required for payment eligibility.) | Yes or No |
| 6. If affiliates with a farming interest outside of the one seeking a benefit have been identified in Block 4 of AD-1026, is there an AD-1026 certification of compliance obtained for the affiliate? | Yes, No, or Not Applicable |
| Eligibility | |
| 7. Is CCC-902 on file in the recording county and signed by the person or an authorized representative(s) of the legal entity? Note: CCC-902 must be on file for all producers who apply for programs subject to payment limitation and/or payment eligibility. | Yes or No |
| 8. Was the citizenship status for the producer (and members of a legal entity) accurately recorded in Business Partner? Note: This question identifies whether the citizenship status, as reported on AD-2047, CCC-901, or automated CCC-902 is properly recorded in the customer’s profile in Business Partner. | Yes or No |
| 9. If a manual CCC-902 was completed by a legal entity, was CCC-901 completed and signed identifying embedded entity’s member information? Note: This question identifies whether CCC-901 is completed when required. Exceptions include: 1) when all first-level members are persons; 2) the legal entity is tax exempt; and 3) an automated farm operating plan is completed through Business File. If an automated CCC-902 is on file and signed by an authorized representative for the legal entity, the requirement for having CCC-901 on file is met. | Yes, No, or Not Applicable |

| Adjusted Gross Income | |
|---|----------------------------|
| 10. If the applicant is requesting a higher payment limitation, is the FSA-510 on file in the recording county, completed and signed for all persons, legal entities, and its members. If so, are the certifications accurately recorded in Subsidiary? | Yes, No, or Not Applicable |
| District Director Review: District Director Review Completion Date | |
| DD Notes: | |

5 Internal Controls (Continued)

C Recording DD Reviews

DD review results must be recorded on the ERP internal controls SharePoint site at <https://usdagcc.sharepoint.com/sites/fsa-dafp/SND/ERP?OR=Teams-HL&CT=1653507493010¶ms=eyJBcHBOYW1lIjoiVGZhbm91bnR5b24iOjIyNy8yMjA1MDEwMTAwOSJ9>.

6 Outreach

A Conducting Program Outreach

ERP program outreach efforts require the process of expanding awareness and delivery of FSA programs and services to the widest possible customer base. Targeted program outreach activities should be presented to nonparticipating, but potentially eligible persons.

Examples of outreach and educational activities include, but are not limited to, presenting ERP information at:

- meetings
- conferences
- workshops
- expos
- field days.

County Office ERP outreach activities should be conducted with potential producers and stakeholder organizations who work with farmers and ranchers who would benefit from the program.

Examples may include:

- farmers and ranchers, including underserved producers
- land grant colleges and universities
- nonprofit community-based organizations
- agricultural associations and organizations
- other USDA and federal agencies
- COC and STC members
- Tribal, State, and local government entities.

County Office Outreach Coordinators should work closely with the State Outreach Coordinator for assistance with planning strategic targeted program outreach activities.

Program materials available for counties to use are available on the FSA Outreach Office intranet page under Program Toolkits at <https://inside.fsa.usda.gov/operations/office-of-outreach/program-toolkits/ELAP-Toolkit>.

6 Outreach (Continued)

B Tracking Program Outreach Efforts

According to 22-AO, employees must conduct outreach efforts.

SED's, DD's and COC's should ensure that program provisions are explained in all conducted outreach activities in efforts to increase program participation from producers, including underserved farmers and ranchers. All offices are required to record outreach activities in OTIS upon completion.

7 Public Information and Program Communications

A Background

Program information, including sign up and eligibility, is publicized in a variety of ways as resources allow, including but not limited to:

- press releases
- print media
- electronic media including GovDelivery newsletters, bulletins, and SMS texting
- Federal Register
- direct mailings (may be limited by FSA resource availability)
- radio and television announcements
- posting program information in the USDA Service Center.

County Offices should work closely with the State Communications Coordinator for assistance with publicizing the program with targeted media outlets and promoting through GovDelivery and other broadcast outlets.

B Agency Responsibilities

SED's, DD's, and COC's will ensure that program provisions are publicized and that offices maintain a record of the program publicity efforts, including postings in Service Centers. All public communications and media efforts should be conducted according to 1-INFO.

8 Equitable Relief and Appeals

A Equitable Relief

Equitable relief provisions in 7-CP are applicable.

B Appealable Decisions

Participants have the right to appeal when FSA has issued a determination on an application for benefits and there is a question of fact or some dispute as to the correct application of a rule, regulation, or generally applicable provision for that application. Follow 1-APP for appealable determinations.

C Nonappealable Matters

Cases that have no disputes of fact and generally applicable provisions are not appealable according to 1-APP. Nonappealable matters include, but are not limited to the following:

- responses to inquiries about eligibility
- eligibility criteria
- signature requirements
- payment calculations
- payment rates
- deadlines
- national payment factor.

Note: If a producer disagrees with the Phase 1 calculated payment or data used in the calculation, they may apply for assistance under Phase 2.

9 Misrepresentation, Scheme, or Device

A Impact or Ramification of Misrepresentation, Scheme, or Device

A person is ineligible to receive program payments for any crop year if it is determined by STC, COC, or an official of FSA that the person has:

- adopted any scheme or other device that tends to defeat the purpose of a program
- made any fraudulent representation with respect to the program
- misrepresented any fact affecting a program determination.

B Other Amounts Owed

If FSA determines that a violation according to subparagraph A occurs, the person or persons are liable for refunds with applicable interest from date of disbursement of all amounts paid to any such person or persons, applicable to all crop years.

C Joint and Several Liability

All producers sharing in payments are jointly and severally liable to refund any unearned payments.

10 NEPA Requirements**A Background**

NEPA requires that Federal agencies consider all potential environmental impacts before implementing activities that have the potential to significantly impact the human environment, all environmental processes must be fully completed before an action can be approved, and agencies must consult with and obtain comments from Federal agencies that manage or have expertise about resources that are potentially affected. FSA's environmental compliance program mission is to use all practicable means to ensure FSA compliance with all applicable environmental laws, regulations, and procedures. FSA uses an environmental review process to determine the appropriate level of NEPA analysis and documentation required.

B Programmatic Determination of Environmental Compliance

The National Office has determined that all applicable environmental review requirements are met for the program. The NOFA published in the Federal Register serves as documentation of the programmatic environmental compliance decision. County Offices are not required to complete or file FSA-850.

11 Conservation Compliance

A Applying Provisions

A program participant is subject to the applicable 6-CP conservation compliance provisions.

It is **not** necessary to delay issuing payments pending NRCS's HEL or wetland determinations. AD-1026 requires a producer to refund program payments if an NRCS determination results in the discovery of an HELC/WC violation.

12 Controlled Substance

A Applicability

Controlled substance provisions apply according to 1-CM.

13 Increased Payment for Historically Underserved Producers

A Overview

Historically underserved producers are eligible for an increase in the calculated ERP payment. Historically underserved producers include:

- socially disadvantaged farmer or rancher
- limited resource farmer or rancher
- beginning farmer or rancher
- veteran farmer or rancher.

See 1-CM for definitions of historically underserved producers.

B CCC-860

To qualify for the increased payment amount, a historically underserved farmer or rancher must have certified their status on CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification.

If not already on file, FSA will continue to accept CCC-860 from producers until the deadline announced by FSA.

Notes: If a producer files a CCC-860 after their payment is issued but before the deadline, FSA will process the CCC-860 and issue the additional payment amount.

Producers who have filed CCC-860 certifying their status as a socially disadvantaged, beginning, or veteran farmer or rancher for a prior program year are not required to submit a subsequent certification of their status since a producer's status as socially disadvantaged would not change and their certification as a beginning or veteran farmer or rancher includes the relevant date needed to determine the program years the status would apply. However, because a producer's status as a limited resource farmer or rancher may change annually depending on the producer's direct and indirect gross farm sales, those producers must submit CCC-860 for each applicable program year.

14-24 (Reserved)

Part 2 – Payment Limitation and Payment Eligibility**25 Overview****A Applicability**

This part outlines general payment eligibility requirements applicable to ERP (Phase 1 and Phase 2).

26 Payment Limitation**A Payment Limit Authority**

The Extending Government Funding and Delivering Emergency Assistance Act provides that payment limitations for ERP will be consistent with the regulations at 7 CFR Part 760.1507. In the case of specialty crops or high value crops, as determined by the Secretary, it provides that payment limitations will be consistent with the regulations at 7 CFR Part 760.1507(a)(2).

B Payment Limitation

ERP has its own per person or legal entity payment limitation separate from other programs authorized under the rule. The per person or legal entity payment limitation will be recorded through direct attribution according to 6-PL.

There will be separate payment limitations for each crop year, 2020, 2021, 2022.

The rules for applying payment limitation and attribution apply to program payments according to 6-PL and 7 CFR Part 1400. Accordingly, the rules for notification of interest, substantive change, and attribution (including common attribution) apply.

The payment limitation is \$125,000 per person or legal entity and is applied independently for both non-specialty and specialty crops. The \$125,000 limitation applies for each of the program years, 2020, 2021, and 2022 except as otherwise provided in this paragraph.

26 Payment Limitation**B Payment Limitation (Continued)**

The total amount of ERP payments that a person or legal entity (excluding general partnerships and joint ventures) may receive for non-specialty crops is \$125,000. The \$125,000 limitation will apply for each of the program years 2020, 2021 and 2022.

For non-specialty crops, an optional payment limitation of \$250,000 per program year may apply if at least 75 percent of a person's or legal entity's average AGI is derived from farming, ranching or forestry operations. The \$250,000 limitation will apply for each of the program years 2020, 2021, and 2022.

Note: Applicants, including members of legal entities, are required to complete and submit FSA-510 for determining percent of farm income, if optional payment limitation is requested. If the applicant is a legal entity, each member is responsible for providing the certification or that member's, stockholder's, or partner's share will be adjusted accordingly.

The total amount of ERP payments that a person or legal entity (excluding general partnerships and joint ventures) may receive for specialty crops or high value crops, as defined in Exhibit 2 is \$125,000. The \$125,000 limitation will apply for each of the program years 2020, 2021, and 2022 and is independent from the limitation applied to non-specialty crops.

For specialty or high value crops, an optional payment limitation of \$900,000 per program year may apply if at least 75 percent of a person's or legal entity's average AGI is derived from farming, ranching, or forestry operations. The \$900,000 limitation will apply for each of the program years 2020, 2021, and 2022 and is independent from the limitation applied to non-specialty crops.

Notes: Applicants, including members of legal entities, are required to complete and submit FSA-510 for determining percent of farm income. If the applicant is a legal entity, each member is responsible for providing the certification or that member's, stockholder's, or partner's share will be adjusted accordingly.

See Exhibit 8 for a definition of specialty crops. USDA will specifically identify high value crops during Phase 2.

Payments to a program applicant that is a joint operation, including a general partnership or joint venture, cannot exceed \$125,000, \$250,000, or \$900,000, as applicable, per person or legal entity that comprise first level ownership of the general partnership or joint venture, unless the first level member is another joint operation.

26 Payment Limitation (Continued)

C Exception to Payment Limitation

Applicants requesting an exception to the \$125,000 payment limitation for a crop year, as provided in this paragraph, must complete FSA-510 and provide a certification from a licensed CPA or attorney certifying at least 75 percent of the person's or legal entity's AGI is derived from farming, ranching, or forestry operations. Persons or legal entities who fail to provide FSA-510 and the required certification may not receive an ERP payment, directly or indirectly, of more than \$125,000. **The payment limitation exception form is optional. It is the producer's responsibility to complete and return FSA-510, with CPA or Attorney certification included, to the recording County Office.** FSA will continue to accept FSA-510's from producers until the deadline announced at a later time.

Note: If the applicant is a legal entity, each member is responsible for providing the certification or that member's, stockholder's, or partner's share will be adjusted accordingly.

Requests for an exception to the payment limitation of \$125,000 is optional to all applicants including:

- persons
- legal entities
- interest holders in a legal entity, including embedded entities to the fourth level of ownership interest, regardless of the level of interest held
- members of a general partnership or joint venture, regardless of the number of members

Note: A general partnership or joint venture is not considered to be a legal entity, such as a corporation, LLP, or LLC, for the application of the optional payment limitation provisions.

- Native Americans or tribes represented by BIA.

A CPA or attorney must complete FSA-510, Part C.

See Exhibit 7 for an example of FSA-510 and completion instructions.

Note: Do not send FSA-510 to IRS for verification of average farm AGI.

26 Payment Limitation (Continued)**D AGI**

The \$900,000 AGI provisions in 6-PL, Part 8 are not applicable.

E Definition of Average Farm AGI

Average farm AGI of a person or legal entity means income or benefits derived from the following sources:

- Production of crops, specialty crops, and raw forestry products.
- Production of livestock, aquaculture products used for food, honeybees and products produced or derived from livestock.
- Feeding, rearing, or finishing of livestock.
- Payments of benefits, including benefits from risk management practices, crop insurance indemnities, and catastrophic risk protection plans.
- Production of farm-based renewable energy.
- Sale of land that has been used for agricultural purposes.
- Sale, including easements and development rights of farm, ranch, and forestry land, water or hunting rights, or environmental benefits.
- Payments and benefits authorized under any program made available and applicable to payment eligibility and payment limitation rules.
- Rental or lease of land or equipment used for farming, ranching, or forestry operations, including water, or hunting rights.

26 Payment Limitation (Continued)**E Definition of Average Farm AGI (Continued)**

- Processing, packing, storing, and transportation of farm, ranch, or forestry commodities including renewable energy.
- Any income reported on IRS Schedule F or other schedule used by the person or legal entity to report income from such operations to the IRS.
- Wages or dividends received from a “closely held” corporation, an IC-DISC or a legal entity comprised entirely of family members may be considered farm income when the legal entity is “materially participating” in farming, ranching, or forestry activities. “Materially participating” means more than 50 percent of the legal entity’s gross receipts for each tax year are derived from farming, ranching, or forestry sources. A representative must attach a certification to form FSA-510 attesting that the legal entity “materially participates” in a farm, ranch, or forestry activity.
- Any other activity related to farming, ranching, and forestry, as determined by DAFP.

26 Payment Limitation (Continued)

F Payment Limitation Table

The following table provides payment limitation information.

| IF the applicant is a/an | AND the application is for | THEN the Payment Limit is... |
|--------------------------|---|-------------------------------------|
| Individual | non-specialty crop and the average AGI is less than 75 percent from farming, ranching, or forestry operations | \$125,000 |
| Joint Operation | | \$125,000, for each eligible member |
| Legal Entity | | \$125,000 |
| | | |
| Individual | non-specialty crop and the applicant has filed form FSA-510 certifying the average AGI is more than 75 percent from farming, ranching, or forestry operations | \$250,000 |
| Joint Operation | | \$250,000, for each eligible member |
| Legal Entity | | \$250,000 |
| | | |
| Individual | specialty and/or high value crop and the average AGI is less than 75 percent from farming, ranching, or forestry operations | \$125,000 |
| Joint Operation | | \$125,000, for each eligible member |
| Legal Entity | | \$125,000 |
| | | |
| Individual | specialty and/or high value crop and the applicant has filed form FSA-510 certifying the average AGI is more than 75 percent from farming, ranching, or forestry operations | \$900,000 |
| Joint Operation | | \$900,000 for each eligible member |
| Legal Entity | | \$900,000 |

26 Payment Limitation (Continued)

F Payment Limitation Table (Continued)

| If the applicant is a/an | AND the application is for | THEN the Payment Limit is... |
|--------------------------|--|--|
| Individual | both a specialty or high value crop and a non-specialty crop and the applicant’s average AGI is less than 75 percent from farming, ranching, or forestry operations | <ul style="list-style-type: none">• \$125,000 for non-specialty• \$125,000 for specialty or high value. |
| Joint Operation | | <ul style="list-style-type: none">• \$125,000 for non-specialty per member• \$125,000 for specialty or high value per member. |
| Legal Entity | | <ul style="list-style-type: none">• \$125,000 for non-specialty• \$125,000 for specialty or high value. |
| | | |
| Individual | both a specialty or high value crop and a non-specialty crop and the applicant filed form FSA-510 certifying average AGI of more than percent from farming, ranching, or forestry operations | <ul style="list-style-type: none">• \$250,000 for non-specialty• \$900,000 for specialty or high value. |
| Joint Operation | | <ul style="list-style-type: none">• \$250,000 for non-specialty per member• \$900,000 for specialty or high value per member. |
| Legal Entity | | <ul style="list-style-type: none">• \$250,000 for non-specialty• \$900,000 for specialty or high value. |

Note: USDA will specifically identify high value crops during ERP Phase 2.

26 Payment Limitation (Continued)

G Payment Limitation Examples**Example 1: Producer applies for non-specialty crop and does not request the payment limitation exception.**

Mr. Michaels submits an FSA-520 for peanuts. In addition, although not required, Mr. Michaels files form FSA-510 certifying less than 75 percent of his average AGI was derived from farming, ranching, or forestry operations. Mr. Michaels' payment limitation is \$125,000.

We R Hungry, is a general partnership with three first-level members, all of whom are individuals. An FSA-520 is submitted for the partnership for corn. No member completed an FSA-510. The payment limitation is \$125,000 for each member.

Example 2: Producer applies for non-specialty crops and requests the payment limitation exception.

Mr. DeVille submits an FSA-520 for cotton and files an FSA-510 certifying more than 75 percent of his average AGI was derived from farming, ranching, or forestry operations. Mr. DeVille's payment limitation is \$250,000.

Just Do It, a general partnership with two first level members who are individuals. An FSA-520 is submitted for the partnership for wheat with an intended use of grain. Both members file an FSA-510 certifying more than 75 percent of their average AGI was derived from farming, ranching, or forestry operations. The payment limitation is \$250,000 for each member.

Example 3: Producer applies for specialty or high value crops and does not request the payment limitation exception.

Mr. Dall, an individual, submits an FSA-520 for fresh strawberries. Mr. Dall does not complete an FSA-510. Mr. Dall's payment limitation is \$125,000.

Koala Farms, a general partnership with four first level members, 3 individuals and 1 joint venture with a husband and wife as the only members. The partnership submits an FSA-520 for apples with an intended use of processed. No member submitted an FSA-510. The payment limitation is \$125,000 for each of the 3 first-level individual members, and \$125,000 for each of the 2 members of the embedded joint venture.

26 Payment Limitation (Continued)

G Payment Limitation Examples (Continued)**Example 4: Producer applies for specialty or high value crops and requests the payment limitation exception.**

Mr. Rockett, an individual, submits an FSA-520 for pecans. He files an FSA-510 certifying more than 75 percent of his average AGI was derived from farming, ranching, or forestry operations. Mr. Rockett's payment limitation is \$900,000.

Taste of the Southwest, a corporation, submits an FSA-520 for green chili peppers with an intended use of fresh and red chili peppers with an intended use of processed. The corporation files an FSA-510 certifying more than 75 percent of the average AGI was derived from farming, ranching, or forestry operations. The corporation's payment limitation is \$900,000.

