

For: State and County Offices

Requests for Waivers of Onsite Inspections for ECP

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

1-ECP, paragraph 171 provides guidance for documenting damage through onsite inspections. In severe disaster conditions, a waiver of this requirement may be an option for implementing ECP. Recent OIG audits have identified waivers of onsite inspections as an activity that may increase vulnerability to improper payments.

OIG Recommendation No. 3, in the February 2008 Hurricane Relief Initiative Audit Report, recommended that FSA, “Determine the types of ECP practices that are least capable of being accurately evaluated after rehabilitation work has been performed, and develop guidance to limit waivers for pre-approved site inspections for those practices in future exigencies.”

In response to this recommendation, FSA conducted a review of all ECP practices to determine whether issuing waivers for onsite inspections was still feasible. FSA’s conclusion after review of each practice is that rather than limit onsite inspections purely by practice, the ECP-Program Manager (PM) shall continue to evaluate requests for waivers on a disaster-by-disaster basis. However, FSA shall strengthen the requirements for supporting documentation with regards to these waivers.

B Purpose

This notice provides policy for State Offices submitting requests for waiver of onsite inspection provisions to the ECP-PM.

<p>Disposal Date</p> <p>December 1, 2009</p>	<p>Distribution</p> <p>State Offices; State Offices relay to County Offices</p>
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2 Policy

A Submitting Requests for Waivers

COC's or CED's shall sign and submit:

- waiver requests
- the required documentation for waiver requests to their respective State Office.

STC's or SED's shall sign and submit:

- waiver requests
- the required documentation for waiver requests to the ECP-PM only if the State Office deems that the required documentation supports a request for waiver.

B Required Information for Requests for Waivers

The following information is required for requests for waivers:

- map of affected counties
- documentation of the extent and intensity of damage through maps or other data sources, including agricultural loss estimates
- based on the extent and intensity of damage, a defined boundary on a map for application of the waiver
- a description of accessibility to the site(s), including any physical limitations to the site because of flooding, debris, or other impediments
- photographs of the area or adjacent areas to the site where the waiver is requested
- information about how the extent of damage or rehabilitation work will be determined after the fact, and a plan for sub-sampling applications or using GIS analysis before practice implementation that will provide a basis for evaluating needs in areas where the onsite inspection has been waived
- a description of potential for any immediate impacts to public health or safety.

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2 Policy (Continued)

C Evaluation of Requests for Waivers

The requirement for onsite inspections will only be waived in extreme circumstances where the ECP-PM evaluates that:

- damage:
 - is of a magnitude that severely limits access or use of farmland
 - is so pervasive that the need for practice(s) can be adequately assessed through sub-sampling or using GIS analysis
 - requires immediate action to prevent significant adverse loss to agricultural operations
 - presents an immediate risk:
 - to public health or safety
 - to environmental resources.

Note: Workload issues alone are not sufficient justification for waiver of the onsite inspection provision.

D Implementation of Waivers

State and County Offices shall evaluate the amount of financial payment and the relative potential for inaccurate payment when determining whether or not to use an approved waiver for a particular application.

3 Contact

A State Offices

If there are questions about this notice, State Offices shall contact Katina Hanson, ECP-PM, by either of the following:

- e-mail at katina.hanson@wdc.usda.gov
- telephone at 202-720-0062.

B County Offices

If there are questions about this notice, County Offices shall contact the State Office.

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4 Action

A State Office Action

State Offices shall implement the provisions of this notice.

B County Office Action

County Offices shall implement the provisions of this notice.