

USDA to Provide Approximately \$6 Billion to Commodity and Specialty Crop Producers Impacted by 2020 and 2021 Natural Disasters

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First Wave of Payments Based on Crop Insurance Data

WASHINGTON, May 16, 2022 – The U. S Department of Agriculture (USDA) today announced that commodity and specialty crop producers impacted by natural disaster events in 2020 and 2021 will soon begin receiving emergency relief payments totaling approximately \$6 billion through the Farm Service Agency's (FSA) new [Emergency Relief Program \(ERP\)](#) to offset crop yield and value losses.

“For over two years, farmers and ranchers across the country have been hard hit by an ongoing pandemic coupled with more frequent and catastrophic natural disasters,” said Agriculture Secretary Tom Vilsack. “As the agriculture industry deals with new challenges and stressors, we at USDA look for opportunities to inject financial support back into the rural economy through direct payments to producers who bear the brunt of circumstances beyond their control. These emergency relief payments will help offset the significant crop losses due to major weather events in 2020 and 2021 and help ensure farming operations are viable this crop year, into the next growing season and beyond.”

Background

On September 30, 2021, President Biden signed into law the *Extending Government Funding and Delivering Emergency Assistance Act* (P.L. 117-43), which includes \$10 billion in assistance to agricultural producers impacted by wildfires, droughts, hurricanes, winter storms, and other eligible disasters experienced during calendar years 2020 and 2021. FSA recently made payments to ranchers impacted by drought and wildfire through the first phase of the Emergency Livestock Relief Program (ELRP). ERP is another relief component of the Act.

For impacted producers, existing [Federal Crop Insurance](#) or [Noninsured Crop Disaster Assistance Program](#) (NAP) data is the basis for calculating initial payments. USDA estimates that phase one ERP benefits will reach more than 220,000 producers who received indemnities for losses covered by federal crop

insurance and more than 4,000 producers who obtained NAP coverage for 2020 and 2021 crop losses.

ERP Eligibility – Phase One

ERP covers losses to crops, trees, bushes, and vines due to a qualifying natural disaster event in calendar years 2020 and 2021. Eligible crops include all crops for which crop insurance or NAP coverage was available, except for crops intended for grazing. Qualifying natural disaster events include wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions.

For drought, ERP assistance is available if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a:

- D2 (severe drought) for eight consecutive weeks; or
- D3 (extreme drought) or higher level of drought intensity.

Lists of [2020](#) and [2021](#) drought counties eligible for ERP is available on the emergency relief website.

To streamline and simplify the delivery of ERP phase one benefits, FSA will send pre-filled application forms to producers where crop insurance and NAP data are already on file. This form includes eligibility requirements, outlines the application process and provides ERP payment calculations. Producers will receive a separate application form for each program year in which an eligible loss occurred. Receipt of a pre-filled application is not confirmation that a producer is eligible to receive an ERP phase one payment.

Additionally, producers must have the following forms on file with FSA within 60 days of the ERP phase one deadline, which will later be announced by FSA's Deputy Administrator for Farm Programs:

- Form AD-2047, *Customer Data Worksheet*.
- Form CCC-902, *Farm Operating Plan* for an individual or legal entity.
- Form CCC-901, *Member Information for Legal Entities* (if applicable).
- Form FSA-510, *Request for an Exception to the \$125,000 Payment Limitation for Certain Programs* (if applicable).
- Form CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, if applicable, for the 2021 program year.
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 *Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification*) for the ERP

producer and applicable affiliates.

Most producers, especially those who have previously participated in FSA programs, will likely have these required forms on file. However, those who are uncertain or want to confirm the status of their forms can contact their [local FSA county office](#).

ERP Payment Calculations – Phase One

For crops covered by crop insurance, the ERP phase one payment calculation for a crop and unit will depend on the type and level of coverage obtained by the producer. Each calculation will use an ERP factor based on the producer's level of crop insurance or NAP coverage.

- **Crop Insurance** – the ERP factor is 75% to 95% depending on the level of coverage ranging from catastrophic to at least 80% coverage.
- **NAP** – the ERP factor is 75% to 95% depending on the level of coverage ranging from catastrophic to 65% coverage.

Full ERP payment calculation factor tables are available on the emergency relief website and in the program [fact sheet](#).

Applying ERP factors ensures that payments to producers do not exceed available funding and that cumulative payments do not exceed 90% of losses for all producers as required by the Act.

Also, there will be certain payment calculation considerations for area plans under crop insurance policies.

The ERP payment percentage for historically underserved producers, including beginning, limited resource, socially disadvantaged, and veteran farmers and ranchers will be increased by 15% of the calculated payment for crops having insurance coverage or NAP.

