

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Emergency Relief Program
1-ERP**

Amendment 5

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reason for Amendment

Subparagraphs 47 A, 48 B, and Exhibit 2, "Specialty Crop" definition have been amended to clarify that for the purposes of ERP, Annual Forage, Pasture Rangeland Forage, Whole Farm Revenue Protection, Whole Farm Unit, Forage Production, and All Other Citrus Trees are considered crops, without regard for the actual crops covered by the specific policy.

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TC	Text	Exhibit
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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.

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

--For the purposes of ERP, Annual Forage, Pasture Rangeland Forage, Whole Farm Revenue Protection, Whole Farm Unit, Forage Production, and All Other Citrus Trees policies are considered crops, without regard for the actual crops covered by the specific policy.--

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

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

***--Note:** For the purposes of ERP, Annual Forage, Pasture Rangeland Forage, Whole Farm Revenue Protection, Whole Farm Unit, Forage Production, and All Other Citrus Trees policies are considered crops, without regard for the actual crops covered by the specific policy.--*

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.

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 DAFP.

***--Note:** For the purposes of ERP, Annual Forage, Pasture Rangeland Forage, Whole Farm Revenue Protection, Whole Farm Unit, Forage Production, and All Other Citrus Trees policies are classified as non-specialty.--*

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.