Example 5: Producer applies for both non-specialty and specialty or high value crops and requests the payment limitation exception.

Completely Nuts submits an FSA-520 for peanuts (non-specialty) and pecans (specialty). Completely Nuts is a general partnership made up of 4 first-level members:

- Individual A – filed an FSA-510 certifying more than 75 percent of their average AGI was derived from farming, ranching, or forestry operations
- Individual B – did not file FSA-510
- Corporation C - filed FSA-510 certifying more than 75 percent of the entity's average AGI was derived from farming, ranching, or forestry operations
- Joint Venture D made up of Brother A and Brother B
 - Brother A – filed FSA-510 certifying 75 percent of his average AGI was derived from farming, ranching, or forestry operations
 - Brother B – no FSA-510 filed.

26 Payment Limitation (Continued)

G Payment Limitation Examples (Continued)

Payment limitation is applied as follows:

- Individual A: \$250,000 for non-specialty and \$900,000 for specialty
- Individual B: \$125,000 for non-specialty and \$125,000 for specialty
- Corporation C: \$250,000 for non-specialty and \$900,000 for specialty
- Joint Venture D: payment limitation does not apply to joint ventures
 - Brother A: \$250,000 for non-specialty and \$900,000 for specialty
 - Brother B: \$125,000 for non-specialty and \$125,000 for specialty.

Crazy Acres, LLP submits an FSA-520 for coffee (specialty), and corn (non-specialty). Crazy Acres, LP filed an FSA-510 certifying more than 75 percent of the LP's average AGI was derived from farming, ranching, or forestry operations. Payment limitation of \$250,000 for non-specialty and \$900,000 for specialty apply to Crazy Acres LP.

Note: When an applicant submits an ERP application with a combination of non-specialty and specialty, or high value crops the payment limitation for non-specialty crops and the payment limitation for specialty or high value crops are applied independently.

Example 6: Producer applies for both non-specialty and specialty, or high value crops and does not request the payment limitation exception.

Dill With It Farms, LLC submits an FSA-520 for cucumbers(specialty) and wheat (non-specialty) and does not file an FSA-510. Payment limitation is \$125,000 for non-specialty and \$125,000 for specialty.

26 Payment Limitation (Continued)**H Recording ERP Payment Limitation Exception**

The payment limitation is \$125,000 per person or legal entity (direct attribution applies), unless the producer applying requests the optional payment limitation according to subparagraph C. When applicable, the person's or legal entity's web-based subsidiary record must be completed according to 3-PL (Rev. 2), paragraph 43. The person's or legal entity's payment limitation record will be automatically updated based on the web-based subsidiary record.

As each payment is processed, the available payment limitation for the person or legal entity will be reduced until all:

- ERP payments are issued for the person or legal entity
- the maximum payment limitation has been attributed to a person or legal entity

27-44 (Reserved)

Part 3 - Phase 1

Section 1 General Provisions

45 General Eligibility

A Overview

The provisions in this part apply to Phase 1.

B Qualifying Disaster Events

To be eligible for assistance, a producer must have had a crop, tree, bush, or vine loss due to a qualifying disaster event. A qualifying disaster event includes the events and related conditions listed in the table below that occurred in calendar years 2020 and 2021.

| Qualifying Disaster Event | Related Condition |
|--------------------------------|--|
| Qualifying Drought <u>1</u> / | |
| Derecho | Excessive wind |
| Excessive Heat | |
| Excessive Moisture | |
| Flooding | Silt or debris that occurred as a direct or proximate result of flooding |
| Freeze, including polar vortex | |
| Hurricanes (must be named) | Excessive wind, storm surges, tornado, tropical storm, tropical depression |
| Smoke exposure | |
| Wildfire | |
| Winter Storm | Excessive wind, blizzard |

1/ Qualifying drought means an area within the county was rated by the U.S. Drought Monitor as having a drought intensity of D2 (severe drought) for eight consecutive weeks or D3 (extreme drought) or higher level for any period of time during the applicable calendar year.

Note: A list of counties that experienced qualifying droughts in calendar years 2020 and 2021 is available at <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>.

45 General Eligibility (Continued)**C Related Conditions**

Related conditions are damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. Related conditions include but are not limited to the related conditions identified in subparagraph B.

Example 1: A named hurricane makes landfall, becomes a tropical storm, and later becomes a tropical depression. Losses due to the tropical storm and tropical depression would be eligible.

Example 2: A wildfire occurred in September. Subsequent rains caused a mudslide in November which destroyed the crop. The mudslide is not a related condition of the wildfire and therefore the loss is not eligible.

D Qualifying Loss

The loss must be due, in whole or in part, to a qualifying disaster event or related condition in calendar years 2020 and 2021.

If a crop suffered a loss due to a qualifying disaster event:

- all acreage in the unit is eligible
- other eligible causes are included in the loss.

45 General Eligibility (Continued)

E Other Eligible Causes of Loss

A producer must have suffered a loss that was caused, in whole or in part, by a qualifying disaster event. Because the amount of loss due to a qualifying disaster event cannot be separated from the amount of loss caused by other eligible causes of loss, the payment will be based on the producer's total loss due to all eligible causes of loss (qualifying disaster events and other eligible causes of loss).

Other eligible causes of loss include:

- for insured crops, eligible causes of loss identified under the crop insurance policy
- for NAP and uninsured crops, eligible causes of loss defined in 1-NAP (Rev. 2).

Note: Other eligible causes of loss are only eligible provided the same crop and unit also suffered a loss due to a qualifying disaster event or related condition.

Example 1: Soybeans in a 100-acre unit suffered a loss. Sixty acres of soybeans were affected by flooding while the other 40 acres were affected by hail. Hail is not a qualifying disaster event but is an eligible cause of loss that was indemnified. Because part of the soybeans in the unit suffered a loss due to a qualifying disaster event (flooding), the losses due to hail are also eligible. As a result, all 100 acres in the unit are eligible.

Example 2: Drought caused losses to 100 acres of wheat in a 300-acre unit. The remaining 200 acres suffered losses due to excessive heat. The drought was not a qualifying drought (D2 for eight consecutive weeks or D3 or higher); however, because part of the wheat in the unit suffered a loss due to a qualifying disaster event (excessive heat), the losses due to drought are also eligible.

Example 3: A wildfire damaged 10 acres of strawberries in a 50-acre unit. The remaining 40 acres of strawberries were damaged by a tornado. Because part of the strawberries in the unit suffered a loss due to a qualifying disaster event (wildfire), all 50 acres of strawberries in the unit are eligible and the losses caused by the tornado are included when calculating the loss.

Example 4: A hailstorm caused damage to a 160-acre corn unit. Because there was no qualifying disaster event on the unit of corn, the losses due to hail are not eligible for a payment.

45 General Eligibility (Continued)**F Ineligible Causes of Loss**

ERP will not pay on losses due to ineligible causes of loss.

Note: For Phase 1, ineligible causes of loss were accounted for in the crop insurance indemnity and NAP payment. No further reductions to Phase 1 payments are required.

G Year of Loss

Assistance may be provided for losses to 2020, 2021, or 2022 crops depending on the coverage period for the crop in effect on the date of the disaster. To be eligible, the qualifying disaster event that caused the loss must have occurred in calendar years 2020 or 2021.

Example1: Insured winter wheat was planted in November 2021. The 2022 crop insurance coverage began when the wheat was planted. The wheat suffered losses due to a winter storm in December 2021. Because the qualifying disaster event occurred during calendar year 2021 and the crop year 2022 insurance was in effect on the date of the winter storm, the year of loss for the wheat is 2022.

Example 2: Insured winter wheat was planted in November 2021. The 2022 crop insurance coverage began when the wheat was planted. The wheat suffered losses due to a winter storm in January 2022. While the year of loss is 2022 based on the coverage period in effect on the date of the disaster, because the qualifying disaster event did not occur in calendar year 2021, it is not eligible.

45 General Eligibility (Continued)

H Eligible Producer

Eligible producer means, in addition to other eligibility requirements as may apply, an individual or legal entity that is entitled to an ownership share and is at risk in the crop, production, and marketing associated with the agricultural production of crops on the farm and is any of the following:

- a United States citizen
- resident alien, which means “lawful alien” for purposes of this program
- a partnership consisting solely of citizens of the United States or resident aliens
- a corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the US or resident aliens.

Note: States, including, agencies, divisions, and political subdivisions thereof, as defined in 6-PL are eligible, provided no members are foreign persons.

- Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)

Notes: Landowners, landlords, tenants, contract growers, or anyone else not having both a share of the risk and a valid claim of share ownership of a crop are ineligible for assistance for that crop.

A producer determined ineligible for NAP or crop insurance is also ineligible for ERP. The determination of ineligibility is applicable to the year in which the determination is made.

45 General Eligibility (Continued)**I Ineligible Producer**

The following persons or legal entities are **ineligible**:

- persons or legal entities who did not have a reported ownership interest in any of the designated commodities
- persons and legal entities that have been suspended or debarred or otherwise excluded from participating in Federal programs (1-CM, paragraph 823)
- persons and legal entities that do not meet payment limitation, payment eligibility and HELC/WC requirements.

J Deceased Producers

If an application involving a deceased individual or closed estate is signed by an authorized individual, payments will be issued using the TIN of the eligible individual or individual's estate, as applicable.

Note: See 1-CM for guidance on deceased, missing or incompetent producers.

K Dissolved Entities

If a producer is a general partnership or joint venture that was dissolved, all members of the general partnership or joint venture at the time of dissolution, or their representatives must sign the application and required forms.

Note: See 1-CM for guidance on dissolved entities.

L Eligible Crops

Eligible crops include the following, unless otherwise specified as ineligible according to subparagraph K:

- crops for which federal crop insurance is available
- crops eligible for NAP according to 1-NAP (Rev. 2)

Eligible crops are crops that were planted or prevented from being planted.

45 General Eligibility (Continued)**M Ineligible Crops**

Ineligible crops include:

- crops for which federal crop insurance or NAP is not available
- crops intended for grazing
- volunteer crops
- experimental crops
- by-products, such as cotton seed
- first year seeding of forage crops
- tobacco, grown in a county where insurance is not available.

N Eligible Trees, Bushes and Vines

ERP uses the same definition of trees, bushes and vines used in TAP.

Tree means a tall, woody plant having comparatively great height, and a single trunk from which an annual crop is produced for commercial market for human consumption, such as a maple tree for syrup, or papaya or orchard tree for fruit. It includes immature trees that are intended for commercial purposes.

Bush means, a low, branching, woody plant, from which at maturity of the bush, an annual fruit or vegetable crop is produced for commercial market for human consumption, such as a blueberry bush. The definition does not include plants that produce a bush after the normal crop is harvested, such as asparagus.

Vine means a perennial plant grown under normal conditions from which an annual fruit crop is produced for commercial market for human consumption, such as grape, kiwi, or passion fruit, and that has a flexible stem supported by climbing, twining, or creeping along a surface.

Note: Nursery stock, perennials that are normally propagated as annuals such as tomato plants, biennials such as strawberry plants, and annuals such as pumpkin, squash, cucumber, watermelon, and other melon plants, are excluded from the term vine.

45 General Eligibility (Continued)**O Ineligible Trees, Bushes and Vines**

The following trees, bushes and vines are not eligible:

- trees grown for pulp or timber
- other trees, bushes, or vines not grown for commercial production of annual crops
- cucurbits (such as melon, pumpkin, squash, cucumbers) and pineapple
- perennial plants that are harvested for edible roots, such as ginseng or ginger are not eligible under the tree, bush and vine provisions but may be considered under production losses
- abandoned groves
- banana and plantain plants.

Note: Nursery crops are eligible for ERP as a crop rather than as trees, bushes, and vines.

46 Linkage Requirement

A Rule

As a condition of payment eligibility, producers must obtain crop insurance or NAP coverage, as applicable and if available, for the crop, tree, bush, or vine.

Crop insurance or NAP coverage must be obtained for the next 2 available crop years. The next 2 available crop years will be determined from the date a producer receives an ERP payment and may vary depending on the timing and availability of coverage.

The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year.

Note: See subparagraph D for guidance on determining the next 2 available crop years for linkage purposes.

Determine the coverage a producer must obtain to meet linkage according to the following table:

| IF the producer has received program benefits... | THEN for linkage, the producer is required to obtain... |
|---|---|
| on an insurable crop | crop insurance at 60/100 coverage level or higher. |
| on a NAP-eligible crop | NAP at the basic 50/55 (catastrophic) level of coverage or higher. |
| on a NAP eligible crop, but the producer is ineligible for NAP because they exceed AGI for an applicable linkage year | NAP at the basic 50/55 level regardless of the producer's ineligibility to receive a NAP payment or WFRP. |
| on a Pasture Rangeland and Forage, Annual Forage, or WFRP policy | the same type of policy or a combination of individual policies for the crops with covered losses under ERP |
| on a crop insured under both a WFRP and Multi Peril Crop Insurance policy | WFRP and crop insurance at the minimum level of coverage or higher |

46 Linkage Requirement (Continued)

A Rule (Continued)

If program benefits were received on a:

- NAP crop and crop insurance becomes available for this crop in a linkage year, the producer is required to obtain crop insurance at a level of coverage at 60/100 or equivalent.
- insured crop and crop insurance is **not** available for this crop in a linkage year, the producer is required to obtain NAP at the basic 50/55 level of coverage, including paying the applicable service fee and filing annual acreage and production reports.

The linkage requirement applies to the producer's interest in the crop, tree, bush, or vine in the county that received benefits as outlined in the following table.

| IF the crop was... | THEN coverage must have been obtained... |
|---------------------------|--|
| An insured crop | in the physical location county of the crop, tree, bush, or vine that received benefits. |
| A NAP-covered crop | in the administrative county of the crop, tree, bush, or vine that received benefits. |

46 Linkage Requirement (Continued)

A Rule (Continued)

Example 1: Administrative County A covers 2 physical counties (County A and County B). A producer received ERP benefits on an insured crop that suffered an eligible loss in County A during the disaster year. Crop insurance linkage applies to County A. The producer is not required to purchase crop insurance for County B.

Example 2: Administrative County A covers 2 physical counties (County A and County B). A producer received ERP benefits on an insured crop that suffered an eligible loss in both counties. Crop insurance linkage applies to both County A and County B.

If an applicant or entity quits farming, dissolves, or a member leaves an entity and begins farming under a different TIN, linkage can be met for the applicant if the majority share of the persons receiving an ERP payment met linkage.

Example: Jig-N-Pig Farms consisted of 4 members with each having a 25 percent share in the entity. Jig-N-Pig Farms received ERP benefits for 2021 crop losses. Subsequently, member A decided to leave the entity and farm as an individual. The remaining members continue to operate the entity. The entity is required to meet linkage since the majority share of the members that received the ERP payment are still farming. However, the former member A, farming as an individual, is not required to obtain insurance coverage for Jig-N-Pig Farm's linkage requirement.

By signing the ERP application, producers:

- agree to purchase crop insurance or NAP as applicable for the crop, at the 60/100 coverage level or higher for insured crops; or at the basic 50/55 (catastrophic) coverage level or higher for NAP crops for the next 2 available crop years
- agree to pay any service fees, administrative fees, and premiums associated with such coverage
- acknowledge that if they fail to meet the linkage requirement, they must refund their ERP benefits.

46 Linkage Requirement (Continued)

B Linkage Not Required

Linkage is not required when an:

- applicant quits farming or an applicant entity completely dissolves, and the majority share of the members are not farming under a new TIN

Example 1: Producer A received ERP benefits for 2021 crop losses. Producer A retired from farming in 2023. Because Producer A is no longer farming, there are no linkage requirements that must be met.

Example 2: ABC Farms suffered a loss to its peanut crop in 2021 and received a Phase 1 payment in July 2022. ABC Farms obtained insurance at the 75/100 level for the 2023 crop year. At the end of the harvest season, the members decide to dissolve the entity. ABC Farms will no longer be in existence and is not required to purchase insurance for peanuts in 2024 for linkage purposes.

- applicant does not plant the crop (or any crop in the pay group) during 1 or more of the required linkage years.

Note: This applies only for the year the crop was not planted.

Example 1: Producer B received an ERP payment for 2021 losses on pumpkins. Beginning in 2023, the producer made a management decision to no longer plant pumpkins. Since Producer A is no longer planting pumpkins, Producer A is not required to meet linkage.

Example 2: Producer C received ERP benefits on 2021 wheat losses. Producer B planted wheat in 2023 and purchased a wheat policy with a coverage level of 75/100. Producer B did not plant wheat in 2024. Since Producer B did not plant wheat in 2024, linkage is not required for that year. Producer B met the linkage requirement by purchasing coverage in 2023, which was the only linkage year the crop was planted.

- applicant received a payment for a tree, bush, or vine that is not insurable in the required linkage years.
- crop insurance or NAP coverage is no longer available for the crop, tree, bush, or vine.

46 Linkage Requirement (Continued)**C Linkage Within a Pay Group**

Linkage will apply to each pay group receiving ERP payment. Pay group means the level at which the indemnity or NAP payment is calculated.

The pay group for:

- insured crops, is the crop policy, with some exceptions (when the indemnity is determined at a level lower than the crop policy)
- NAP crops is Pay Crop, Pay Crop Type, Planting Period.

Example: Producer D received 2020 ERP benefits on dry beans. Producer D had a loss on kidney beans in the disaster year but did not plant kidney beans in any of the possible linkage years. However, Producer D planted pinto beans. Kidney beans and pinto beans are in the same pay group. Although Producer D did not plant kidney beans, Producer D planted a crop in the same pay group for which ERP benefits were paid. Therefore, Producer D is required to meet linkage on the pinto beans.

When a crop has multiple planting periods and:

- the producer experiences a loss during one planting period, linkage will apply only to planting period for which ERP benefits were paid

Example: Spinach has 2 planting periods and Producer E planted and had a loss only in planting period 2. Linkage will apply only to planting period 2.

- a producer planted a crop in multiple planting periods but only received ERP benefits for the crop planted in one planting period, linkage will only apply to the planting period for which ERP benefits were paid.

Example: Beets has 3 planting periods and Producer F planted in all 3 planting periods but had a loss and received ERP benefits only for planting period 3. Linkage will only apply to planting period 3.

46 Linkage Requirement (Continued)**D Linkage Years**

Depending on the date a producer receives an ERP payment, and the applicable application or sales closing date for the crop, the next 2 available crop years may be any of the following:

- 2023 and 2024
- 2024 and 2025
- 2025 and 2026.

All producers and all crops will be subject to verification of proper coverage requirements. For crops that received payments and are no longer insurable or are unable to obtain NAP, the producer must obtain WFRP.

If the linkage requirement is not met, producers will receive a letter requesting a refund of ERP benefits.

Example 1: Producer G received ERP benefits for 2021 wheat losses and received an ERP payment in June of 2022. The sales closing date to purchase insurance for the 2023 crop year is September 30, 2022, in the producer's State. Based on the date Producer G received ERP benefits, and the sales closing date for the crop, the next 2 available crop years for Producer G are 2023 and 2024.

