

**For:** State and County Offices

**2022 Emergency Assistance for Livestock, Honeybees, and Farm Raised Fish Program (ELAP)  
Policy Updates**

**Approved by:** Acting Deputy Administrator, Farm Programs

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**1 Overview**

**A Background**

On January 11, 2023, the Pandemic Assistance Programs and Agricultural Disaster Assistance Program final rule was published. This rule made discretionary changes to ELAP to amend covered livestock and what is considered eligible and ineligible livestock. These changes are in effect for 2022 and subsequent program years.

**B Purpose**

This notice:

- provides updated policy for covered livestock for ELAP for 2022 and subsequent program years
- notifies State and County offices the ELAP application deadline for program year 2022 has been extended only for producers' 2022 losses related to the additional eligible livestock.

**C Contact**

If there are questions about this notice:

- County Offices will contact the State Office.
- State Offices will contact Livestock Program Manager, Seth Cross.

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<b>Disposal Date</b>	<b>Distribution</b>
January 1, 2024	State Offices; State Offices relay to County Offices

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## Notice ELAP-12

### 2 Updated Policy for ELAP

#### A Eligible Livestock Updates for ELAP

For 2022 ELAP and subsequent years the following changes have been made to covered livestock.

- Removes the restrictions of ostriches which are now determined to be eligible grazing animals for ELAP.
- Removes the recreational restriction and now considers livestock that contribute to the commercial viability of an operation that are maintained for the purposes of pleasure, roping, pets, or show, by an owner, lessee, or contract grower covered livestock for eligible losses under ELAP. All other eligible animals are listed in 1-ELAP, subparagraph 24 A.

**Note:** The change does not include livestock used for hunting and consumption by owner. They are ineligible livestock for ELAP.

- Livestock used or intended to be used for racing or wagering are ineligible livestock for ELAP.

#### B Eligibility Requirements for Producers Who Have Not Previously Participated in ELAP

Eligible producers that now have eligible covered livestock and the producer has never participated in ELAP prior to 2023, FSA will accept a 2022 ELAP notice of loss and application for payment (payments will read 2022 subsidiary eligibility) on CCC-851 and CCC-851-1, for all eligible covered livestock that may have been eligible in 2022, no later than **June 2, 2023**. All required supporting documentation must be received and on file in the County Office by the established deadline before an application for payment can be acted upon. An application and supporting documentation received after the deadline will be disapproved.

Producers will be required to meet all other program eligibility requirements needed for their 2022 ELAP application to be considered for payment.

**Example:** If producer, livestock, and grazing land eligibility are met, but general eligibility requirements are not met such as a conservation compliance violation, the application will be approved; however, a zero dollar payment will be generated.

#### C Eligibility Requirements for Producers Who Have Previously Participated in ELAP

Producers who have participated in ELAP prior to 2023, will only be allowed to file a new or revised 2022 ELAP notice of loss and application for payment for the newly updated eligible livestock categories. All required supporting documentation must be received and on file in the County Office by the established deadline before an application for payment can be acted upon. An application and supporting documentation received after the deadline will be disapproved.

## Notice ELAP-12

### 2 Updated Policy for ELAP (Continued)

#### C Eligibility Requirements for Producers Who Have Previously Participated in ELAP (Continued)

Producers will be required to meet all other program eligibility requirements needed for their 2022 ELAP application to be considered for payment.

**Note:** Producers that have a 2022 ELAP application on file with FSA as of the program deadline or who were placed on an approved register, may revise their application with the newly updated eligible livestock no later than **June 2, 2023**.

### 3 Acreage Report Requirements and Application Deadline

#### A Requirements for Late Filed Acreage Reports

According to 1-ELAP, paragraph 7, producers are required to accurately complete an acreage report. For acreage reports associated only to applications authorized by this notice, an automated FSA-578 will be completed and the provisions of 2-CP for late-filed acreage reports will not apply.