To qualify for the higher payment percentage, eligible producers must have a CCC-860, *Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification*, form on file with FSA for the 2021 program year.

Because the amount of loss due to a qualifying disaster event in calendar years 202 and 2021 cannot be separated from the amount of loss caused by other eligible causes of loss as defined by the applicable crop insurance or NAP policy, the ERP phase one payment will be calculated based on the producer's loss due to *all eligible causes of loss*.

Future Insurance Coverage Requirements

All producers who receive ERP phase one payments, including those receiving a

payment based on crop, tree, bush, or vine insurance policies, are statutorily required to purchase crop insurance, or NAP coverage where crop insurance is not available, for the next two available crop years, as determined by the Secretary. Participants must obtain crop insurance or NAP, as may be applicable:

- At a coverage level equal to or greater than 60% for insurable crops; or
- At the catastrophic level or higher for NAP crops.

Coverage requirements will be determined from the date a producer receives an ERP payment and may vary depending on the timing and availability of crop insurance or NAP for a producer's particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year.

Emergency Relief – Phase Two (*Crop and Livestock Producers*)

Today's announcement is only phase one of relief for commodity and specialty crop producers. Making the initial payments using existing safety net and risk management data will both speed implementation and further encourage participation in these permanent programs, such as Federal crop insurance, as Congress intended.

The second phase of both ERP and ELRP programs will fill gaps and cover producers who did not participate in or receive payments through the existing programs that are being leveraged for phase one implementation. When phase one payment processing is complete, the remaining funds will be used to cover gaps identified under phase two.

Through proactive communication and outreach, USDA will keep producers and stakeholders informed as program details are made available. More information on ERP can be found in the [Notice of Funding Availability](#).

Additional Commodity Loss Assistance

The Milk Loss Program and On-Farm Stored Commodity Loss Program are also funded through the *Extending Government Funding and Delivering Emergency Assistance Act* and will be announced in a future rule in the Federal Register.

More Information

Additional USDA disaster assistance information can be found on [farmers.gov](#), including the [Disaster Assistance Discovery Tool](#), [Disaster Assistance-at-a-Glance fact sheet](#), and [Farm Loan Discovery Tool](#). For FSA and Natural Resources Conservation Service programs, producers should contact their local [USDA Service Center](#). For assistance with a crop insurance claim, producers and landowners should contact their [crop insurance agent](#).

USDA touches the lives of all Americans each day in so many positive ways. Under

the Biden-Harris Administration, USDA is transforming America's food system with a greater focus on more resilient local and regional food production, fairer markets for all producers, ensuring access to safe, healthy and nutritious food in all communities, building new markets and streams of income for farmers and producers using climate smart food and forestry practices, making historic investments in infrastructure and clean energy capabilities in rural America, and committing to equity across the Department by removing systemic barriers and building a workforce more representative of America. To learn more, visit [usda.gov](https://www.usda.gov).

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Emergency Relief Program

[Frequently Asked Questions for Emergency Livestock Relief Program \(ELRP\)](#)

[Frequently Asked Questions for Emergency Relief Program \(ERP\)](#)

ELRP FAQs

Q. If my county did not meet the drought criteria (D2 for eight consecutive weeks, or D3 or D4 any time) during the normal grazing season and didn't trigger for LFP, but did hit D2 for 8 consecutive weeks after the 2021 grazing period ended, am i eligible for ELRP Phase 1?

A. No, you are not eligible for ELRP Phase 1. Only 2021 LFP participants are eligible, however, counties who fall under this drought criteria are identified may be considered eligible under future additional emergency assistance under ELRP.

Q. Do I need to contact my local FSA County Office to sign up for ELRP Phase 1?

A. No, if you completed a 2021 LFP application your 2021 LFP gross calculated payment amount will be used to calculate your ELRP Phase 1 payment. Direct contact to your county office is not required to receive a payment.

Q. I completed a 2021 LFP application, however i was ineligible for payment due to AGI non-compliance, am i eligible for ELRP Phase 1?

A. Yes, ELRP is not subject to AGI provisions. Your 2021 LFP gross payment calculated amount will be used to calculate your ELRP Phase 1 payment.

Q. I completed a 2021 LFP application however the COC reduced some of the acreage on my application because I did not have a lease for those acres. Will I be eligible for ELRP Phase 1

A. Yes, if you received a 2021 LFP payment then you will receive a ELRP Phase 1 payment based on your gross LFP payment calculation.