Example 2: Producer H received an ERP payment on 2020 avocado losses in July 2022. The application closing date for NAP for avocados is January 1, 2023, for the 2024 crop year. Therefore, the next 2 available crop years to obtain NAP coverage are 2024 and 2025.

46 Linkage Requirement (Continued)**E NAP Coverage**

To meet the linkage requirement for NAP eligible crops, the producer must:

- file CCC-471 and obtain NAP basic 50/55 coverage, including paying the applicable service fee and filing annual acreage and production reports.

Note: Paying a NAP service fee alone without filing an acreage report and completing all necessary requirements to obtain NAP coverage will not satisfy the linkage requirement.

- pay the associated premium if NAP buy-up coverage is obtained.

F Federal Crop Insurance Coverage

Crop insurance policies reinsured by FCIC, including WFRP and written agreements, will meet the linkage requirement if crop insurance is obtained at the 60/100 level of coverage available or higher.

46 Linkage Requirement (Continued)

G Refund of Program Payment

A participant not meeting linkage requirements must repay the amount of the payment for the crop not meeting linkage plus applicable interest. The County Office will immediately notify the producer in writing of the noncompliance.

The notification letter will include the following:

- notification that the participant did not comply with linkage requirement
- factors reviewed or considered in making the determination
- the dollar amount to be refunded, plus interest
- if applicable, an explanation of the exception to the finality rule
- copy of application
- Federal Register and handbook references
- applicable appeal rights according to 1-APP.

47 Phase 1 Process**A Overview**

Phase 1 is intended to expedite assistance to producers who received a crop insurance indemnity or NAP payment through a more streamlined application approach and will:

- use data already on file with RMA and FSA through the producer's participation in crop insurance or NAP
- pay for qualifying crop, tree, bush, or vine **production** losses.

Note: Some quality losses may be included in Phase 1 payments if the crop insurance indemnity or NAP payment was adjusted for quality.

B Eligible Producers

Phase 1 is available to eligible producers that:

- suffered a crop production loss or a loss to trees, bushes, or vines due in whole or in part to qualifying disaster events or related conditions in calendar years 2020 and 2021, and
- received a crop insurance indemnity or NAP payment for those losses.

Phase 1 payments are limited to certain crop insurance policies and NAP payments. See:

- paragraph 48 for eligible producers and policies for RMA Phase 1 payments
- paragraph 49 for eligible NAP Phase 1 payments.

47 Phase 1 Process (Continued)

C Application Process

Producers will be provided an FSA-520 that has been pre-filled with information based on crops for which a crop insurance indemnity was paid, or NAP payment was issued due to losses occurring during calendar year 2020 or 2021.

- Producers may elect to receive payment for specified crops/units listed on the application.

Notes: Producers may elect **not** to receive Phase 1 payment for a crop and unit or all crops and units and still apply under Phase 2.

Producers electing to receive Phase 1 payments may still apply under Phase 2 for losses that were not significant enough to result in a crop insurance indemnity or NAP payment and/or for which quality losses occurred that were not compensated in the indemnity or NAP payment.

- Producers will complete and submit applications according to paragraph 65.
- There is **no** review or action required by COCs for Phase 1 applications.

D Producer Certification

Receipt of a Phase 1 application is not confirmation that the producer is eligible to receive an ERP payment. Phase 1 payments are based on producer certification.

Producers electing to receive Phase 1 payments **must**:

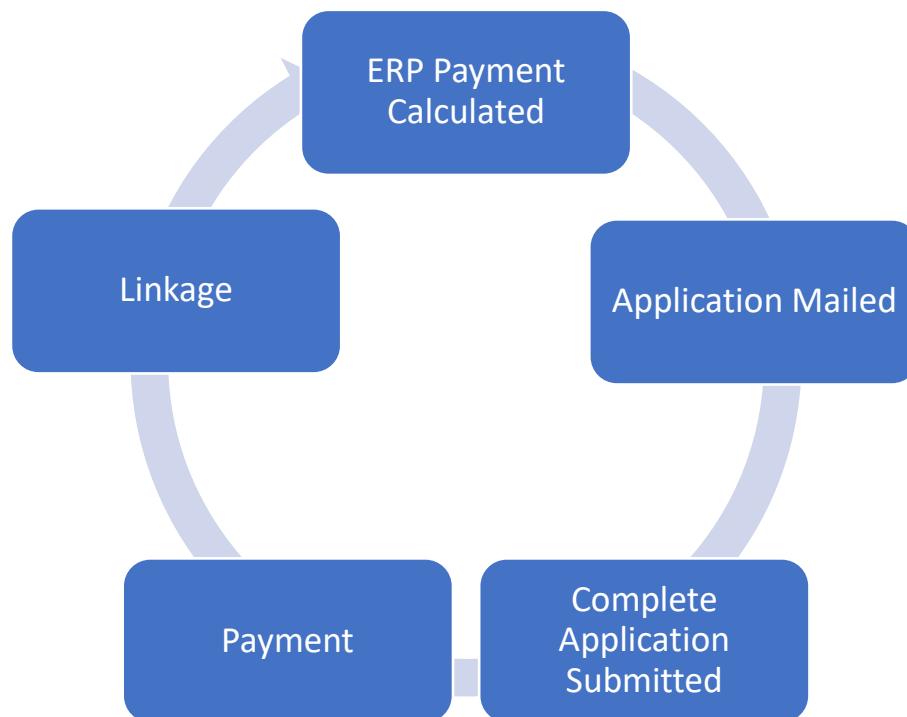
- certify that the calculated RMA indemnity or NAP payment received was due, in whole or in part, to a loss of production caused by a qualifying disaster event or related condition occurring in calendar years 2020 or 2021
- agree to purchase crop insurance or NAP coverage, as applicable, for the crop at a 60/100 coverage level or higher for insured crops or at the basic 50/55 (catastrophic) level or higher for NAP crops, for the next 2 available crop years

47 Phase 1 Process (Continued)

E Lifecycle

The lifecycle for Phase 1 is as follows:

- ERP payment is calculated using existing RMA or NAP data
- application is mailed to producer
- producer submits a complete application
- ERP payment is issued
- producer is required to meet linkage by purchasing crop insurance or NAP, as applicable, for the crop in the next 2 available crop years.



48 Payments Based on RMA Data

A Eligible Producers

Eligible producers include the following:

- producers with a CCID that are primary policy holders of an FCIC reinsured policy
- producers with a CCID that are listed as SBI to a primary policy holder if the producer is one of the following RMA entity types:
 - individual operating as a business
 - spousal/married
 - landlord/tenant
 - revocable trust
 - *--transfer of right to indemnity--*

Example: A producer has a crop insurance policy for 100 percent share of sunflowers. FSA records indicate that the producer farms with a 30 percent share of the crop while his spouse has a 20 percent share, and the landlord has a 50 percent share. In addition to the producer, the names of the spouse and the landlord will be included on the FSA-520 because they are both eligible RMA entity types with Substantial Beneficial Interest to the primary policyholder. It is the responsibility of the primary policy holder to designate the appropriate shares for the unit and crops that suffered a qualifying loss. FSA will process the application by entering the shares in the software and distribute the Phase 1 payments, provided the producer, spouse and landlord each agree to the share designation and linkage requirements by signing the application.

Notes: Other SBI entity types not paid under Phase 1 may be eligible under Phase 2.

Insured producers in Puerto Rico are not included in Phase 1 but may be eligible for Phase 2.

48 Payments Based on RMA Data (Continued)

B Eligible Policies

The following RMA plans are eligible for Phase 1 payments:

| Plan Code | Plan Name |
|-----------|--|
| 01 | Yield Protection |
| 02 | Revenue Protection |
| 03 | Revenue Protection – Harvest Price Exclusion |
| 04 | Area Yield Protection |
| 05 | Area Revenue Protection |
| 06 | Area Revenue Protection with Harvest Price Exclusion |
| 13 | Rainfall Index |
| 21 | Production and Revenue History Yield Protection |
| 22 | Production and Revenue History Plus |
| 23 | Production and Revenue History Revenue |
| 35 | STAX |
| 36 | STAX – Harvest Price Exclusion |
| 40 | Tree Based Dollar Amount of Insurance |
| 41 | Pecan Revenue |
| 43 | Aquaculture Dollar Plan |
| 47 | Actual Revenue History |
| 50 | Dollar Amount of Insurance |
| 51 | Fixed Dollar Amount of Insurance |
| 55 | Yield Based Dollar Amount of Insurance |
| 76 | Whole Farm Revenue Protection |
| 90 | Actual Production History |

48 Payments Based on RMA Data (Continued)

B Eligible Policies (Continued)

Supplemental policies that provide additional coverage to an RMA plan eligible in Phase 1 will be used to calculate the ERP factor and payment amount. Supplemental policies eligible for Phase 1 payments include:

| Plan Code | Plan Name |
|-----------|---|
| 16 | Margin Protection |
| 17 | Margin Protection with Harvest Price Option |
| 31 | SCO – Yield |
| 32 | SCO – Revenue |
| 33 | SCO – Revenue with Harvest Price Exclusion |
| 35 | STAX |
| 36 | STAX – Harvest Price Exclusion |
| 37 | HIP-WI (Hurricane - Wind Index) |
| 87 | ECO – Yield |
| 88 | ECO – Revenue |
| 89 | ECO – Revenue with Harvest Price Exclusion |

Note: Supplemental policies will not be listed separately on the FSA-520.

C Prevented Planted Crops

For crops prevented from planting for which the insured producer does not have an adequate history of eligible PP acreage, RMA uses acreage from another crop insured for the current crop year for which the producer has remaining eligible PP acreage. When an insured producer does not have adequate history of eligible PP acreage, the crop and unit listed on the FSA-520 may reflect any of the following:

- the original crop, which was prevented from planting,
- the eligible crop used to make the PP payment
- both the original crop and the eligible crop.

Example: A producer intended to plant 100 acres of soybeans but was prevented from planting all acres due to a qualifying disaster event. The producer's soybean PP coverage and APH is based on a history of planting 60 acres of soybeans. The first 60 acres of PP is paid based on the soybean history. The producer has sufficient wheat history to cover the balance of the PP soybean acres, so the remaining PP indemnity is paid based on wheat history.

The FSA-520 will display calculated payments for both soybeans and wheat, even though wheat was not reported to FSA as a PP crop. It is the responsibility of the producer to review the information on the FSA-520 and determine what crops meet program requirements.

48 Payments Based on RMA Data (Continued)**D Double Cropped Acres**

RMA double-cropping eligibility is based on producer history, not on FSA approved double-crop combinations. A producer may meet RMA double crop eligibility in non-FSA approved counties. Likewise, a producer may have an FSA-approved double crop practice but not meet RMA double crop eligibility.

Phase 1 payments are made based on RMA double-cropping rules. In some circumstances this may result in Phase 1 payments being made on crops which would not otherwise be eligible under other FSA programs.

E Payment Information

RMA will calculate ERP Phase 1 payments for insured crops using an ERP factor based on the producer's level of coverage and the loss procedures applicable to the coverage purchased. RMA will provide the calculated payment amount to FSA.

Data used as the basis for the payment calculation will not be available to County Offices. County Offices should refer producers to their crop insurance agent for any questions concerning the calculated payment.

49 Payments Based on NAP Data**A Overview**

Phase 1 will apply to producers with eligible NAP-covered crops for which NAP applications for payment have been approved for losses that were incurred due to a qualifying disaster event in calendar years 2020 or 2021

B NAP Crops Included on the Application

NAP crops included on the application will include pay groups that meet the following conditions:

- the crop must have an approved application for payment according to provisions in 1-NAP (Rev. 2)
- the gross calculated payment for the pay group for which the NAP application for payment was filed exceeded \$0
- premiums were paid, if required, for the affected pay group.

Note: In order to receive payment on a pay group, the cause of loss must have been due in whole or in part to a qualifying disaster event, according to subparagraph 45 D.

49 Payments Based on NAP Data (Continued)**C NAP Crops Excluded in Phase 1**

The following NAP producers or crops are excluded:

- pay group does not meet the requirements in subparagraph B
- crop with outstanding premium receivables
- producers who submitted an application for payment, but the gross payment for the entire pay group was calculated to zero dollars.

Example 1: Sydney obtained 60/100 coverage on winter wheat for forage for crop year 2020. After submitting an application for payment, it was determined the crop suffered a 15 percent production loss due to drought on the crop. The loss incurred did not exceed the NAP coverage level. Therefore, the loss was too shallow to generate a NAP payment, and the gross calculated payment for the pay group was \$0. The crop is ineligible for Phase 1.

Example 2: Chris received a NAP payment for losses on green beans and garbanzo beans. The green beans experienced a loss and resulted in a payment of \$30,000, while the garbanzo beans had a shallow loss and did not result in a payment greater than \$0 for the crop type. Because the crops are in the same pay group, a Phase 1 payment will be calculated for both crops.

49 Payments Based on NAP Data (Continued)**D Payment Information**

The payment will include a credit for all premiums and fees paid for the respective coverage year. The premiums and fees will reduce the NAP payment and be applied at the end of the payment calculation as shown in paragraph 85. However, the premiums and fees deducted from the NAP payment, in the payment formula, will never exceed the amount of the total NAP payment received for the pay group. Because the premiums and fees cannot be separated by pay group, all premiums and service fees will be included in the payment calculation if the producer obtained NAP coverage on more than one crop. Further detail about how premiums and fees will be considered in the ERP payment calculation, see paragraph 85.

Example: Caroline's 2020 NAP payment was \$1,500. The total premiums and fees paid were \$1,825. After subtracting premiums and fees, the net NAP payment would result in a negative value. In these instances, \$0 will be used for service fees and premiums in the payment calculation.

For crops that received a NAP payment for both planted and prevented planted acres, the payments will not offset each other.

Note: Although NAP software allows users to manually update SDA status, producers must have the CCC-860 value updated in the Subsidiary software to receive an ERP payment calculated using the HUP factor.

Payments made for NAP-covered crops based on a production loss will offset payments made as the result of a value loss when the crops are in the same pay group.

Example: Alicia has NAP coverage on both ginseng intended for fresh (a value loss crop) and seed (a yield-based crop). A NAP payment was received for both intended uses. Since the crops are in the same pay group, the loss payments will offset.

See subparagraph 85 H for NAP payment calculation examples.

50-64 (Reserved)

Section 2 ERP Application

65 Applying for ERP Phase 1

A Application Distribution

FSA and RMA will identify producers eligible to apply for ERP Phase 1 based on the criteria described in paragraphs 48 and 49. For each producer identified, FSA will generate an FSA-520 with certain items pre-filled with information already on file with USDA. A separate application will be generated for each applicable crop year.

ERP Phase 1 excludes losses to aquacultural species that were compensated under ELAP to avoid providing duplicate benefits.

Note: A letter will be sent with the application(s) explaining the Phase 1 process. See Exhibit 30 for a sample of the letter that will be sent to producers with insured crops.

B Application Process

Receipt of a pre-filled application form is not a confirmation that the producer, crop, or unit is eligible to receive an ERP Phase 1 payment.

To receive a payment, the producer must:

- certify that their crop insurance indemnity or NAP payment on which the ERP Phase 1 payment will be based was due, in whole or in part, to a crop production loss or a loss of trees, bushes, or vines caused by a qualifying disaster event
- review the list of qualifying disaster events and related conditions, and if a loss was due to drought, producers must also ensure that the county where the crop and unit was located meets the definition of “qualifying drought” as outlined in subparagraph 45 B.

65 Applying for ERP Phase 1

B Application Process (Continued)

- certify that they will meet the requirement to purchase crop insurance or NAP coverage, as applicable for the crop, at the 60/100 level of coverage or higher for insured crops or at the basic 50/55 (catastrophic) level or higher for NAP crops for the next 2 available crop years.

Producers are not required to request payment for all crops and units listed on their application to receive a Phase 1 payment.

Notes: During Phase 1, applications for eligible producers with insured crops that received an indemnity will be mailed first. A subsequent mailing will be sent to eligible producers who received a NAP payment.

Applications for policy holders with 2021 crop year coverage under STAX, SSCO, ECO, Margin Protection, and Area Risk Protection Insurance will be provided an updated application that reflects data for these specific RMA policy types when data for those policies becomes available.

The portion of the application for producers with crop insurance will include the physical state and county code, pay unit number, crop, and gross indemnity. The application will also include the primary policyholder and all producers with an SBI.

The primary policy holder must designate whether they have 100 percent interest in the crop or designate the appropriate share for themselves and the SBIs. Payments will be issued to the primary policyholder and to any SBI producer(s) with a share in the crop identified on the FSA-520 provided all signature and eligibility requirements are met.

***--Note:** Share is assumed to be 100 percent to the primary policyholder unless otherwise designated.--*

For producers who received a NAP payment, the pre-filled applications will include the administrative state and county code, unit number, crop, pay group, and gross NAP payment.

FSA will also pre-fill the calculated ERP Phase 1 payment amounts, prior to any payment reductions.

Note: Only producers established with FSA with a CCID will be listed on the application.

65 Applying for ERP Phase 1 (Continued)**B Application Process (Continued)**

Producers must submit a completed FSA-520 for their entire operation nationwide before the end of signup, which will be announced at a later date. The application must be processed by their recording County Office identified on the FSA-520. If a producer is applying for more than one crop year, a separate FSA-520 is required for each applicable crop year and must be submitted for each crop year to apply for payment.

Note: Producers cannot alter the data on the pre-filled items of the FSA-520.

Although applications may be submitted to any FSA County Office nationwide, if the receiving County Office is not the recording County, the receiving office must date stamp the completed application and send it by e-mail or FAX to the recording County Office listed on the producer's FSA-520. A copy of the application will be maintained in the receiving County Office.

A producer may submit an application using any of the following methods:

- in person, when available
- by mail
- electronically by:
 - FAX
 - email with a scanned photocopy of FSA-520
 - other authorized method (provided by supplemental notice or other guidance).

C Complete Application

An application is considered complete once the producer and SBI's, if applicable, who are requesting a payment, complete all required entries, sign, and submit FSA-520.

65 Applying for ERP Phase 1(Continued)

D Signing and Certifying FSA-520

By signing FSA-520, the producer or primary policyholder and any SBI's listed on the application who are claiming a share of the insured or NAP crop(s), are:

- acknowledging that they had a qualifying loss
- applying for an ERP Phase 1 payment
- certifying the information on FSA-520 is true and correct
- required to retain documentation in support of their application for 3 years after the date of approval

Note: All information provided to FSA for program eligibility and payment calculation purposes, including certification that a producer suffered a loss due to a qualifying disaster event, is subject to spot check.

- agreeing:
 - to comply with ERP program provisions published in a NOFA in the Federal Register on May 18, 2022.
 - to purchase crop insurance or NAP as applicable for the crop, at 60/100 coverage level or higher for insured crops or at the basic 50/55 (catastrophic) coverage level or higher for NAP crops, for the next 2 available crop years.

Note: If multiple crops and units are listed on an application, producers may agree to purchase crop insurance or NAP coverage for only some of the crops and units; an ERP Phase 1 payment will be issued only for those crops and units for which the producer agrees to meet that requirement.

