

For: State and County Offices

Revised TAA for Farmers Application Requirements

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

USDA has been advised that the documentation requirements for TAA for Farmers applicants are constraining applicant eligibility. To address these eligibility constraints and expedite the application process, USDA is modifying the documentation requirements for submitting FSA-229-1 consistent with current statutory authority.

B Purpose

This notice announces revised documentation requirements under which applicants for TAA for Farmers benefits may certify their eligibility for some TAA eligibility requirements (Options 1 and 2) without submitting documentation unless selected for spot-check.

Note: FSA-229-1 will not be revised for applications submitted under FY 2010 and FY 2011 petitions.

C Outreach

State and County Offices shall use normal outreach procedures to ensure that applicants are informed of the revised documentation requirements provided in this notice.

D Contact

For questions or information about this notice, contact Gene Rosera by either of the following:

- e-mail at gene.rosera@wdc.usda.gov
- telephone at 202-720-8481.

To submit price information to FAS for group approval under Options 2 or 3, contact Pete Burr by either of the following:

- email at tradeadjustment@FAS.USDA.GOV
- telephone at 202-720-3274.

Disposal Date	Distribution
March 1, 2011	State Offices; State Offices relay to County Offices

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2 Changes to Documentation Requirements

A Applicability

The revisions to TAA for Farmers certification and documentation requirements announced in this notice:

- are effective starting on the date of this notice
- may be used to establish eligibility for applicants that have applied before the date of this notice
- will not overturn any application approvals granted based on prior requirements.

B General Documentation Revisions

To establish that they are producers of the certified commodity, applicants must still submit some production evidence for FSA-229-1, Items 11C and D for the petition marketing year and one of the three prior years according to 1-SP, subparagraph 53 A.

Applicants are not required to enter production or price information for FSA-229-1, Items 11E through 11L. However, applicants are required to enter their initials and date of initials in Item 11 after either the Option 1 or Option 2 questions to indicate for which option they are certifying their eligibility.

A pre-certified approval means an approval of a group of producers granted by FAS based on its review of submitted price information under Options 2 or 3.

C Option 1 Documentation Revision

Applicants may:

- certify their eligibility under Option 1 without submitting documentation
- be required to submit documentation of Option 1 if selected for spot check.

Pre-certified approvals by FAS of a group are not authorized under Option 1.

D Option 2 Documentation Revisions

Applicants may establish eligibility under Option 2:

- by self-certifying eligibility based on their own average prices received, to be supported by their own documentation if requested under a spot-check
- based on being a member of a pre-certified group approved by FAS **only**.

Note: FAS will consider any submitted data to determine if average State, or regional (where appropriate), production levels or prices received for the petition year have declined as required under Option 2. The price data submitted for Option 2 group approval may originate from market sources verifiable by USDA.

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2 Changes to Documentation Requirements (Continued)

D Option 2 Documentation Revisions (Continued)

If FAS is able to make a positive determination, applicants in the subject State or region will be eligible for TAA benefits without having to document eligibility based upon their own personal records. Prices for pre-certified group approvals may be submitted to FAS by industry officials, university partners, etc., and must be submitted to FAS for verification before the end of the application period.

Prices submitted for pre-certified group approval under Option 2 are not required to be USDA-maintained prices, but must accurately reflect average prices received by producers in the State or region and for the petition marketing year compared to the previous complete 3-year average. Under Option 2, USDA will not approve applicants in a State or region based on national-level price data.

Producers may continue to establish eligibility under Option 2 using their own price data.

E Option 3 Documentation Revisions

Effective immediately, eligibility under Option 3:

- must be established using prices only collected or maintained by USDA
- may not be established using prices from non-USDA sources
- may not be certified by the applicant and must be supported by USDA price information.

This revision to Option 3 documentation requirements does not apply to producers who, before the date of this notice, established eligibility under Option 3 based on non-USDA market prices.

Prices maintained by USDA may include prices collected by USDA from marketing points, universities and/or private institutions on a periodic basis.

Under Option 3, applicants in a State or region may be determined eligible if FAS provides pre-certified group approval.

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3 Reviewing Undocumented FSA-229-1

A Processing Incomplete FSA-229-1

County Offices that have received FSA-229-1 without any documentation for Options 1, 2, or 3 shall:

- advise the applicant of the new certification alternatives for Options 1 and 2 available to all applications received within the application period
- advise applicants included in any pre-certified group approval by FAS under Option 2 or 3 that:
 - the applicant is not required to re-submit or initial FSA-229-1 unless it was not otherwise completed and signed by the applicant
 - a copy of the FAS pre-certification shall be included in the file of each affected applicant.

Applicants are not permitted to establish eligibility under Option 3 based on non-USDA prices.