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

Notice DAP-294

For: State and County Offices

Risk Management Purchase Requirement (RMPR) Equitable Relief Provisions for 2008

Approved by: Deputy Administrator, Farm Programs

1 Overview

A Background

The Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246):

- was enacted June 18, 2008
- provides special consideration to provide equitable relief in 2008 to eligible producers who failed to meet the 2008 RMPR for the Supplemental Revenue Assistance Payments Program, TAP, LFP, and Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program because most sales closing dates for crop insurance and application closing dates for NAP occurred before the enactment.

  Note: STC has authority to grant equitable relief on a case-by-case basis for producers who missed the 2008 deadline for obtaining coverage.

B Purpose

This notice provides State and County Offices with the guidelines for determining equitable relief for eligible producers who did **not** meet 2008 RMPR. The guidelines for determining equitable relief for 2009 will be provided at a later date.

Disposal Date	Distribution
May 1, 2009	State Offices; State Offices relay to County Offices

2 Equitable Relief Provisions for 2008 Crop Year

A Extent of Equitable Relief

Equitable relief may be granted by STC on a case-by-case basis, to an eligible producer who failed to meet 2008 RMPR when the determination has been made that the producer made a good faith effort to comply, and when 1 of the following situations occurred:

- the producer was unable to pay the 2008 "buy-in" fee for the crop by the September 16, 2008, deadline and the sales closing date for crop insurance or application closing date for NAP crops had passed

- late-planting a crop because of weather-related causes

- the actual use of the crop, which differs from the intended use, is uninsurable.

  Example: Certain insurance policies, such as Crop Revenue Coverage, insure corn only intended as grain. If the corn is intended for silage, the coverage will **not** attach.

Note: See 7-CP, paragraph 63 to determine whether a producer made a good faith effort.

B Equitable Relief Not Granted

Equitable relief shall **not** be granted to a producer who failed to meet 2008 RMPR because of 1 of the following reasons:

- the producer intentionally chose **not** to insure a covered crop under RMA or NAP

- a lack of good faith in reporting acreage or production

- ineligibility determinations rendered under RMA or NAP regulations

- the producer was prohibited from insuring acreage because the producer did **not** timely pay the crop insurance premiums in a prior year.

C Equitable Relief Requests

Equitable relief requests must be initiated by the participant.

2 Equitable Relief Provisions for 2008 Crop Year (Continued)

D Applicable Equitable Relief Fees

Producers granted relief for **not** meeting 2008 RMPR may pay an administrative fee in an amount of $100 per crop.

Note: The administrative fee is $100 per crop, but not more than either of the following:

- $300 per producer per administrative county
- $900 total per producer for all counties less any previously paid fees for CAT and/or NAP.

E Equitable Relief Fee Collection

Producers must visit their administrative county to pay the appropriate administrative fees and complete CCC-752 and/or CCC-753. County Offices shall complete CCC-257 according to 3-FI, using the collection program code “08NAPRELIEF” or “08CATRELIEF”.

3 Action

A STC Action

STC shall:

- review each request for equitable relief and clearly document in the STC minutes the justification for granting or denying equitable relief
- include the following information in the STC minutes when granting or denying equitable relief:
  - producer’s name
  - program year
  - program
  - action taken by the producer.

B COC Action

COC shall:

- review each equitable relief request and clearly document the justification for recommending equitable relief, along with all supporting documentation to STC
- document the justification for recommending equitable relief in the COC minutes according to 7-CP, subparagraph 82 C before submitting equitable relief cases to STC.