- that in the event any Phase 1 payment resulted from erroneous information reported by the producer or if the producer's data is updated after RMA or FSA calculate a producer's Phase 1 payment, the Phase 1 payment will be recalculated and the producer must refund any excess payment to FSA, including interest to be calculated from the date of the disbursement to the producer
- if FSA determines that the producer intentionally misrepresented information used to determine the producer's Phase 1 payment amount, the producer must refund the full payment to FSA with interest from the date of disbursement.

Note: All persons with a financial interest in a legal entity receiving payments are jointly and severally liable for any refund, including related charges, which is determined to be due to FSA for any reason. Any required refunds must be resolved according to debt settlement regulations in 7 CFR part 3.

65 Applying for ERP Phase 1 (Continued)**E Additional Eligibility Forms**

Producers, including any producers with an SBI with a share in a crop as indicated on the application, must also have the following forms on file with FSA within 60 days of the announced application deadline.

- AD-2047, Customer Data Worksheet (if applicable)
- CCC-902, Farm Operating Plan for Payment Eligibility
- CCC-901, Member Information for Legal Entities (if applicable)
- AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification.

Note: Failure to timely provide all eligibility forms may result in no payment or a reduced payment. County Offices must immediately update Business File and applicable subsidiary records when the eligibility forms are filed.

In addition to the forms listed above, producers requesting an increased payment limitation or payment rate must submit the following:

- FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs
- CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification.

Producers may file the FSA-510 or CCC-860 for an increased payment limitation or payment rate until the deadline announced by FSA.

Note: If a producer submits FSA-510 or CCC-860 after receiving an ERP Phase 1 payment but before the announced deadline, an additional payment reflecting the increased limitations and rate will be issued.

65 Applying for ERP Phase 1 (Continued)

F Incomplete Application

County Offices will place incomplete applications in the producer's file and notify the producer by letter. The letter must explain why the application is considered incomplete. See sample letter in Exhibit 32.

G Amended Application

New signatures are required from all producers requesting a share in the ERP payment if an application is amended due to revision of shares, certification of qualifying disaster event, or linkage agreement, or a producer requesting changes to the crops or units that will receive an ERP payment.

66 County Office Review**A County Office Initial Review of FSA-520**

County Offices must review and determine the acceptability for processing each FSA-520 to ensure the following:

- FSA-520 is filed by the application deadline
- the completeness of FSA-520 (all items on FSA-520 as applicable are completed by producer and applicable SBI's).

Only complete FSA-520's that have been thoroughly reviewed according to this subparagraph will be processed and signed by an FSA representative. FSA representative is the CED or any permanent County Office employee.

B Processing Applications

The County Office will perform an initial review of FSA-520 according to subparagraph A. Upon receipt of a complete application, County Offices will enter into the ERP software:

- designated share for insured crops
- Producer signature date
- SBI signature date(s).

The FSA representative will sign the FSA-520 after the application has been reviewed for completeness and entered in the ERP software. The FSA representative will sign the printed application and attach it to all signed manual applications received.

Note: The FSA representative's signature acknowledges receipt of a complete application and entry of the FSA-520 application into the ERP software. By signing the FSA-520, the CCC representative is confirming that data on the FSA-520 has been accurately loaded into the ERP software and that the form is complete.

County Offices must make every effort to process FSA-520 applications in the system timely. Producers will be provided a copy of the ECPR once a complete application is entered into the system.

A copy of the FSA-520 and ECPR will be placed in the producer's ERP file.

66 County Office Review (Continued)

C Generating Applications

County Offices can access the ERP software and print a Phase 1 application for a producer who did not receive or misplaced their application.

Note: If an application is not available in the software, a Phase 1 payment was not calculated for the producer. The producer will be able to apply for assistance under Phase 2.

For questions on Phase 1 applications for insured crops, County Offices will refer producers to their crop insurance agent. For question on Phase 1 applications for NAP, see subparagraph 85 G for NAP calculations.

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application

A Completing FSA-520

The following table provides instructions for completing FSA-520.

| Item | Instructions |
|--|--|
| For COC Use Only | |
| 1 | <p>Prepopulated with the applicable crop year (2020, 2021, or 2022) the primary policyholder or producer that received a crop insurance indemnity, NAP payment, or both.</p> <p>Notes: A separate application must be completed for each crop year the primary policyholder or producer received either a crop insurance indemnity, a NAP payment, or both.</p> <p>Depending on available data, multiple applications for the same crop year may be provided.</p> |
| 2 | Prepopulated with the application number assigned by the automated system. |
| 3 | Prepopulated with the producer or primary policyholder's recording State and FSA code. |
| 4 | Prepopulated with the producer or primary policyholder's recording county and FSA code. |
| 5 A - B | Prepopulated with the name, address (including city, state, and zip code) and telephone number of the producer's or primary policyholder's recording County Office where the application must be submitted. |
| Part A – Producer Agreement | |
| <p>Producers, which includes primary policyholders and any producers with substantial beneficial interest, agree to provide all information required or requested by FSA for program participation in ERP Phase 1. Producers must also certify whether they have experienced a qualifying loss and they understand that by receiving an ERP Phase 1 payment, they are required to purchase crop insurance or NAP coverage where crop insurance is not available, for the next two available crop years.</p> <p>Producers must obtain crop insurance or NAP, as may be applicable:</p> <ul style="list-style-type: none"> • at a coverage level equal to or greater than 60 percent for insurable crops; or • at the basic 50/55 (catastrophic) level or higher for NAP crops. <p>Example: Producer A is issued an ERP payment on June 1, 2022, for their 2020 corn and soybean loss. Producer A must purchase crop insurance or NAP, as applicable for the crop, for both the 2023 and 2024 crop years.</p> | |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

A Completing FSA-520 (Continued)

| Item | Instructions |
|---|---|
| Part B – Producer Information | |
| The information in this section will be prepopulated based on the producer's FSA records. | |
| Note: Each producer who received a crop insurance indemnity, a NAP payment, or both, for crop year 2020, 2021, or 2022, must apply in their recording county office. | |
| 6 | Prepopulated with the producer or primary policyholder's name, address including the ZIP code, and telephone number, including area code. |
| Part C – Insured Crop Information | |
| <p>Items 7 through 12 will be prepopulated with information obtained from RMA on the primary policyholder's crops which received an indemnity for the crop year listed in item 1. The primary policyholder and all SBI's identified on the policy will be *--prepopulated in item 12. Item 13 must be completed by the primary policyholder to designate 100 percent interest in the crop or designate the appropriate shares for themselves and the SBI's (if applicable). Payments will be issued to the primary policyholder and to any SBI producer(s) with a share in the crop identified on FSA-520, provided all signature and eligibility requirements are met. Item 14 must be completed by the primary policyholder and SBI's identified on the policy who are receiving a share--* of the crop. By answering the question in item 14, the primary policyholder and SBI's are agreeing that in return for receiving an ERP payment on the crop, they must purchase crop insurance or NAP as outlined in Part A. Item 15 must be completed by the primary policyholder to certify that a qualifying loss has occurred on the crop as outlined in Part A.</p> <p>Questions regarding prepopulated information from RMA should be directed to the primary policyholder's crop insurance agent.</p> <p>Note: A separate line item must be entered for each crop and unit which received an indemnity from crop insurance.</p> | |
| 7 | Prepopulated with the physical location State and County Code for the crop based on RMA records. |
| 8 | Prepopulated with the RMA pay unit for the crop listed in item 9. |
| 9 | Prepopulated with the crop which received a crop insurance indemnity. |
| 10 | Prepopulated with the gross indemnity received from crop insurance for the unit and crop listed in items 8 and 9. |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

A Completing FSA-520 (Continued)

| Item | Instructions | | | | | | |
|------|---|--------------------------|--------------------------|-----|---|----|---|
| 11 | <p>Prepopulated with the estimated ERP payment prior to any adjustment, for the unit and crop listed in items 8 and 9. Adjustments may include the following:</p> <ul style="list-style-type: none">• reductions due to payment limitation• increased payment limitation• increased payment rate for historically underserved producers with a CCC-860 on file• ERP payment factor. | | | | | | |
| 12 | <p>Prepopulated with the name of the primary policyholder who received a crop insurance indemnity on the crop and unit identified in items 8 and 9, along with any SBI’s identified on the policy.</p> <p>Note: If the SBI does not have a CCID, they will not be listed on the application.</p> | | | | | | |
| 13 | <p>*--Manual entry completed by the primary policyholder to designate whether they have 100 percent interest in the crop identified in items 8 and 9, or designate the appropriate share for themselves and each SBI (if applicable).--*</p> <p>Note: Share is assumed to be 100 percent to the primary policyholder unless otherwise designated. If the ERP payment is divided for the unit and crop listed in items 8 and 9, shares must total 100 percent.</p> | | | | | | |
| 14 | <p>This item should be completed by the primary policyholder and each SBI (if applicable) in response to the following certification statement, “In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A”.</p> | | | | | | |
| | <table><tr><td>IF...</td><td>THEN check (✓)...</td></tr><tr><td>Yes</td><td>“Yes”. Primary policyholder and each individual SBI (if applicable) is agreeing to purchase crop insurance or NAP for the crop listed in item 9. Primary policyholder and all SBI’s (if applicable) who are requesting payment under ERP, must sign Part E.</td></tr><tr><td>No</td><td>“No”. Primary policyholder and all associated SBI’s (if applicable) must sign Part E.</td></tr></table> | IF... | THEN check (✓)... | Yes | “Yes” . Primary policyholder and each individual SBI (if applicable) is agreeing to purchase crop insurance or NAP for the crop listed in item 9. Primary policyholder and all SBI’s (if applicable) who are requesting payment under ERP, must sign Part E. | No | “No” . Primary policyholder and all associated SBI’s (if applicable) must sign Part E. |
| | IF... | THEN check (✓)... | | | | | |
| Yes | “Yes” . Primary policyholder and each individual SBI (if applicable) is agreeing to purchase crop insurance or NAP for the crop listed in item 9. Primary policyholder and all SBI’s (if applicable) who are requesting payment under ERP, must sign Part E. | | | | | | |
| No | “No” . Primary policyholder and all associated SBI’s (if applicable) must sign Part E. | | | | | | |
| | | | | | | | |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

A Completing FSA-520 (Continued)

| Item | Instructions |
|---|--|
| 15 | This item should be completed by the primary policyholder in response to the following certification statement, "I certify that I had a qualifying loss as defined in Part A". |
| | IF... THEN check (✓)... |
| Yes | "Yes" . Primary policyholder certifies they had a qualifying loss as provided in Part A, on the crop listed in item 9. Primary policyholder must sign Part E. |
| No | "No" . Primary policyholder must sign Part E. |
| Part D – NAP Crop Information | |
| Items 16 through 21 will be prepopulated with FSA data for NAP-covered crops for which the producer received a payment for the crop year listed in item 1. Items 22 and 23 must be completed by the producer. | |
| Note: A separate line item will be entered for each crop (pay group) and planting period for each unit that received a NAP payment from FSA. | |
| 16 | Prepopulated with the administrative State and county code. |
| 17 | Prepopulated with the NAP unit number associated to the administrative State and county listed in item 16. |
| 18 | Prepopulated with the crop that received a NAP payment for the crop year identified in item 1. |
| 19 | Prepopulated with the associated pay group for the crop identified in item 18. |
| 20 | Prepopulated with the producer's NAP payment received for the crop identified in items 18 and 19, for the crop year identified in item 1. |
| 21 | Prepopulated with the total estimated ERP payment prior to any adjustments such as: <ul style="list-style-type: none"> • NAP indemnity • reductions due to payment limitation • increased payment limitation • increased payment rate for historically underserved producers with a CCC-860 on file • ERP payment factor. |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

A Completing FSA-520 (Continued)

| Item | Instructions |
|--|--|
| 22 | This item must be completed by the producer in response to the following certification statement, "In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A". |
| | IF... THEN check (✓)... |
| Yes | "Yes" . Producer certifies they had a qualifying loss as provided in Part A, on the crop listed in items 18 and 19. Producer must sign Part E. |
| No | "No" . Producer is required to sign Part E. |
| 23 | This item must be completed by the producer in response to the following certification statement, "I certify that I had a qualifying loss as defined in Part A". |
| | IF... THEN check (✓)... |
| Yes | "Yes" . Producer certifies they had a qualifying loss as defined in Part A, on the crop listed in items 17 through 19. Producer who is requesting payment is required to sign Part E. |
| No | "No" . Producer is required to sign Part E. |
| Part E – Producer Certifications | |
| 24 A - C | Producer or primary policyholder requesting an ERP Phase 1 payment will sign and date certifying to information in Parts C and D. |
| 24 D - F | SBI's (if applicable) requesting an ERP Phase 1 payment, will sign and date certifying to information in Part C. |
| Part F – FSA Representative Certification | |
| 25 A - B | FSA representative will sign and date the final printed application after it has been reviewed and entered into the software. The printed application will then be attached to all manual signed applications and placed in the producer's ERP folder along with a copy of the ECPR. |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

B Example of FSA-520

The following is an example of FSA-520.

| | | | | | | | | | |
|--|---|--------------|-----------------------|------------------------------|-------------------------------|---|--|---|--|
| Form Approved – OMB No. 0560-0309 OMB Expiration Date: 11/30/2022 | | | | | | | | | |
| FSA-520 (05-23-22) | <div style="text-align: center;"> U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency </div> | | | | | | | | |
| EMERGENCY RELIEF PROGRAM (ERP) PHASE 1 APPLICATION | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">1. Crop Year</td> <td style="width: 50%; padding: 5px;">2. Application Number</td> </tr> <tr> <td style="padding: 5px;">3. Recording State Name/Code</td> <td style="padding: 5px;">4. Recording County Name/Code</td> </tr> <tr> <td colspan="2" style="padding: 5px;">5A. Name and Address of Recording County FSA Office (Include City, State and Zip Code)</td> </tr> <tr> <td colspan="2" style="padding: 5px;">5B. Recording County FSA Office Telephone No. (Include Area Code)</td> </tr> </table> | | 1. Crop Year | 2. Application Number | 3. Recording State Name/Code | 4. Recording County Name/Code | 5A. Name and Address of Recording County FSA Office (Include City, State and Zip Code) | | 5B. Recording County FSA Office Telephone No. (Include Area Code) | |
| 1. Crop Year | 2. Application Number | | | | | | | | |
| 3. Recording State Name/Code | 4. Recording County Name/Code | | | | | | | | |
| 5A. Name and Address of Recording County FSA Office (Include City, State and Zip Code) | | | | | | | | | |
| 5B. Recording County FSA Office Telephone No. (Include Area Code) | | | | | | | | | |
| <p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Extending Government Funding and Delivering Emergency Assistance Act (Pub. L. 117-43). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, and Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary; however, failure to furnish the requested information will result in a determination of ineligibility for program benefits. Payments may be made under the program to which the form applies only to the extent permitted by applicable authorities.</p> <p>Public Burden Statement (Paperwork Reduction Act): Public reporting burden for this collection is estimated to average 15 minutes per response, including reviewing instructions, gathering and maintaining the data needed, completing (providing the information), and reviewing the collection of information. You are not required to respond to the collection of information, unless it displays a valid OMB control number. RETURN THIS COMPLETED FORM TO YOUR RECORDING COUNTY FSA OFFICE.</p> | | | | | | | | | |
| PART A – PRODUCER AGREEMENT | | | | | | | | | |
| <p>The Farm Service Agency (FSA) will make payments under ERP Phase 1 to producers who meet the requirements of the program. The following information is needed in order for FSA to determine that the producer is eligible to receive ERP Phase 1 assistance. By submitting this application, the producer agrees:</p> <ol style="list-style-type: none"> 1. To comply with the Notice of Funds Availability published by FSA. A copy of this document may be found at: https://www.fsa.usda.gov/programs-and-services/emergency-relief/index 2. To provide to FSA any additional information requested by FSA to verify that information provided on this form is accurate. Producer is required to retain documentation in support of their application for 3 years after the date of approval. All information provided to FSA for program eligibility and payment calculation purposes, including certification that a producer suffered an eligible loss due to a qualifying disaster event, is subject to spot check. 3. To comply with payment attribution and payment eligibility provisions by submitting the following forms within 60 days, if not already on file with FSA: <ul style="list-style-type: none"> • AD-2047, Customer Data Worksheet • CCC-902, Farm Operating Plan for Payment Eligibility • CCC-901, Member Information for Legal Entities (if applicable) • AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification • FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs (if applicable) • CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification (if applicable). <p>The application will not be considered complete until all producers that have a share of the ERP Phase 1 payment have completed all required items and signed in item 24. Failure of an individual, entity, or member of an entity to timely submit all information required may result in no payment or a reduced payment.</p> <ol style="list-style-type: none"> 4. That for the purpose of certifications in items 15 and 23, a qualifying loss means that the calculated crop insurance indemnity or NAP payment that I received was due, in whole or in part, to a crop production loss or a loss of trees, bushes, and vines caused by a qualifying disaster event. For ERP, qualifying disaster event means: wildfires, hurricanes (including excessive wind, storm surges, tornados, tropical storms, and tropical depressions that occurred as a direct result of a hurricane), floods (including silt and debris that occurred as a direct and proximate result of flooding), derechos (including excessive wind that occurred as a direct result of a derecho), excessive heat, winter storms (including excessive wind and blizzards that occurred as a direct result of a winter storm), freeze (including a polar vortex), smoke exposure, excessive moisture, and qualifying drought, and related conditions, occurring in calendar years 2020 and 2021. Related conditions mean damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. "Qualifying drought" means an area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a drought intensity of D2 (severe drought) for eight consecutive weeks or D3 (extreme drought) or higher for any period of time during the applicable calendar years. A list of counties that experienced a qualifying drought in calendar years 2020 and 2021 is available through local FSA service centers and at https://www.fsa.usda.gov/programs-and-services/emergency-relief/index. | | | | | | | | | |
| <div style="border: 1px solid black; width: 200px; height: 40px; margin: 0 auto;"></div> DATE STAMPED | | | | | | | | | |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

B Example of FSA-520 (Continued)

Page 2 of 3

FSA-520 (05-23-22)

PART A – PRODUCER AGREEMENT, Continued from Page 1

The Extending Government Funding and Delivering Emergency Assistance Act requires producers to obtain crop insurance or NAP coverage for the next two available crop years to be eligible for an ERP payment. By signing this form, the producer agrees to **have read and comply with the crop insurance and NAP coverage requirement as stated below for each crop for which "Yes" is checked in items 14 and 22.** This agreement does not supersede or modify any previous requirements to purchase crop insurance or NAP coverage under any other law or program.

I understand that I have applied for a payment under ERP on at least one **insurable crop and/or NAP eligible crop.** In return for receiving a payment under ERP, I agree to purchase crop insurance or NAP, as may be applicable for the crop, at a coverage level equal to or greater than 60 percent for insurable crops; or at the catastrophic level or higher for NAP crops, for the next two available crop years. Availability will be determined from the date I receive an ERP payment and may vary depending on the timing and availability of crop insurance or NAP for particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year. I understand that I am also required to pay any service fees, administrative fees, and premiums associated with such coverage. I acknowledge that I must refund my ERP payment if I fail to meet this requirement.