Late filed fees will be waived, and acreage reports will be accepted and certified in the Crop Acreage Reporting System (CARS) after physical existence of the crop or crop residue is gone, if the producer:

- is reporting acreage for 2022 ELAP eligibility purposes only, for a 2022 ELAP notice of loss and application for payment authorized by this notice for the 2022 program year
- provides acceptable evidence, to the COC's satisfaction, to prove existence of the crop.

This documentation may include but is not limited to:

- seed receipts showing the amount, variety, and date purchased
- receipts for cleaning, treating, etc., for seed planted on the farm
- documentation obtained and certified by another governmental agency indicating the acreage, location, and crop year
- a written contract or documentation of an oral contract to produce a specific crop
- aerial imagery if a positive determination can be made of the crop's identity and boundaries
- evidence that was accepted and approved by another USDA agency.

## Notice ELAP-12

### 3 Acreage Report Requirements and Application Deadline (Continued)

#### A Requirements for Late Filed Acreage Reports (Continued)

All late-filed acreage reports must be thoroughly documented in COC minutes to include details of the basis for acceptance of the late-filed acreage report and the documentation which was reviewed and determined acceptable.

County Offices will make the following notation below the producer signature line on the FSA-578:

“2-CP late-filed acreage reporting provisions do not apply per Notice ELAP-12”.

If COC determines the producer does not meet the requirements for the applicable acreage outlined in this subparagraph, the County Office will remove the certification from the applicable grazing land acreage entered in CARS for ELAP purposes.

**Note:** Any acreage reported and certified in CARS could potentially impact other FSA programs that rely on this data.

#### B Deadline for Applications Authorized by this Notice

The deadline to submit notices of loss, applications for payment, and all required supporting documents for ELAP authorized by this notice, is no later than **June 2, 2023**.

**Note:** Software will remain available for 2022 notices of loss and applications for payment until **June 30, 2023**.

### 4 Outreach and Public Affairs

#### A Outreach

Outreach to existing FSA participants, newly eligible producers, and stakeholder organizations during the sign-up period will be crucial to ensure awareness and education of the final rule changes to ELAP. County Outreach Coordinators (COOC's) should work in conjunction with State Outreach Coordinators (SOC's) to plan activities and events to inform eligible livestock owners and producers. Effort should also be placed on working with partner organizations that serve the eligible applicant base, as there may be many producers eligible that are not currently participating in FSA programs. Partnerships can help FSA to more broadly reach those customers not yet participating or familiar with FSA.

## Notice ELAP-12

### 4 Outreach and Public Affairs (Continued)

#### A Outreach (Continued)

The following are action items for SOC's.

- Ensure that applicable stakeholder organizations at the State and local level receive communications materials.
- Share the communications materials with COOC's to help assist with outreach planning and education.
- Plan State level activities with stakeholders to partner together in reaching eligible producers and providing technical assistance and support and load into the Outreach Information Tracking System (OTIS).
- Review the OTIS entries within the State to ensure that activities are being planned statewide to reach eligible producers and educate communities about the changes to ELAP.

The following are action items for COOC's.

- Work with partner organizations in education and awareness of the final rule changes.
- Share the communications materials listed below with applicable partner organizations.
- Plan outreach activities and load into OTIS.
- Provide technical assistance and support for applicants both existing and new to FSA in conjunction with stakeholder organizations.

Counties should work with their designated SOC if needing assistance with outreach efforts. SOC's should reach out to their designated National Outreach Specialist for help. SED's in need of support may e-mail [fsaoutreach@usda.gov](mailto:fsaoutreach@usda.gov).

## Notice ELAP-12

### 4 Outreach and Public Affairs (Continued)

#### B Public Information and Program Communications

Program information, including sign-up and eligibility, is publicized in a variety of ways as resources allow. These communication tools include, but are not limited to:

- news 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 print and broadcast outlets to create program awareness.

### 5 Action

#### A State Office Action

State Offices will:

- ensure County Offices are informed of and adhere to the contents of this notice
- contact the National Office if there are any questions.

#### B County Office Action

County Offices will:

- follow the policy provided in this notice for accepting 2022 ELAP notices of loss and applications for payment authorized by this notice
- thoroughly document all COC determinations and applicable policy in the COC minutes.