

For: State and County Offices

Fruits and Vegetables (FAV's) and Wild Rice Destroyed Before Harvest

Approved by: Deputy Administrator, Farm Programs



1 Overview

A

Background

Section 1106(b)(1) of the Farm Security and Rural Investment Act of 2002 provides that the planting of FAV's and wild rice on base acres is prohibited unless the commodity, if planted, is destroyed before harvest.

Under the Production Flexibility Contract (PFC), producers did **not** have the option to destroy FAV's and wild rice before harvest to become compliant with the FAV planting prohibition. However, under the Direct and Counter-Cyclical Program (DCP), nonperennial FAV's and wild rice planted on base acres that are destroyed without benefit before harvest shall **not** be considered a DCP violation nor shall DCP payments be reduced for these plantings.

Because 2002 FAV and wild rice payment reductions shall only be applied 1 time between 2002 PFC and DCP, Notice DCP-48 provided County Offices special provisions for applying 2002 FAV and wild rice payment reductions to 2002 DCP payments.

B

Purpose

This notice clarifies procedure:

- relating to the destruction of FAV's and wild rice **before** harvest
- provided in Notice DCP-48 for applying FAV and wild rice acre-for-acre reductions to 2002 DCP payments.

Disposal Date	Distribution
October 1, 2003	State Offices; State Offices relay to County Offices

Notice DCP-68

2 Destruction of FAV's and Wild Rice Before Harvest

A

Timing of Violations

FAV and wild rice violations occur at planting. FAV's and wild rice are considered planted for harvest at the time of planting. Therefore, compliance determinations are based on when FAV or wild rice is planted, not when the crop is harvested.

B

Compliance Determinations

Nonperennial FAV's and wild rice that are destroyed without benefit before harvest shall **not** be considered a DCP violation nor shall DCP payments for the farm be reduced for this planting, **if all of the following are met according to 1-DCP, Part 8:**

- producer notifies COC that the commodity has been or will be destroyed **before** harvest
- COC conducts a paid-for farm visit and verifies that the commodity was destroyed without benefit **before** harvest
- producer modifies FSA-578 to record the acres as destroyed without benefit.

Important: FAV or wild rice must be destroyed without benefit. Left standing or unharvested is **not** considered destroyed. See 1-DCP, Part 8.

C

Paid-for Farm Visit

Unless the destruction without benefit of FAV or wild rice is verified with a paid-for farm visit, COC shall consider FAV and wild rice harvested for compliance and payment reduction purposes. FSA-409 serves as the official copy of fees collected and proof of the paid-for farm visit.

Important: RMA or other crop insurance records:

- are **not** adequate for proving destruction of FAV or wild rice before harvest
 - shall **not** be used as verification of destruction of the crop.
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Notice DCP-68

3 Acre-for-Acre Payment Reductions

A

Planted Acreage Destroyed Before Harvest

For DCP compliance determinations, nonperennial FAV's and wild rice destroyed without benefit before harvest shall **not** be considered a DCP violation. Therefore, an acre-for-acre reduction shall **not** be applied to 2002 DCP payments if the requirements in subparagraph 2 B are met.

Notice DCP-48, subparagraph 3 E has been clarified to read as follows:

“If FAV's or wild rice are planted on base acres enrolled in DCP and the conditions in subparagraph A are met, the FAV's or wild rice acreage planted on base acres enrolled in DCP must be entered in the 2002 DCP FAV Payment Reduction compliance software.

Exception: FAV or wild rice acreage planted but destroyed without benefit before harvest shall **not** be entered in the 2002 DCP FAV Payment Reduction compliance software.

Important: The destruction of perennial FAV's or wild rice before harvest does **not** negate the planting violation. Left standing or unharvested acreage is **not** considered destroyed. This acreage shall be entered into the 2002 DCP FAV Payment Reduction compliance software.”

B

Verifying Paid-for Farm Visits

The National Office will be comparing acre-for-acre reductions applied to 2002 PFC and DCP. A spot check may be required when a 2002 acre-for-acre reduction is applied to a farm's PFC payment, but not to the farm's DCP payment, including a review of FSA-409's to determine whether a paid-for farm visit was conducted to verify the destruction without benefit of FAV or wild rice before harvest.