If I am required to meet this requirement for a crop for which an individual crop insurance policy is not available and I am ineligible for a NAP payment for the applicable year(s) because I exceed the average Adjusted Gross Income (AGI) limitation, then I must meet this requirement by either:

- obtaining NAP coverage and paying the applicable NAP service fee as required above, regardless of my ineligibility for NAP payment; or
- purchasing Whole-Farm Revenue Protection (WFRP) crop insurance coverage, if eligible.

If I receive a Phase 1 payment that was calculated based on an indemnity under a PRF, Annual Forage, or WFRP policy, I understand that I must purchase the same type of policy or a combination of individual policies for the crops that had covered losses under ERP to meet this linkage requirement.

PART B – PRODUCER INFORMATION

6. Producer's Name, Address (*City, State and Zip Code*) and Phone Number (*Include Area code*)

PART C – INSURED CROP INFORMATION

| 7. Physical State/County Code | 8. Pay Unit | 9. Crop | 10. Gross Indemnity | 11. Estimated ERP Payment (Prior to adjustments) | 12. Primary Policyholder and SBI's | 13. Share | 14. In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A. | 15. I certify that I had a qualifying loss as defined in Part A. |
|--|----------------|------------|---------------------------|--|---------------------------------------|--------------|---|--|
| | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

67 FSA-520, Emergency Relief Program (ERP) Phase 1 Application (Continued)

B Example of FSA-520 (Continued)

| FSA-520 (05-23-22) | | | | | | Page 3 of 3 | |
|---|-------------|-------------|--|--------------------|--|---|---|
| PART D – NAP CROP INFORMATION | | | | | | | |
| 16. Admin State/County Code | 17. Unit | 18. Crop | 19. Pay Group | 20. NAP Payment | 21. Estimated ERP Payment (Prior to adjustments) | 22. In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A. | 23. I certify that I had a qualifying loss as defined in Part A. |
| | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| PART E – PRODUCER CERTIFICATIONS | | | | | | | |
| I certify that all information on this application, whether entered by me or by someone else on my behalf, is true and correct. I understand that if any information is determined to be in error, the application may be denied, and such errors may result in a determination of ineligibility in whole or in part. | | | | | | | |
| 24A. Producer's/Primary Policyholder's Signature (By) | | | 24B. Title/Relationship of Individual Signing in a Representative Capacity | | | 24C. Date (MM-DD-YYYY) | |
| 24D. SBI Signature (By) | | | 24E. Title/Relationship of Individual Signing in a Representative Capacity | | | 24F. Date (MM-DD-YYYY) | |
| PART F –FSA REPRESENTATIVE CERTIFICATION | | | | | | | |
| 25A. FSA Representative's Signature | | | | | | 25B. Date Signed (MM-DD-YYYY) | |
| <p><small>In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, and employees participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.</small></p> <p><small>Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.</small></p> <p><small>To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.</small></p> | | | | | | | |

68-84 (Reserved)

Section 3 Payments**85 Payment Calculations****A Overview**

Payments will be calculated on a crop pay group basis for units with either an RMA indemnity or an approved NAP application for payment.

The payment will be:

- Estimated ERP Payment (Prior to Adjustments), multiplied by
- share for RMA Calculated payments, multiplied by
- HUP Factor.

B HUP Factor

A separate factor for producers that are considered historically underserved will apply if a producer certifies to being a socially disadvantaged, limited resource, beginning, or veteran farmer or rancher by completing CCC-860.

The increased payment is equal to 15 percent of the calculated payment. For example, if a historically underserved farmer or rancher's calculated payment amount is \$1,000, their payment will be increased to \$1,150.

85 Payment Calculations (Continued)**C ERP Factor**

The ERP factor is applied to all payment calculations and is determined based on the level of coverage elected by the producer, for the crop, type, intended use, and planting period.

For producers with crop insurance, the following ERP Factors are applicable.

| Crop Insurance Coverage Level | ERP Factor (percent) |
|--|-----------------------------|
| Catastrophic coverage | 75.0 |
| More than catastrophic coverage but less than 55 percent | 80.0 |
| At least 55 percent but less than 60 percent | 82.5 |
| At least 60 percent but less than 65 percent | 85.0 |
| At least 65 percent but less than 70 percent | 87.5 |
| At least 70 percent but less than 75 percent | 90.0 |
| At least 75 percent but less than 80 percent | 92.5 |
| At least 80 percent | 95.0 |

For producers with NAP coverage, the following ERP factors are applicable.

| NAP Coverage Level | ERP Factor (percent) |
|---------------------------|-----------------------------|
| Catastrophic coverage | 75.0 |
| 50 percent | 80.0 |
| 55 percent | 85.0 |
| 60 percent | 90.0 |
| 65 percent | 95.0 |

85 Payment Calculations (Continued)**D Net Payment or Indemnity**

Gross Calculated NAP payments and RMA indemnities will be reduced by the premiums and service fees paid by the producer.

E RMA Phase 1 Payments

RMA is providing the Calculated ERP payments for any crops with a crop insurance indemnity. The calculated payment will be based on the information provided from RMA and automatically loaded in the application for the primary policy holder. Primary policy holders will have an opportunity to share the payment with producers associated on the insurance policy (SBI) * * * as designated by the primary policy holder * * *.

All RMA Calculated Phase I payments will have a payment factor of 0.75 applied to due to availability of funding.

Each RMA calculated payment has a specific method to get to the loss calculation of:

- Expected Value, multiplied by
- ERP Factor, minus
- Actual Value, minus
- Salvage Value, multiplied by
- Unharvested/Prevented Plant Factor, minus
- [Indemnity or payment, minus
- Service fees, minus
- Paid premiums], times
- Producer share, Equals
- Estimated ERP Payment.

FSA will then apply:

- HUP factor, if applicable, equals
- Calculated ERP Payment.

See subparagraph. 48 B for a complete listing of plan codes eligible for Phase 1

85 Payment Calculations (Continued)**F RMA Calculations**

In general, RMA will calculate each producer's loss consistent with the loss procedures for the type of coverage purchased but using the ERP factor. The RMA Phase 1 payments will take into consideration the difference between the expected value of the crop and the actual value of the crop as a result of qualifying disaster events. The expected value is the pre-loss dollar value of the crop and unit at the time of loss, consistent with the type of coverage purchased.

Note: The following also apply to RMA payments.

- Crops with an intended use of grazing are not eligible for Phase 1 payments.
- The payment will be calculated by RMA and automatically loaded in the system.
- For additional information regarding the data used and how the RMA payment was calculated, the applicant must contact their federal crop insurance agent.
- **To ensure adequate funding is available, payments will be factored by 75 percent.**

85 Payment Calculations (Continued)**G NAP Calculated Phase 1 Payments**

Each NAP calculated ERP payment has a specific method to get to the loss calculation consistent with the NAP payment calculation for the crop pay group and unit, if determined to be greater than \$0, as indicated in 1-NAP (Rev.2); however, the NAP coverage level will be replaced by the ERP factor in the table from subparagraph C and payment levels will all be 100 percent.

The final NAP calculated payment will be achieved by calculating:

- Recomputed NAP payment using the ERP factor in lieu of coverage level, minus
- Actual NAP payment issued for the applicable year, minus
- Service fees, minus
- Paid premiums, times
- HUP factor, if applicable.

Notes: The following also apply to NAP payments.

- Crops with an intended use of grazing are not eligible for Phase 1 payments.
- The payment calculated by FSA will be automatically loaded into the system.
- If the premiums and fees paid by the producer exceed the NAP payment issued, the net NAP payment will be considered \$0.

85 Payment Calculations (Continued)

H NAP ERP Calculated Payment Yield Based Loss Examples

Example 1: John obtained 2020 NAP coverage at 65/100 on tomatoes, for which he paid the service fee and a premium of \$414. He has 2.7 acres of hybrid tomatoes for fresh harvest on the approved application for payment. The approved yield for the tomatoes is 165 cwt. and the STC established price for fresh hybrid tomatoes is \$51.33/cwt. A derecho occurred during the year resulting in 145 cwt. of tomatoes harvested for fresh harvest. No secondary use or salvage value was determined in the NAP application for payment. John has not filed a CCC-860 certifying as a historically underserved producer.

The ERP calculated payment using the ERP factor of 0.95 substituted for the 0.65 coverage level is:

2.7 acres multiplied by yield of 165, multiplied by
 0.95 coverage level, equals
 423.23 disaster level, minus
 145 cwt. production to count, equals
278.23 cwt. net production for payment, times \$51.33, equals
\$14,281.55

The prior net NAP payment issued was:

\$7,421.03, minus
 -\$325.00 service fee, minus
-\$414.00 premium, equals
\$6,682.03

The final ERP calculated payment is:

\$14,281.55, minus
-\$6,682.03 net NAP payment, equals
\$7,599.52

85 Payment Calculations (Continued)**H NAP ERP Calculated Payment Yield Based Loss Examples (Continued)**

Following is an example of a HUP.

Example 2: Amanda applied for NAP coverage and submitted CCC-860 certifying her status as a socially disadvantaged farmer. As a result, her NAP service fee was waived and her premium was reduced by 50 percent, from \$414 to \$207. Amanda received a NAP payment of \$7,421.03.

Amanda's calculated ERP payment is the same as identified in Example 1 of **\$14,281.55**.

The prior net NAP payment issued was:

| |
|----------------------------------|
| \$7,421.03, minus |
| -\$0.00 service fee, minus |
| <u>-\$207.00 premium, equals</u> |
| \$7,214.03 |

The final ERP calculated payment is:

| |
|---|
| \$14,281.55, minus |
| <u>-\$7,214.03, net NAP payment, times 115%, equals</u> |
| \$8,127.65 |

85 Payment Calculations (Continued)

H NAP ERP Calculated Payment Yield Based Loss Examples (Continued)

Following is an example of premiums and fees paid exceed NAP payment issued.

Example 3: Joe obtained 2020 NAP coverage at 65/100 on tomatoes. Joe has 2.7 acres of hybrid tomatoes for fresh harvest on the approved application for payment. The approved yield for the tomatoes is 165 cwt. and the STC established a price for fresh hybrid tomatoes is \$51.33/cwt. A derecho occurred during the year, resulting in 285 cwt. of tomatoes harvested for fresh harvest. No secondary use or salvage value was determined in the NAP application for payment. Joe has not filed a CCC-860 certifying to a HUP status.

The ERP calculated payment using the ERP factor of 0.95 substituted for the 0.65 coverage level is:

2.7 acres multiplied by yield of 165, multiplied by
0.95 coverage level, equals
 423.23 disaster level, minus
 285 cwt production to count, equals
138.23 cwt. net production for payment, times \$51.33, equals
\$7,095.35

The prior net NAP payment issued was:

\$235.09, minus
 -\$325.00 service fee, minus
-\$414.00 premium, equals
\$0.00

Note: Because the calculation results in a negative amount, the net is \$0.00.

The final ERP calculated payment is:

\$7,095.35, minus
-\$0.00 prior NAP payment, equals
\$7,095.35

86 General Payment Provisions**A Payment Calculation**

The calculated payment will be automatically loaded in the application, and the Gross payment will be calculated according to paragraph 85.

Note: This amount may be factored based on availability of funds.

The payment process is an automated process that validates:

- whether all eligibility documents have been filed and loaded into the web subsidiary files
- the payment amount that can be sent to NPS for disbursement
- the overpayment amount that will be updated to the Pending Overpayment Report, if applicable.

B Obtaining FSA-325

FSA-325 must be completed, according to 1-CM, by individuals or entities requesting a payment **earned** by a producer who has died, disappeared, or been declared incompetent subsequent to applying for benefits. Payment must be issued to the individuals or entities requesting payment using the deceased, incompetent, or disappeared producer's ID number.

Note: If FSA-520 has been filed by the producer, a revised FSA-520 is **not** required when payments are issued using the deceased, incompetent, or disappeared producer's ID number.

C Administrative Offset

Payments are subject to administrative offset provisions, including Treasury Offset Program Services.

86 General Payment Provisions (Continued)**D Assignments**

A producer may assign payments according to 63-FI.

E Bankruptcy

Bankruptcy status does **not** exclude a producer from requesting program benefits.

Contact the OGC Regional Attorney for guidance on issuing ERP payments on all bankruptcy cases.

F Payments Less Than \$1

Payments will be issued in dollars and cents; therefore, all calculated payment amounts will be sent to NPS.

G Payment Due Date

See 61-FI for general guidance for determining payment due dates for various programs. The payment system sends the current system date to NPS as the payment due date. The system **cannot** determine the payment due date because of numerous factors. County Offices will manually determine the payment due date by determining the later of the following:

- date of DAFP announcement of any payment factors
- date producer filed payment eligibility documentation, including the following:
 - AD-1026
 - CCC-902
 - CCC-901, if applicable
 - FSA-510, if applicable
- if the producer is an entity or joint operation, date members filed the requisite payment eligibility documentation
- availability of software to approve and process the payment.

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

| Number | Title | Display Reference | Reference |
|---------|---|-------------------|-----------------------|
| AD-1026 | Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification (Includes AD-1026 Appendix) | | 5, 11, 65 |
| AD-2047 | Customer Data Worksheet | | 5, 65 |
| CCC-471 | Non-Insured Crop Disaster Assistance Program (NAP) Application for Coverage with Buy-Up Option (2019 and Subsequent Crop Years) | | 46 |
| CCC-860 | Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification | | 5, 13, 49, 65, 67, 85 |
| CCC-901 | Members Information | | 5, 65, 86 |
| CCC-902 | Farm Operating Plan for Payment Eligibility 2009 and Subsequent Programs Years | | 5, 65, 86 |
| FSA-325 | Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent | | 86 |
| FSA-510 | Request for an Exception to the \$125,000 Payment Limitation for Certain Programs | Ex. 7 | Text |
| FSA-520 | Emergency Relief Program (ERP) Phase 1 Application | 67 | Text |
| FSA-850 | Environmental Screening Worksheet | | 10 |

Reports, Forms, Abbreviations, and Delegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

| Approved Abbreviation | Term | Reference |
|-----------------------|---|-------------------|
| CCID | core customer ID | 48 |
| CPA | Certified Public Accountant | 26 |
| ECO | Enhanced Coverage Option | 48 |
| ECPR | Estimated Calculated Payment Report | 66, 67 |
| ERP | Emergency Relief Program | Text and Exhibits |
| HIP-WI | Hurricane Insurance Protection-Wind Index | 48 |
| HUP | historically underserved producer | 49, 85 |
| LLP | Limited Liability Partnership | 26 |
| NOFA | Notification of Funding Availability | Text |
| OTIS | Outreach Tracking Information System | 6 |
| PIIA | Payment Integrity Information Act | 48 |
| PP | prevented planted | 48 |
| SBI | substantial beneficial interest | Text |
| SCO | Supplemental Coverage Option | 48 |
| STAX | Stacked Income Protection Plan | 48, 65 |
| WFRP | Whole Farm Revenue Protection | 33 |

Delegations of Authority

None

Definitions of Terms Used in This Handbook

Administrative fee

Administrative fee means the amount an insured must pay for catastrophic risk protection and additional coverage for each crop year as specified in the applicable crop insurance policy.

Bush

Bush means, a low, branching, woody plant, from which at maturity of the bush, an annual fruit or vegetable crop is produced for commercial market for human consumption, such as a blueberry bush. The definition does not include plants that produce a bush after the normal crop is harvested, such as asparagus.

Coverage level

Coverage level means the percentage determined by multiplying the elected yield percentage under a crop insurance policy or NAP coverage by the elected price percentage.

Crop insurance

Crop insurance means an insurance policy reinsured by FCIC under the provisions of the Federal Crop Insurance Act, as amended. It does not include private plans of insurance.

Crop insurance indemnity

Crop insurance indemnity means the payment to a participant for crop losses covered under crop insurance administered by RMA in accordance with the Federal Crop Insurance Act (7 U.S.C. 1501-1524).

Crop Year

Crop year means the period of time within which the crop is normally grown and designated by the calendar year in which the crop is normally harvested.

For crops:

- harvested over 2 calendar years, the crop year is the calendar year in which the majority of the crop would have been harvested
- grown over more than 2 calendar years, each year in the growing period will be considered as a separate crop year designated by the calendar year in which the crop sustained a loss
- for which CAT coverage is available, the crop year will be as defined by such coverage.

Definitions of Terms Used in This Handbook (Continued)**Eligible Producer**

Eligible producer means, in addition to other eligibility requirements as may apply, an individual or legal entity that is entitled to an ownership share and is at risk in the crop, production, and marketing associated with the agricultural production of crops on the farm and is any of the following:

- a United States citizen
- resident alien, which means “lawful alien” for purposes of this program
- a partnership consisting solely of citizens of the United States or resident aliens
- a corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the US or resident aliens.

Note: States, including, agencies, divisions, and political subdivisions thereof, as defined in 6-PL are eligible, provided no members are foreign persons.

- Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)

Definitions of Terms Used in This Handbook (Continued)**Misrepresentation, Scheme, or Device**

Misrepresentation, scheme, or device means, but is not limited to:

- concealing any information having a bearing on the application of any of the rules governing NAP
- submitting false information to a CCC representative, including, but not limited to, COC, STC, or authorized agent or employee thereof
- creating fictitious entities for the purpose of concealing the interest of a person in a farming operation.

NAP

NAP means the Noninsured Crop Disaster Assistance Program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and 7 CFR part 1437.

NAP service fee

NAP service fee means the fee the producer must pay to obtain NAP coverage specified in 7 CFR 1437.7.

Premium

Premium means the premium paid by the producer for crop insurance coverage or NAP buy-up coverage levels.

Definitions of Terms Used in This Handbook (Continued)**Prevented Planting**

Prevented planting means the inability to plant the intended crop acreage with proper equipment during the established planting period for the crop type.

Share

Share means the producer's percentage interest in the eligible crop as an owner, operator, or tenant at the time of planting or beginning of the crop year.

For determining eligibility for NAP payments, the producer's share will not exceed the producer's share at the earlier of the time of loss or the beginning of harvest.

Specialty Crops

Specialty crops means fruits, tree nuts, vegetables, culinary herbs and spices, medicinal plants, and nursery, floriculture, and horticulture crops. This includes common specialty crops identified by the Agricultural Marketing Service at <https://www.ams.usda.gov/services/grants/scbgp/specialty-crop> and other crops as designated by the Deputy Administrator, Farm Programs.

Tree

Tree means a tall, woody plant having comparatively great height, and a single trunk from which an annual crop is produced for commercial market for human consumption, such as a maple tree for syrup, or papaya or orchard tree for fruit. It includes immature trees that are intended for commercial purposes.

Substantial Beneficial Interest

Substantial beneficial interest has the same meaning as specified in the applicable crop insurance policy.

Unit

Unit means the unit structure as defined under the applicable crop insurance policy for insured crops or in 7 CFR 1437.9 for NAP-covered crops.

Definitions of Terms Used in This Handbook (Continued)**Vine**

Vine means a perennial plant grown under normal conditions from which an annual fruit crop is produced for commercial market for human consumption, such as grape, kiwi, or passion fruit, and that has a flexible stem supported by climbing, twining, or creeping along a surface.

Note: Nursery stock, perennials that are normally propagated as annuals such as tomato plants, biennials such as strawberry plants, and annuals such as pumpkin, squash, cucumber, watermelon, and other melon plants, are excluded from the term vine.

Value Loss Crop

Value loss crop means ornamental nursery, Christmas trees, aquaculture, or other crops determined by DAFP that because of their unique nature do not lend themselves to yield calculations or expected yield loss situations. Eligibility for a crop categorized or value loss is determined based on a loss of value at the time of the disaster, as determined by DAFP.

Whole Farm Revenue Protection

Whole-Farm Revenue Protection (WFRP) means a policy that provides a risk management safety net for all commodities on the farm under one insurance policy and is available in all counties nationwide. This insurance plan is tailored for any farm with up to \$8.5 million in insured revenue, including farms with specialty or organic commodities (both crops and livestock), or those marketing to local, regional, farm-identity preserved, specialty, or direct markets.

FSA 510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs

A Completing FSA-510

Complete FSA-510 according to the following instructions.

| Item | Instructions |
|--|--|
| 1 | Enter the Recording County Office Name and Address. |
| Customer must complete Items 2 – 7 | |
| 2 | <p>Enter Customer's Name and Address.</p> <p>Note: If submitting the form on behalf of a general partnership or joint venture, only enter the name and address of one member per form.</p> <p>Each member must complete a separate form.</p> |
| 3 | Enter the Customer's TIN. |
| Part A Requirements for Payment Limitation Exception for Certain Programs | |
| 4 | <p>Requirements for Payment Limitation Exception for Certain Programs.</p> <p>Read the information provided in item 4 including the included bullet points before completing items 4A, 4B, or 4C.</p> |
| 4A | <p>Enter the program year for which you are requesting benefits.</p> <p>Only one year may be entered per form. If you need to complete the certification for more than one year, a separate form must be completed for each year.</p> |
| 4B | <p>YES</p> <p>Place a mark in the box beside 4B if you are certifying that you meet the requirements provided in item 4 and you are requesting the increased payment limitation amount applicable to the program you have applied for or for which you intend to complete a program application.</p> |
| 4C | <p>NO</p> <p>Place a mark in the box beside 4C if you either do not meet the requirements provided in item 4 or you do not want to request the increased payment limitation amount applicable to the program you have applied for or for which you intend to complete a program application.</p> |
| Only place a mark in item 4B or item 4C | |

FSA 510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs

A Completing FSA-510 (Continued)

| Item | Instructions |
|---|--|
| Part B Certification by Individual or Entity | |
| 5 | Customer signs. Note: Prior to signing the form, the customer must read the acknowledgements and certifications. By signing the form, the customer acknowledges the requirements and certification of this form. |
| 6 | Enter Title/Relationship of the Individual Signing in a Representative Capacity for a Legal Entity If customer is signing in a representative capacity for the individual or legal entity identified in item 2, then the title or relationship to the individual or legal entity must be provided. If signing as an individual; then leave item 2 blank. |
| 7 | Enter the signature date in month, day, and year (MM-DD-YYYY). |
| Part C Certification by Certified Public Accountant/Attorney | |
| 8 | CPA or Attorney signs Note: Prior to signing the form, the CPA or attorney must read the acknowledgements and certifications before signing. By signing the form, the CPA or attorney are certifying to the two statements provided in Part C of this form are met. |
| 9 | Enter CPA or attorney as applicable for the individual signing in item 8. |
| 10 | Enter the applicable State you are licensed to practice in, followed by your associated individual license number. |
| 11 | Enter the signature date in month, day, and year (MM-DD-YYYY). |

FSA 510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs

B Example of FSA-510

Following is an example of FSA-510.

| | |
|---|---|
| OMB No. 0560-0307 OMB Expiration Date: 10/31/2022 | |
| FSA-510 04-04-22) | U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency |
| REQUEST FOR AN EXCEPTION TO THE \$125,000 PAYMENT LIMITATION FOR CERTAIN PROGRAMS | |
| NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a – as amended). The authority for requesting the information identified on this form is the Disaster Relief Supplemental Appropriations Act, 2022 (Extending Government Funding and Delivering Emergency Assistance Act) (Pub. L. 117-43) and regulations and Federal Register Notices of Funding Availability for applicable programs. The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, Local government agencies, tribal agencies, and nongovernment entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). | |
| Public Burden Statement (Paperwork Reduction Act): Public reporting burden for this collection is estimated to average 5 minutes per response, including reviewing instructions, gathering and maintaining the data needed, completing (providing the information), and reviewing the collection of information. You are not required to respond to the collection or FSA may not conduct or sponsor a collection of information unless it displays a valid OMB control number. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE. | |
| 2. Name and Address of Individual or Legal Entity (Including Zip Code) (If general partnership or joint venture, complete only for each member) | 3. Taxpayer Identification Number (TIN) (Social Security No., for Individual; or Employer Identification No., for Legal Entity) |
| PART A REQUIREMENTS FOR PAYMENT LIMITATION EXCEPTION FOR CERTAIN PROGRAMS | |
| 4. Disaster relief programs implemented pursuant to Public Law 117-43, Division B, Title I, are subject to a \$125,000 payment limitation per person or legal entity. An exception to the \$125,000 payment limitation is available but only if both of the following conditions are met: <ul style="list-style-type: none"> at least 75% of the individual's or legal entity's average adjusted gross income (AGI) for the 3 applicable taxable years was derived from farming, ranching or forestry operations. a certification from a licensed CPA or an attorney is submitted to the FSA/USDA Service Center identified in item 1, attesting that at least 75% of the individual's or legal entity's average AGI for the 3 applicable taxable years was derived from farming, ranching, or forestry operations. The CPA and/or Attorney may meet this requirement by completing Part C below or providing a similar statement that is acceptable to FSA. Based on the above statements, complete 4A and select the applicable box 4B or 4C below: | |
| 4A. <u>20</u> Enter the program year for which program benefits are requested. The period for calculation of the average farm AGI will be the three taxable years preceding the most immediately preceding complete taxable year for which benefits are requested. For example, the 3-year period for the calculation of the average farm AGI for 2022 would be the taxable years of 2020, 2019 and 2018. | |
| 4B. <input type="checkbox"/> YES the individual or legal entity in item 2 meets both of the above conditions and is requesting the exception to the Payment Limitation; OR | |
| 4C. <input type="checkbox"/> NO the individual or legal entity in item 2 does not meet one or both of the above conditions (Payment limitation is \$125,000) | |
| PART B CERTIFICATION BY INDIVIDUAL OR ENTITY | |
| By signing this form: <ul style="list-style-type: none"> I acknowledge that I have read and reviewed all definitions and requirements on Page 2 of this form; I certify, if applicable, that all information contained in any certification from a CPA or an attorney submitted to FSA as described in this FSA-510 is true and correct, and is consistent with the tax returns filed with the IRS for myself or the legal entity that is seeking participation in an applicable program; I acknowledge that failure to provide the certification described in this FSA-510 to FSA will result in the application of a \$125,000 payment limitation; I certify that I am authorized under applicable state law to sign this certification on behalf of the legal entity identified in Item 2 (for legal entity only). | |
| 5. Signature (By) | 6. Title/Relationship of the Individual if Signing in a Representative Capacity for a Legal Entity |
| 7. Date (MM-DD-YYYY) | |
| PART C CERTIFICATION BY CERTIFIED PUBLIC ACCOUNTANT / ATTORNEY | |
| By signing this form: <ul style="list-style-type: none"> I acknowledge that I have read and reviewed all definitions and requirements on Page 2 of this form; I certify the producer identified in Item 2 and TIN in Item 3 has met the minimum requirements to be eligible for the exception to the Payment Limitation as specified in Part A above. | |
| 8. Signature | 9. Title (CPA/Attorney) |
| 10. State/License Number | 11. Date (MM-DD-YYYY) |
| DATE STAMPED | |

FSA 510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs

B Example of FSA-510 (Continued)

FSA-510 (04-04-22)

Page 2 of 2

GENERAL INFORMATION ON PAYMENT LIMITATIONS

For programs authorized by Public Law 117-43, Division B, Title I, individuals or legal entities (other than general partnerships and joint ventures) that receive applicable payments, directly or indirectly, cannot receive payments exceeding the applicable limitation per program per year. Payments made, directly or indirectly, to an individual or a legal entity (other than general partnerships and joint ventures), or its members cannot exceed the applicable payment limitation per program per year, as applicable. If payments received, directly or indirectly, by a member of a legal entity receiving such payments reach the applicable payment limitation(s), payments to the legal entity will be reduced in proportion to that member's direct or indirect ownership share in the legal entity.

All members of legal entities requesting to receive payment(s) from applicable programs, directly or indirectly, in excess of the \$125,000 payment limitation per program per year must also complete this form and provide the required certification from a CPA or attorney.

HOW TO DETERMINE ADJUSTED GROSS INCOME

Adjusted Gross Income (AGI) is the individual's or legal entity's IRS-reported adjusted gross income or equivalent (see below) consisting of both farm and nonfarm income.

Individual – Internal Revenue Service (IRS) Form 1040 filers, specific lines on that form represent the adjusted gross income

Trust or Estate – the adjusted gross income equivalent is the total income and charitable contributions reported to IRS

Corporation – the adjusted gross income equivalent is the total of the final taxable income and any charitable contributions reported to IRS

Limited Partnership (LP), Limited Liability Company (LLC), Limited Liability Partnership (LLP) or Similar Entity – the adjusted gross income is the total income from trade or business activities plus guaranteed payments to the members as reported to the IRS

Tax-exempt Organization – the adjusted gross income is the unrelated business taxable income excluding any income from non-commercial activities as reported to the IRS.

HOW TO DETERMINE INCOME FROM FARMING, RANCHING, AND FORESTRY OPERATIONS**Income received or obtained from the following sources:**

| | |
|--|---|
| <i>Productions of crops, specialty crops, and raw forestry products.</i> | <i>Feeding, rearing, or finishing of livestock.</i> |
| <i>Production of livestock, aquaculture products used for food; honeybees; and products produced by or derived from livestock.</i> | <i>Payments of benefits, including benefits from risk management practices, crop insurance indemnities, and catastrophic risk protection plans.</i> |
| <i>Production of farm-based renewable energy.</i> | <i>Sale of land that has been used for agricultural purposes.</i> |
| <i>Sale, including easements and development rights, of farm, ranch, and forestry land, water or hunting rights, or environmental benefits.</i> | <i>Payments and benefits authorized under any program made available and applicable to payment eligibility and payment limitation rules.</i> |
| <i>Rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights.</i> | <i>Any other activity related to farming, ranching, and forestry, as determined by the Deputy Administrator of Farm Programs.</i> |
| <i>Processing, packing, storing, and transportation of farm, ranch, forestry commodities including renewable energy.</i> | <i>Any income reported on Schedule F or other schedule used by the person or legal entity to report income from such operations to the IRS.</i> |
| <i>Beginning in program year 2020, wages or dividends received from a "closely held" corporation, an IC-DISC or a legal entity comprised entirely of family members may be considered farm income when the legal entity is "materially participating" in farming, ranching, or forestry activities. "Materially participating" means more than 50 percent of the legal entity's gross receipts for each tax year are derived from farming, ranching, or forestry sources. A representative must attach a certification to form FSA-510 attesting that the legal entity "materially participates" in a farm, ranch, or forestry activity.</i> | |

HOW TO DETERMINE PERCENTAGE OF AVERAGE AGI FROM FARMING, RANCHING, AND FORESTRY OPERATIONS

- 1) Determine the total AGI and the total income from farming, ranching, and forestry for each of the 3 taxable years preceding the most immediately preceding complete taxable year for which benefits are requested.
- 2) Total the AGI (both farm and nonfarm income) from all 3 years.
- 3) Total the income from farming, ranching and forestry from all 3 years.
- 4) Calculate the percentage of average adjusted gross farm income by dividing the result of step 3 by the result of Step 2. The percentage calculated must be equal to; or greater than 75 percent to qualify for program benefits

This form can only be signed by the individual authorized under state law to sign this consent for the legal entity identified in Item 2.

INSTRUCTIONS FOR COMPLETION OF FSA-510

| Item No./Field Name | Instruction |
|---|--|
| 1. Return Completed Form To | Enter the name and address of the FSA county office or USDA service center where the completed FSA-510 will be submitted. |
| 2. Person or Legal Entity's Name and Address | Enter the individual's or legal entity's name and address. |
| 3. Taxpayer ID Number | In the format provided, enter the complete taxpayer identification number of the individual or legal entity identified in Item 2. <i>This will be either a Social Security Number or Employer Identification Number.</i> |
| 4. Payment Limitation Exception | Complete 4A by entering the program year for which the FSA-510 is being completed and select the appropriate check box – 4B if the applicant is requesting the exception to the \$125,000 payment limitation and meets the criteria. Or 4C if the applicant does not meet the requirements for the exception and/or does not want the applicable increased payment limitation. |
| 5. Signature | Read the acknowledgments, responsibilities and authorizations, before signing. <i>(INDIVIDUAL OR ENTITY)</i> |
| 6. Title/Relationship | Enter title or relationship to the legal entity identified in Item 2. |
| 7. Date | Enter the signature date in month, day and year. |
| 8. Signature | Read the acknowledgments, responsibilities and authorizations, before signing. <i>(CPA or Attorney Only)</i> |
| 9. Title | Identify as applicable Certified Public Accountant (CPA) or Attorney |
| 10. State/License No. | Enter applicable State you are licensed to practice in, followed by your associated Individual license number. |
| 11. Date | Enter the signature date in month, day and year. |

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ers.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

List of Specialty Crops for Phase 1

The following crops are considered specialty crops for Phase 1.

| Crop Name | Crop Type Name |
|---------------------|---------------------------------|
| Abiu | |
| Achachairu | |
| Almonds | |
| Apples | Common |
| Apples | Specialty |
| Apricots | |
| Aronia (Chokeberry) | |
| Artichokes | |
| Asparagus | |
| Atemoya | |
| Avocados | |
| Bamboo Shoots | |
| Bananas | Baby |
| Bananas | Bluefield |
| Bananas | Brazilian |
| Bananas | cavendish |
| Bananas | Johnson |
| Bananas | Thai |
| Beans | Adzuki |
| Beans | Anasazi |
| Beans | Baby Lima |
| Beans | Black Turtle |
| Beans | Butter |
| Beans | Castor |
| Beans | Chinese String |
| Beans | Cranberry |
| Beans | Dark Red Kidney |
| Beans | Fava/Faba |
| Beans | Flat Small White |
| Beans | Garbanzo, Sm Desi (Chickpeas) |
| Beans | Garbanzo, Lg Kabuli (Chickpeas) |
| Beans | Garbanzo, Sm Kabuli (Chickpeas) |
| Beans | Green Baby French (Petite) |
| Beans | Green |
| Beans | Great Northern |
| Beans | Jacobs Cattle |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Beans | Kentucky Blue |
| Beans | Kintoki |
| Beans | Large Lima |
| Beans | Long |
| Beans | Light Red Kidney |
| Beans | Lupine |
| Beans | Marrow |
| Beans | Mung |
| Beans | Myothe |
| Beans | October |
| Beans | Papdai Valor |
| Beans | Pea |
| Beans | Pole Colombus |
| Beans | Pole |
| Beans | Pink |
| Beans | Pinto |
| Beans | Roma |
| Beans | Shelli |
| Beans | Small Red |
| Beans | Small White |
| Beans | Soldier |
| Beans | Sulfur |
| Beans | Tebo |
| Beans | Tiger Eye Kidney |
| Beans | Velvet |
| Beans | Snap Wax |
| Beans | White Half Runner |
| Beans | White Adzuki |
| Beans | Wing |
| Beans | White Kidney |
| Beans | Yellow Eye |
| Beans | Yardlong |
| Beets | Hybrid |
| Beets | Open Pollinated |
| Blueberries | Highbush |
| Blueberries | Low Bush Blueberries |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|------------------------|
| Blueberries | Rabbiteye Blueberries |
| Breadfruit | |
| Broccoflower | |
| Broccoli | |
| Brussel Sprouts | |
| Cabbage | Choy Sum Cabbage |
| Cabbage | Hybrid Cabbage |
| Cabbage | Napa Cabbage |
| Cabbage | Open Pollinated |
| Cabbage | Red Cabbage |
| Cabbage | Savoy |
| Cacao | |
| Caimito | |
| Calabaza Melon | |
| Calaloo | |
| Canary Melon | |
| Caneberries | Apache |
| Caneberries | Arapaho |
| Caneberries | Black Raspberries |
| Caneberries | Boysenberries |
| Caneberries | Cascadeberries |
| Caneberries | Chickasaw |
| Caneberries | Chester Blackberries |
| Caneberries | Estrella |
| Caneberries | Evergreen Blackberries |
| Caneberries | Kiowa/Ouachita |
| Caneberries | Kotata Blackberries |
| Caneberries | Loganberries |
| Caneberries | Marionberries |
| Caneberries | Maravilla |
| Caneberries | Natchez |
| Caneberries | Navaho |
| Caneberries | Olallieberries |
| Caneberries | Osage |
| Caneberries | Prime Ark 45 |
| Caneberries | Prime-Jan |
| Caneberries | Prime-Jim |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------------|---------------------------|
| Caneberries | Red Raspberries |
| Caneberries | Tayberries |
| Caneberries | Triple Crown Blackberries |
| Cantaloupes | |
| Carambola (Star Fruit) | |
| Carrots | Hybrid |
| Carrots | Hybrid |
| Carrots | Mini |
| Carrots | Open Pollinated |
| Carrots | Open Pollinated |
| Casaba Melon | |
| Cashew | |
| Cassava | Beige |
| Cassava | White |
| Cauliflower | |
| Celeriac | |
| Celery | |
| Cherimoya | |
| Cherries | Sweet |
| Cherries | Tart |
| Chestnuts | |
| Chia | |
| Chicory/Radicchio | Common |
| Chicory/Radicchio | Witloof |
| Chinese Bitter Melon | |
| Christmas Trees | Afghan Pine |
| Christmas Trees | Arizona Cypress |
| Christmas Trees | Austrian Pine |
| Christmas Trees | Balsam Fir |
| Christmas Trees | Blue Spruce |
| Christmas Trees | Canaan Fir |
| Christmas Trees | Carolina Sapphire |
| Christmas Trees | Colorado Blue Spruce |
| Christmas Trees | Concolor Fir |
| Christmas Trees | Douglas |
| Christmas Trees | Engelmann Spruce |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|----------------------------|
| Christmas Trees | Frasier Fir |
| Christmas Trees | Korean Fir |
| Christmas Trees | Leyland |
| Christmas Trees | Meyer Spruce |
| Christmas Trees | Noble Fir |
| Christmas Trees | Norway Spruce |
| Christmas Trees | Nordman Fir |
| Christmas Trees | Red Cedar |
| Christmas Trees | Scotch Pine |
| Christmas Trees | Va Pine |
| Christmas Trees | White Spruce |
| Christmas Trees | White Pine |
| Cinnamon | |
| Citron | |
| Citron Melon | |
| Coconuts | |
| Coffee | Arabica |
| Coffee | Liberica |
| Coffee | Robusta Coffee |
| Corn | Sweet, Bicolor |
| Corn | Sweet, White |
| Corn | Sweet, Yellow/Golden Early |
| Corn | Sweet, Yellow/Golden Late |
| Cranberries | |
| Crenshaw Melon | |
| Cucumbers | Common |
| Cucumbers | English |
| Cucumbers | Pickling |
| Currants | |
| Dasheen | Purple |
| Dasheen | White |
| Dates | |
| Durian | |
| Eggplant | African |
| Eggplant | Cherry Eggplant |
| Eggplant | European |
| Eggplant | Mini Eggplant |
| Eggplant | Oriental |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Elderberries | Brush Hills |
| Elderberries | Cherokee |
| Elderberries | Mill Creek |
| Figs | Adriatic |
| Figs | Black Mission |
| Figs | Brown Turkey |
| Figs | Calimyrna |
| Figs | Celeste |
| Figs | Kadota |
| Figs | Sierra |
| Flowers | Achillea |
| Flowers | Acronlinium |
| Flowers | African Violet |
| Flowers | Agapanthus |
| Flowers | Ageratum |
| Flowers | Allium |
| Flowers | Alstroemeria |
| Flowers | Amaryllis |
| Flowers | Ammobium |
| Flowers | Amaranth |
| Flowers | Anemone |
| Flowers | Anthurium Obake |
| Flowers | Anthurium Pastel |
| Flowers | Anthurium Red |
| Flowers | Anthurium |
| Flowers | Artemesia |
| Flowers | Aster |
| Flowers | Baby's Breath |
| Flowers | Banana Bloom |
| Flowers | Banksia |
| Flowers | Bells Of Ireland |
| Flowers | Bird Of Paradise |
| Flowers | Belladonna |
| Flowers | Black Eyed Susans |
| Flowers | Bletilla |
| Flowers | Bupleurum |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Flowers | Bush Clover |
| Flowers | Butterfly Milkweed |
| Flowers | Calladium |
| Flowers | Campanelle |
| Flowers | Canna Lily |
| Flowers | Centaurea Black Magic |
| Flowers | Celesia |
| Flowers | Centranthus |
| Flowers | Celosia Plume |
| Flowers | Coneflowers |
| Flowers | Church |
| Flowers | Chocolate |
| Flowers | Cherimoya |
| Flowers | Cirisium |
| Flowers | Clematis |
| Flowers | Calla Lily |
| Flowers | Camomile |
| Flowers | Candy Tuft |
| Flowers | Miniature Carnation |
| Flowers | Centaurea |
| Flowers | Cockscomb |
| Flowers | Coleus |
| Flowers | Cosmos |
| Flowers | Creeping Phlox |
| Flowers | Craspedia |
| Flowers | Cornflower |
| Flowers | Chrysanthemum |
| Flowers | Mixed Cut |
| Flowers | Daffodil |
| Flowers | Dahlia |
| Flowers | Delphinium |
| Flowers | Daisy, Gerbera |
| Flowers | Daisy Gloriosa |
| Flowers | Daisy Marguerite |
| Flowers | Daisy Shasta |
| Flowers | Echeveria |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Flowers | Edible |
| Flowers | Elephant Ear |
| Flowers | Evening Primrose |
| Flowers | Eucalyptus |
| Flowers | Euphorbia |
| Flowers | Fern Fronds |
| Flowers | Flamingo |
| Flowers | Forget-Me-Not |
| Flowers | Fresia |
| Flowers | False Sunflower |
| Flowers | Gardenia |
| Flowers | Gilia |
| Flowers | Ginger |
| Flowers | Ginger Pink |
| Flowers | Ginger Red |
| Flowers | Gladioli |
| Flowers | Godetia |
| Flowers | Gomphrena |
| Flowers | Gypsy |
| Flowers | Green Goddess |
| Flowers | Gypochilla |
| Flowers | Heather Firecracker |
| Flowers | Heather Melanthria |
| Flowers | Heather Persoluta |
| Flowers | Heather Regemina |
| Flowers | Hollyhock |
| Flowers | Helichrysum |
| Flowers | Heliconia |
| Flowers | Heliconia Psittacorm |
| Flowers | Honeysuckle Hall's |
| Flowers | Hydrangea/Hortensia |
| Flowers | Iris Dutch |
| Flowers | Iris |
| Flowers | English Ivy |
| Flowers | Kalanchoe |
| Flowers | Kangaroo Paw |
| Flowers | Larkspur |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-------------------------|
| Flowers | Lavender |
| Flowers | Leucondendron |
| Flowers | Liatris |
| Flowers | Lilac |
| Flowers | Lineum |
| Flowers | Lisianthus |
| Flowers | Lily Asiatic |
| Flowers | Day Lily |
| Flowers | Lily Easter |
| Flowers | Ilima Lantern |
| Flowers | Lily Oriental |
| Flowers | Lobelia |
| Flowers | Lupine |
| Flowers | Lychnis Scarlet |
| Flowers | Marigold |
| Flowers | Mini Jacks |
| Flowers | Monte Casino |
| Flowers | Monarda |
| Flowers | Molluccella |
| Flowers | Montbretia |
| Flowers | Mountain Mint |
| Flowers | Myrtle |
| Flowers | Narcissus |
| Flowers | Nigela |
| Flowers | Northern Sea Oats |
| Flowers | Orchid Cattleyas |
| Flowers | Orchid Dendrobium |
| Flowers | Orchid Moth |
| Flowers | Orchid Phalaenopsis |
| Flowers | Orchid Cymbidium |
| Flowers | Orchid Dendrobium Spray |
| Flowers | Old Field Goldenrod |
| Flowers | Ornamental Okra |
| Flowers | Ornamental Peppers |
| Flowers | Pansy |
| Flowers | Penstemon Strictis |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Flowers | Peony |
| Flowers | Petunia |
| Flowers | Petalstemum |
| Flowers | Plumeria |
| Flowers | Protea |
| Flowers | Pussy Willow |
| Flowers | Pyrethrum |
| Flowers | Queen Anne's Lace |
| Flowers | Ranunculus |
| Flowers | Rose Hybrid Tea |
| Flowers | Rose |
| Flowers | Rose Miniature |
| Flowers | Rose Sweetheart |
| Flowers | Rudbeckia |
| Flowers | Salva |
| Flowers | Scabiosa |
| Flowers | Schizostilis |
| Flowers | Sedum |
| Flowers | Seafoam |
| Flowers | Sedahlia |
| Flowers | Snapdragon |
| Flowers | Spiderwort |
| Flowers | Stock |
| Flowers | Statice Dinuata |
| Flowers | Stiff Goldenrod |
| Flowers | Statice German |
| Flowers | Star Of Bethlehem |
| Flowers | Statice |
| Flowers | Strawflowers |
| Flowers | Sunflowers |
| Flowers | Sweet Annie |
| Flowers | Swamp Milkweed |
| Flowers | Sweet Pea |
| Flowers | Sweet William |
| Flowers | Tansy |
| Flowers | Thistle Globe |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Flowers | Tigridia |
| Flowers | Trachelium |
| Flowers | Tritoma |
| Flowers | Tuberose |
| Flowers | Tulip |
| Flowers | Umbrella Plant |
| Flowers | Veronica |
| Flowers | Verbena |
| Flowers | Water Hyacinth |
| Flowers | Waxflower |
| Flowers | Wild Gyp |
| Flowers | Wood Lilies |
| Flowers | Xeranthemum |
| Flowers | Yarrow |
| Flowers | Zinnia |
| Gailon | |
| Garlic | Common |
| Garlic | Elephant Garlic |
| Ginger | |
| Ginseng | |
| Gooseberries | |
| Gourds | Chinese Okra |
| Grapefruit | Ruby Red |
| Grapefruit | Seedy |
| Grapefruit | Rio Red/Star Ruby |
| Grapefruit | White |
| Grapes | Albarino |
| Grapes | Alborz |
| Grapes | Adalmina |
| Grapes | Adora |
| Grapes | Aglianico |
| Grapes | Alpenglow |
| Grapes | Alicante-Bouschet |
| Grapes | Almeria |
| Grapes | Autumn Crisp |
| Grapes | Autumn King |
| Grapes | Aurora |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------------|
| Grapes | Autumn Royal |
| Grapes | Baco Noir |
| Grapes | Barbera |
| Grapes | Black Corinth/Zante Currant |
| Grapes | Blanc Dubois |
| Grapes | Bianca |
| Grapes | Black Seedless |
| Grapes | Black Mission |
| Grapes | Blanc Seedless |
| Grapes | Bluebell |
| Grapes | Brianna |
| Grapes | Black Spanish/Lenoir |
| Grapes | Beta |
| Grapes | Beauty Seedless |
| Grapes | Buffalo/Rubiana |
| Grapes | Burger |
| Grapes | Cabernet |
| Grapes | Cascade |
| Grapes | Canadice |
| Grapes | Calmeria |
| Grapes | Campbell Early |
| Grapes | Carnelian |
| Grapes | Carignane |
| Grapes | Castel |
| Grapes | Catawba |
| Grapes | Cayuga |
| Grapes | Cabernet Franc |
| Grapes | Cabernet Sauvignon |
| Grapes | Cardinal |
| Grapes | Chardonnay |
| Grapes | Chenin Blanc |
| Grapes | Chardonel |
| Grapes | Chelois |
| Grapes | Chancellor |
| Grapes | Christmas Rose |
| Grapes | Cinsaut |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Grapes | Clinton |
| Grapes | Chambourcin |
| Grapes | Carminé |
| Grapes | Colobel |
| Grapes | Columbard French |
| Grapes | Concord |
| Grapes | Corvina |
| Grapes | Counoise |
| Grapes | Couderc |
| Grapes | Cabernet Pfeffer |
| Grapes | Crimson Pearl |
| Grapes | Crimson |
| Grapes | Carmenere |
| Grapes | Corot Noir |
| Grapes | Crimson Seedless |
| Grapes | Cynthia |
| Grapes | Cynthiana |
| Grapes | Dechaunac |
| Grapes | Delaware |
| Grapes | Diamond |
| Grapes | Dolcetto |
| Grapes | Dornfelder |
| Grapes | Dutchess |
| Grapes | Edelwiess |
| Grapes | Einsett |
| Grapes | Elvira |
| Grapes | Emerald Riesling |
| Grapes | Emerald Seedless |
| Grapes | Emperors |
| Grapes | Espirit |
| Grapes | Exotic |
| Grapes | Fantasy |
| Grapes | Flora |
| Grapes | Flame Seedless |
| Grapes | Fiano |
| Grapes | Foch |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Grapes | Fosch |
| Grapes | Fredonia |
| Grapes | Frontenac Gris |
| Grapes | Frontenac |
| Grapes | Fiesta |
| Grapes | Frontenac Blanc |
| Grapes | Gamay Beaujolais |
| Grapes | Gamay/Napa Gamay |
| Grapes | Geneva Red #7 |
| Grapes | Gewurtztraminer |
| Grapes | Grenache Blanc |
| Grapes | Grenache |
| Grapes | Green Hungarian |
| Grapes | Gruner Veltliner |
| Grapes | Grey Riesling |
| Grapes | Himrod |
| Grapes | Isabella |
| Grapes | Italia |
| Grapes | Itasca |
| Grapes | Ives |
| Grapes | Jupiter |
| Grapes | Kay Gray |
| Grapes | Kerner |
| Grapes | King Of The North |
| Grapes | Kashishi |
| Grapes | Kyoho |
| Grapes | Lacrosse |
| Grapes | Lakemont |
| Grapes | Vitis Labrusca |
| Grapes | Lacrescent |
| Grapes | Landot Noir |
| Grapes | Lemberger |
| Grapes | Leon Millot/Millot |
| Grapes | Louise Swenson |
| Grapes | Malvasia Bianca |
| Grapes | Marechal Foch |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-------------------------------|
| Grapes | Malbec |
| Grapes | Marquis |
| Grapes | Mars |
| Grapes | Mataro/Mourvedre |
| Grapes | Midnight Beauty/Sugrathirteen |
| Grapes | Melody |
| Grapes | Melon |
| Grapes | Merlot |
| Grapes | Meunier |
| Grapes | Mission |
| Grapes | Missouri Riesling |
| Grapes | Marquette |
| Grapes | Marsanne |
| Grapes | Meriot |
| Grapes | Malvoisie Black |
| Grapes | Muscat Of Alexander |
| Grapes | Muscat Blanc/Muscat Canelli |
| Grapes | Muscat |
| Grapes | Muscat, Golden |
| Grapes | Muscat Hamburg |
| Grapes | Mullerthurgau |
| Grapes | Muscat Ottonel |
| Grapes | Muscadine |
| Grapes | Meyers |
| Grapes | Nebbiolo |
| Grapes | Neptune |
| Grapes | Negroamaro |
| Grapes | Niagara |
| Grapes | Norton |
| Grapes | Noiret |
| Grapes | Ny76.0844.24 |
| Grapes | Ny81 |
| Grapes | Petite Amie |
| Grapes | Payon Dor |
| Grapes | Perlette |
| Grapes | Petita Sirah |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|------------------------------|
| Grapes | Petit Verdot |
| Grapes | Palomino Chasselas |
| Grapes | Persian Gulf |
| Grapes | Pinot Gris |
| Grapes | Pinot Gris (Sparkling Wine) |
| Grapes | Pinot Noir |
| Grapes | Pinot Noir - Sparkling Wine |
| Grapes | Petite Pearl |
| Grapes | Prestine Seedless |
| Grapes | Princess |
| Grapes | Primitivo |
| Grapes | Prairie Star |
| Grapes | Port |
| Grapes | Pinot St George |
| Grapes | Pinot Blanc |
| Grapes | Pinot Blanc (Sparkling Wine) |
| Grapes | Petit Manseng |
| Grapes | Ralli/Anahita |
| Grapes | Ravat |
| Grapes | Rayon Dor |
| Grapes | Rubired |
| Grapes | Red Globe |
| Grapes | Red Zinfandel |
| Grapes | Redal Blanc |
| Grapes | Regent |
| Grapes | Reliance |
| Grapes | Riber |
| Grapes | Riesling |
| Grapes | Riparia |
| Grapes | Red Malaga |
| Grapes | Roussanne |
| Grapes | Rosette |
| Grapes | Rougeon |
| Grapes | Ruby Red Seedless |
| Grapes | Royalty |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|----------------------------|
| Grapes | Ruby Seedless |
| Grapes | Ruby Cabernet |
| Grapes | Sauvignon Blanc/Fume Blanc |
| Grapes | Sagrantino |
| Grapes | Salvador |
| Grapes | Sangiovet/Sangiovese |
| Grapes | Saturn |
| Grapes | Sauvignon Vert |
| Grapes | Sabrevois |
| Grapes | Scheurebe |
| Grapes | Scarlet Royal |
| Grapes | Scarlotta |
| Grapes | Semillon |
| Grapes | Seyval/Seyve-Villard 5276 |
| Grapes | Red Suffolk |
| Grapes | Sheridan |
| Grapes | Starkstar |
| Grapes | Selma Pete |
| Grapes | Somerset Seedless |
| Grapes | Spike Mukley |
| Grapes | Sweet Scarlet |
| Grapes | Superior Seedless |
| Grapes | Steuben |
| Grapes | St Croix |
| Grapes | St Emilion (Ugni Blanc) |
| Grapes | St Pepin |
| Grapes | Stuken |
| Grapes | St Vincent |
| Grapes | Sultana |
| Grapes | Summer Royal |
| Grapes | Sunbelt |
| Grapes | Swenson Red |
| Grapes | Swenson White |
| Grapes | Sylvaner |
| Grapes | Symphony |
| Grapes | Syrah/French Syrh Shiraz |
| Grapes | Tannat |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------------|
| Grapes | Tempranillo/Valdepenas |
| Grapes | Teroldego |
| Grapes | Touriga |
| Grapes | Thompson Seedless |
| Grapes | Tinta Madera |
| Grapes | Tokay |
| Grapes | Traminette |
| Grapes | Valiant |
| Grapes | Vanessa |
| Grapes | Villard Blanc |
| Grapes | Vidal Blanc |
| Grapes | Vidal |
| Grapes | Venus |
| Grapes | Verdelet Blanc |
| Grapes | Verdelho |
| Grapes | Vignoles |
| Grapes | Vincent |
| Grapes | Vivant |
| Grapes | Valvin Muscat |
| Grapes | Venifera |
| Grapes | Villard Noir |
| Grapes | Ventura |
| Grapes | Voignier |
| Grapes | Verona |
| Grapes | Vitis Vinifera |
| Grapes | White Cayuga |
| Grapes | White Riesling/Johannisberg |
| Grapes | White Malaga |
| Grapes | Zinfandel |
| Grapes | Zweigeltrebe |
| Grass | Alkalai |
| Grass | Argentine Bahia |
| Grass | Altai Wild Rye |
| Grass | Bahalia |
| Grass | Big Blue |
| Grass | Common Bermuda |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|---------------------------|
| Grass | Creeping Bentgrass |
| Grass | Coastal Bermuda |
| Grass | Beardless Wildrye |
| Grass | Buffel |
| Grass | Colonial Bentgrass |
| Grass | Hybrid Bermuda |
| Grass | Bahia |
| Grass | Bluejoint Reedgrass |
| Grass | Big Bluestem |
| Grass | Gordo Bluestem |
| Grass | Rough Bluegrass |
| Grass | Bluejoint |
| Grass | Kentucky Bluegrass |
| Grass | Little Bluestem |
| Grass | Medio Bluestem |
| Grass | Rugby Bluegrass |
| Grass | Sand Bluestem |
| Grass | Yellow Bluestem |
| Grass | Bosioski Wild Rye |
| Grass | Old World Bluestem |
| Grass | Blue Panic |
| Grass | Mountain Brome |
| Grass | Polar Brome |
| Grass | Regar Brome |
| Grass | Buffalo |
| Grass | Blue Wild Rye |
| Grass | Canary |
| Grass | Canadian Bluegrass |
| Grass | Canby |
| Grass | Centipede |
| Grass | California Brome |
| Grass | Garrison Creeping Foxtail |
| Grass | Crabgrass |
| Grass | Dallis |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|-----------|---------------------------|
| Grass | Dichondra |
| Grass | Eastern Grama |
| Grass | Emerald Zoysia |
| Grass | Arctared Fescue |
| Grass | Fescue, Chewing |
| Grass | Fescue, Meadow |
| Grass | Fescue, Red |
| Grass | Fescue, Rough |
| Grass | Fescue, Hard |
| Grass | Fescue, Tall |
| Grass | Grama, Blue Hachita |
| Grass | Grama, Blue Lovington |
| Grass | George Black Medic |
| Grass | Blue Grama |
| Grass | Grama, Hairy |
| Grass | Green Needle |
| Grass | Green Panic |
| Grass | Grama, Side Oats |
| Grass | Green Sprangle Top |
| Grass | Norcoast Tufted Hairgrass |
| Grass | Nortran Tufted Hairgrass |
| Grass | Hontax |
| Grass | Idaho Fescue |
| Grass | Indian |
| Grass | Indian Ricegrass |
| Grass | Johnson |
| Grass | Jose Tall Wheatgrass |
| Grass | Junegrass |
| Grass | Kentucky 31 Fescue |
| Grass | Kleberg Bluestem |
| Grass | Klein |
| Grass | Leriope |
| Grass | Limosine |
| Grass | Mason Sandhill Lovegrass |
| Grass | Sand Lovegrass |
| Grass | Weeping Lovegrass |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|--------------------------|
| Grass | Magnar |
| Grass | Matua |
| Grass | Meadow |
| Grass | Mutton |
| Grass | Native |
| Grass | Needle And Thread |
| Grass | Newhy Hybrid Wheatgrass |
| Grass | Orchard |
| Grass | Pampas |
| Grass | Plains Blue Stems |
| Grass | Plains Bristle |
| Grass | Prairie |
| Grass | Prairie Dropseed |
| Grass | Prairie Sandreed |
| Grass | Annual Ryegrass |
| Grass | Reed Canary |
| Grass | Canadian Wild Ryegrass |
| Grass | Redtop |
| Grass | Rhodes |
| Grass | Intermediate Ryegrass |
| Grass | Perennial Ryegrass |
| Grass | Red Ratibita |
| Grass | Russian Wild Ryegrass |
| Grass | Sainfoin |
| Grass | Sandberg Bluegrass |
| Grass | Secar Bluebunch |
| Grass | Small Burnett |
| Grass | Smooth Brome |
| Grass | Saint Augustine |
| Grass | Sudan |
| Grass | Switch |
| Grass | Tundra Bluegrass |
| Grass | Trailhead Basin Wild Rye |
| Grass | Tufted Hairgrass |
| Grass | Timothy |
| Grass | Trailhead Basin |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|------------------------------|
| Grass | Trudane |
| Grass | Thick Spike Wheatgrass |
| Grass | Virginia Wildrye |
| Grass | Blue Bunch Wheat |
| Grass | Crested Wheat |
| Grass | Wilmon Lovegrass |
| Grass | Intermediate Wheat |
| Grass | White Prairie Clover |
| Grass | Pubescent Wheat |
| Grass | Ruff Fairway Crstd Wht Grs |
| Grass | Egyptian Wheat |
| Grass | Siberian Wheat |
| Grass | Wheat, Slender |
| Grass | Wheat Streambank |
| Grass | Wheat, Tall |
| Grass | Western Wheatgrass |
| Grass | Zoysia |
| Greens | Arugula |
| Greens | Asian |
| Greens | Chinese Spinach/Amaranth |
| Greens | Chinese Mustard |
| Greens | Collards |
| Greens | Common Kale |
| Greens | Cressie |
| Greens | Curly Endive |
| Greens | Dandelions |
| Greens | Frizee/Belgian Endive |
| Greens | Escarole |
| Greens | Green Swisschard |
| Greens | Hybrid Mustard |
| Greens | Leaf Spinach |
| Greens | Mizuna/Japanese Mustard |
| Greens | Open Pollinated Mustard |
| Greens | Orach |
| Greens | Perilla/Shiso/Japanese Basil |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|-------------------|------------------------------|
| Greens | Rape/Rapini/Chinese Broccoli |
| Greens | Red Swisschard |
| Greens | Shanghi Bok Choy |
| Greens | Shum Choy |
| Greens | Sorrell |
| Greens | Suk Gat |
| Greens | Toc Choy |
| Greens | Turnip |
| Greens | Vine Spinach |
| Greens | Water Spinach |
| Greens | Yu Choy |
| Guamabana/Soursop | |
| Guava | |
| Guavaberry | |
| Hazel Nuts | |
| Herbs | Basil |
| Herbs | Bay Leaf |
| Herbs | Borage |
| Herbs | Bu Choo/Garlic Chives |
| Herbs | Chives |
| Herbs | Cilantro/Coriander |
| Herbs | Caraway |
| Herbs | Dill |
| Herbs | Fenugreek |
| Herbs | Fennel/Anise |
| Herbs | Gobo |
| Herbs | Anise Hyssop |
| Herbs | Common Hyssop |
| Herbs | Lemon Verbena |
| Herbs | Lemon Grass |
| Herbs | Marjoram |
| Herbs | Mint |
| Herbs | Mint Apple |
| Herbs | Native Spearmint |
| Herbs | Oregano |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|----------------------|-----------------------|
| Herbs | Parsley |
| Herbs | Peppermint |
| Herbs | Recao/Culantro |
| Herbs | Rosemary |
| Herbs | Sage / Clary Sage |
| Herbs | Savory |
| Herbs | Scotch Spearmint |
| Herbs | Stevia |
| Herbs | Sungrass |
| Herbs | Tarragon |
| Herbs | Thyme |
| Herbs | Turmeric |
| Honey / Apiculture | |
| Honeyberries | |
| Honeydew | |
| Hops | |
| Horseradish | |
| Huckleberries | |
| Israel Melons | |
| Jack Fruit | |
| Jerusalem Artichokes | |
| Jicama | |
| Jujube | |
| Juneberries | |
| Kiwiberry | |
| Kiwifruit | |
| Kohlrabi | |
| Korean Golden Melon | |
| Kumquats | |
| Langsat | |
| Leeks | |
| Lemons | |
| Lentils | |
| Lettuce | Bibb |
| Lettuce | Boston |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------------|
| Lettuce | Butterhead |
| Lettuce | Crisphead |
| Lettuce | Leaf Lettuce |
| Lettuce | Romaine Lettuce |
| Limes | Key |
| Limes | Mexican |
| Limes | Tahiti Limes |
| Longan | |
| Lychee | |
| Macadamia Nuts | |
| Mangos | |
| Mangosteen | |
| Maple Sap | |
| Mayhaw Berries | |
| Melongene | |
| Mesple | |
| Moringa | |
| Mulberries | |
| Mushrooms | Common |
| Mushrooms | Shitake |
| Nectarines | Common |
| Nectarines | Early Season |
| Nectarines | Late Season |
| Nectarines | Mid Season |
| Noni | |
| Nursery | Container |
| Nursery | Edible Container |
| Nursery | Edible Field |
| Nursery | Field |
| Okra | |
| Olives | |
| Olives | Manzanillo |
| Onions | Bunching |
| Onions | Fall Planted White & Yellow |
| Onions | Green |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|------------------------|
| Onions | Hybrid |
| Onions | Little White Pearl |
| Onions | Open Pollinated |
| Onions | Reds |
| Onions | Storage |
| Onions | Sweet, Early |
| Onions | Sweet, Late |
| Onions | Tokyo Long White Bunch |
| Onions | Whites |
| Onions | Yellow Hybrid |
| Oranges | Blood And Toerh |
| Oranges | Calamondin |
| Oranges | Early |
| Oranges | Mid-Season |
| Oranges | Late |
| Oranges | Mandarins |
| Oranges | Navel |
| Oranges | Sweet |
| Oranges | Temple |
| Oranges | Valencia |
| Papaya | Babaco |
| Papaya | Cariflora |
| Papaya | Higgins |
| Papaya | Kamiya |
| Papaya | Kapaho |
| Papaya | Laie Gold |
| Papaya | Rainbow |
| Papaya | Red (Mexican) |
| Papaya | Sunup |
| Papaya | Sunrise |
| Papaya | Sunset |
| Papaya | Vista Solo |
| Papaya | Waimanalo |
| Papaya | Yellow (Mexican) |
| Parsnip | Hybrid |
| Parsnip | Open Pollinated |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|------------------------|
| Passion Fruits | |
| Pawpaw | |
| Peaches | Cling Peaches |
| Peaches | Freestone Peaches |
| Peaches | Freestone Early Season |
| Peaches | Freestone Late Season |
| Peaches | Freestone Mid Season |
| Peaches | Sf Cling Earlies |
| Peaches | Sf Cling Late |
| Peaches | Sf Cling Ext Early |
| Peaches | Sf Cling Ext Late |
| Pears | Anjou Pears |
| Pears | Asian Pears |
| Pears | Green Bartlett |
| Pears | Bosc Pears |
| Pears | Comice |
| Pears | Common |
| Pears | Speciality |
| Peas | Austrian |
| Peas | Black Eye |
| Peas | Butter |
| Peas | Caley |
| Peas | China |
| Peas | Chickling (Vetch) |
| Peas | Cow |
| Peas | Cream |
| Peas | Crowder |
| Peas | English/Garden |
| Peas | Flat |
| Peas | Green |
| Peas | Mini |
| Peas | Purple Hull |
| Peas | Pigeon |
| Peas | Pink Eyed |
| Peas | Rondo |
| Peas | Snap |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|--------------------------|-----------------------|
| Peas | Snow |
| Peas | Southern Acre |
| Peas | Speckled/Colored |
| Peas | Sugar |
| Peas | Sugar |
| Peas | Umatilla |
| Peas | Wrinkled Seed |
| Peas | Yellow Variety |
| Pecans | Improved Pecans |
| Pecans | Native Pecans |
| Pejibaye (Heart Of Palm) | |
| Peppers | Anaheim |
| Peppers | Banana |
| Peppers | Cayenne |
| Peppers | Chilaca |
| Peppers | Cubanells |
| Peppers | Fingerhots |
| Peppers | Fresno |
| Peppers | Gourmet Mini |
| Peppers | Green Chili |
| Peppers | Green Bell |
| Peppers | Habanero |
| Peppers | Hungarian Hot Wax |
| Peppers | Hot Cherry |
| Peppers | Italian |
| Peppers | Jalapeno |
| Peppers | Long Johns |
| Peppers | Mini |
| Peppers | Oriental Red |
| Peppers | Oriental Sweet |
| Peppers | Paprika |
| Peppers | Pepino |
| Peppers | Pimento |
| Peppers | Poblano |
| Peppers | Red Chili |
| Peppers | Scotch Bonnet |
| Peppers | Serrano |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|--------------------|---------------------------|
| Peppers | Sport |
| Peppers | Sweet Cherry |
| Peppers | Tobasco |
| Persimmons | |
| Pineapple | Abacaxi/Sugar Loaf |
| Pineapple | Queen |
| Pineapple | Red Spanish |
| Pineapple | Smooth |
| Pistachios | |
| Pitaya/Dragonfruit | |
| Plantain | Common |
| Plantain | Maricongo |
| Plantain | Short |
| Plantain | Super |
| Plumcots | |
| Plums | Early |
| Plums | European |
| Plums | Late |
| Plums | Midseason |
| Plums | Oriental |
| Pohole | |
| Pomegranates | |
| Potatoes | Fingerling Potatoes |
| Potatoes | Irish Redskinned Potatoes |
| Potatoes | Reds |
| Potatoes | Russets |
| Potatoes | Speciality |
| Potatoes | Whites |
| Potatoes | Yellow |
| Potatoes Sweet | Beauregard |
| Potatoes Sweet | Covington |
| Potatoes Sweet | Dianne |
| Potatoes Sweet | Evangeline |
| Potatoes Sweet | Garnet |
| Potatoes Sweet | Georgia Red |
| Potatoes Sweet | Golden Sweet |
| Potatoes Sweet | Hannah |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Potatoes Sweet | Hatteras |
| Potatoes Sweet | Hernandez |
| Potatoes Sweet | Jersey |
| Potatoes Sweet | Japanese |
| Potatoes Sweet | Jewel |
| Potatoes Sweet | La 07-146/Bayou Belle |
| Potatoes Sweet | Mameya |
| Potatoes Sweet | Oriental |
| Potatoes Sweet | Orleans |
| Potatoes Sweet | Red Glow |
| Potatoes Sweet | Sweet Boniato |
| Potatoes Sweet | Sweet Hayman |
| Potatoes Sweet | White |
| Prunes | |
| Pulasan | |
| Pummelo | |
| Pumpkins | Chinese Pumpkins |
| Pumpkins | Cinderella |
| Pumpkins | Cushaw |
| Pumpkins | Ghost |
| Pumpkins | Howden Pumpkins |
| Pumpkins | Jack-O-Lantern |
| Pumpkins | Kobacha/Calabaza |
| Pumpkins | Mammoth |
| Pumpkins | Mini Pumpkins |
| Pumpkins | Sugar |
| Quinces | |
| Radishes | Chinese |
| Radishes | Daikon |
| Radishes | Hybrid |
| Radishes | Korean |
| Radishes | Open Pollinated |
| Raisins | |
| Rambutan | |
| Rhubarb | |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Rutabaga | |
| Sapodilla | |
| Sapote | Black Sapote |
| Sapote | Mamey Sapote |
| Sapote | White Sapote |
| Scallions | |
| Shallots | |
| Sprite Melon | |
| Squash | Acorn Squash |
| Squash | Banana |
| Squash | Bittermelon Squash |
| Squash | Buttercup |
| Squash | Butternut Squash |
| Squash | Chayote |
| Squash | Crookneck |
| Squash | Dungua |
| Squash | Moqua |
| Squash | Opo |
| Squash | Singua |
| Squash | Spaghetti Squash |
| Squash | Summer Squash |
| Squash | Sunburst |
| Squash | Winter Squash |
| Squash | Zucchini Squash |
| Star Gooseberry | |
| Strawberries | |
| Tangelos | Minneola |
| Tangelos | Orlando |
| Tangerines | Common |
| Tangerines | Murcotts |
| Tangerines | Satsuma |
| Tangors | |
| Tangos | |
| Tannier | Purple |
| Tannier | Rascana |

List of Specialty Crops for Phase 1

| Crop Name | Crop Type Name |
|------------------|-----------------------|
| Tannier | White |
| Tannier | Yellow |
| Taro | Chinese |
| Taro | Giant |
| Taro | Poi |
| Taro | Xanthosoma |
| Tea | |
| Tomatillos | |
| Tomatoes | Cherry |
| Tomatoes | Green |
| Tomatoes | Grape |
| Tomatoes | Heirloom |
| Tomatoes | Hybrid |
| Tomatoes | Japanese |
| Tomatoes | Plum |
| Tomatoes | Yellow |
| Turnips | Hybrid Turnip |
| Turnips | Open Pollinated |
| Vanilla | |
| Walnuts | Black |
| Walnuts | English |
| Wasabi | |
| Water Cress | |
| Watermelon | Common |
| Watermelon | Crimson Sweet |
| Watermelon | Jubilee |
| Watermelon | Personal/Mini |
| Watermelon | Seedless |
| Watermelon | Striped |
| Watermelon | Ice Box/Sugar Babies |
| Wax Jamboo Fruit | |
| Winter Melon | |
| Wolfberry/Goji | |
| Yam | Diamond |
| Yam | Habanero |
| Yam | Purple |
| Yam | Sweet |
| Yu Cha | |

ERP Phase 1 Letter Sent to Insured Producers

Following is a Phase 1 sample letter sent to insured producers.

May 23, 2022

RE: Emergency Relief Program Phase 1 Signup

Dear Producer:

You are receiving this letter because Risk Management Agency (RMA) records indicate you have received a crop insurance indemnity for the 2020, 2021, and/or 2022 crop year for an insured cause of loss that occurred in calendar year 2020 and/or 2021. You **may** be eligible for additional benefits under the recently announced Emergency Relief Program (ERP) if you meet the requirements outlined in this letter.

The ERP will provide assistance for losses of crops, trees, bushes, and vines due to qualifying disaster events. FSA will follow a two-phased process to administer ERP. Phase 1 will provide payments to producers who received crop insurance indemnities using claim data that was on file with RMA as of May 2, 2022. This letter advises you of your **option** to participate in Phase 1 if you suffered a loss due to a qualifying disaster event as discussed below. For indemnified losses filed after May 2, 2022, and producers receiving Noninsured Crop Disaster Assistance Program (NAP) payments, a separate notification and pre-filled application will be provided at a later date. Phase 2 will be announced in the future and will encompass eligible losses and participants not included under Phase 1.

Qualifying disaster events include wildfires, hurricanes (including related excessive wind, storm surges, tornado, tropical storms, and tropical depression), floods (including related silt and debris), derechos (including related excessive wind), excessive heat, winter storms (including related blizzard and excessive wind), freeze (including a polar vortex), smoke exposure, excessive moisture, and qualifying drought occurring in calendar years 2020 and 2021. Related conditions must have occurred as a direct result of the indicated disaster event. "Qualifying drought" includes only those counties in which the drought intensity was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level at any point during the applicable calendar year. A list of counties that experienced a qualifying drought in calendar years 2020 and 2021 is available through local FSA service centers and at <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>

ERP Phase 1 Letter Sent to Insured Producers (Continued)

Instructions:

- To request an ERP Phase 1 payment, you must complete the enclosed FSA-520 Emergency Relief Program (ERP) Application **and submit it to FSA by July 22, 2022.** The FSA-520 is pre-filled with information based on your crop insurance participation. Please complete items 13 through 15 under Part C and item 24 under Part E as applicable and return to the FSA County Office listed in item 5 of the form. For further guidance on how to complete the form, instructions may be found at **<https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>**.

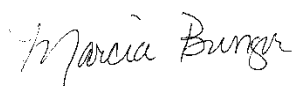
Note: If you are not currently an FSA customer, one or more of the forms identified in Part A of the FSA-520 may be required.

- To receive a payment under ERP, you must agree to purchase crop insurance or NAP, as applicable for the crop, at the 60/100 level of coverage or higher for insured crops, or at the catastrophic level of coverage or higher for NAP crops for the next two available crop years.

For more information, additional details are available online at

<https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>. If you have questions on any of the pre-filled information on Part C, items 7 through 10 and item 12 of the application, please contact your crop insurance agent. If you have additional questions, contact the FSA Call Center at 1-877-508-8364 or the FSA County Office listed in item 5 of the application.

Sincerely,



Marcia Bunker
Administrator
Risk Management Agency



Zach Ducheneaux
Administrator
Farm Service Agency

Enclosure: Producer Specific Pre-filled FSA-520

Sample Letter for Incomplete Application

Following is a sample letter to send when receiving an incomplete Phase 1 application.

[Date]

Mr. ERP Farmer
1400 Independence Avenue
Anytown, USA 12345-9876

Dear Mr. Farmer:

This letter is in response to your application for the Emergency Relief Program (ERP) for the [insert year] program year.

FSA has received form FSA-520; however, we have determined that your application package is incomplete. Please submit the following information and/or documentation to FSA so that we may process your application:

- [List additional documentation needed]

Please submit the requested information by [insert deadline]. If the requested information is not received by [insert deadline], your application will be not be processed Please contact us at your earliest convenience if you have any questions.

Sincerely,

CED