Q. I completed a 2021 LFP application however the COC disapproved the application. Will I be eligible for ELRP Phase 1?

A. If your 2021 LFP application was disapproved, then you will not receive an ELRP payment under Phase 1.

Q. We completed a 2021 LFP application and were paid, however one of the members of our operation did not met AGI provisions and the payment was reduced by their share of the operation. Will we receive the whole ELRP Phase 1 payment or only part of the ELRP Phase 1 payment like we did for LFP?

A. ELRP is not subject to AGI provisions. Your 2021 LFP gross calculated payment amount will be used to calculate your ELRP Phase 1 payment.

Q. My county was eligible for LFP but I was not aware of the LFP program so I did not sign up. Can I still apply for ELRP?

A. There is no application period for ELRP Phase 1. ELRP is being administered in a phased approach, so If you did not complete a 2021 LFP application, you will need to contact your local FSA office to ensure you are aware of all FSA programs and subsequent announcements of ELRP.

Q. I completed a 2021 LFP application in the summer of 2021 and was paid. I later sold all my livestock. Will I still receive a ELRP Phase 1 payment?

A. Yes, if you received a 2021 LFP payment then you will receive an ELRP Phase 1 payment.

ERP FAQs

Q. Why are there 2 phases for ERP?

A. The two-phased process allows FSA to continue to evaluate and identify the impacts of 2020 and 2021 natural disasters on diversified, row crop and specialty crop operations and expedite distribution of much-needed emergency relief program benefits. Phase 1 was implemented to expedite assistance to producers with crop insurance and NAP coverage by using existing Risk Management Agency (RMA) and FSA claim data. Phase 2 will compensate eligible producers not paid under Phase 1 for their eligible losses, including those that may have had crop insurance or NAP, but the loss was not large enough to trigger an indemnity and address any other gaps or areas impacted by the 2020 and 2021 natural disasters

Q. What is ERP Phase 1?

A. ERP Phase 1 will use a streamlined process with pre-filled application forms and provide payments for crop production losses and tree, bush, and vine losses in certain situations where the claim data is already on file with FSA or the RMA, as a result of the producer previously receiving a Noninsured Crop Disaster Assistance Program (NAP) payment or a crop insurance indemnity under certain crop insurance policies.

Q. What is ERP Phase 2?

A. ERP Phase 2 will be for all eligible producers that experienced an eligible loss that did not receive a payment under Phase 1. This includes shallow losses, uninsured crops, and quality losses not accounted for in Phase 1.

Q. Am I eligible for Phase 1 and Phase 2 payments?

A. Producers who apply for payment under ERP Phase 1 may also apply under ERP Phase 2; however, payments under ERP Phase 2 will take into account any amounts received for the crop and unit under ERP Phase 1. ERP Phase 2 provisions will be specified in a future announcement.

Q. If I received a letter for Phase 1, am I automatically eligible for a disaster payment?

A. No, before an ERP payment can be made producers are responsible for confirming and certifying that the indemnities shown on the letter are a result of a qualifying disaster event. Qualifying disaster events include wildfires, hurricanes (including related excessive wind, storm surges, tornado, tropical storms, and tropical depression), floods (including related silt and debris), derechos (including related excessive wind), excessive heat, winter storms (including related blizzard and excessive wind), freeze (including a polar vortex), smoke exposure, excessive moisture, and qualifying drought occurring in calendar years 2020 and 2021. Related conditions must have occurred as a direct result of the indicated disaster event. "Qualifying drought" includes only those counties in which the drought intensity was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level at any point during the applicable calendar year.

Q. When will pre-filled ERP Phase 1 applications be mailed?

A. Pre-filled applications for ERP Phase 1 will be mailed in late May 2022. We will share the exact date online here on the Emergency Relief webpage once the date is confirmed.

Q. Do I have to submit my ERP application to an FSA County Office?

A. Producers wanting to receive payment under Phase 1 need to submit the application to an FSA county office. Applications can be accepted by fax, email, or submitted in person, to an FSA County Office.

Q. Who must sign the ERP application?

A. All producers certifying to a share on the ERP application must sign the application to receive a payment.

Q. What if I am the primary crop insurance policy holder with other Substantial Beneficial Interest (SBI) listed on my application and have designated SBI shares, but am not able to collect all SBI signatures on my ERP application?

A. The ERP application will be considered incomplete.

Q. If I don't agree with the pre-filled information on my application what should I do?

A. Contact your crop insurance agent for questions regarding crop insurance information. Contact your FSA office for questions regarding NAP information.

Q. What eligibility forms must be submitted to the FSA County Office prior to receiving an ERP payment?

A. Eligibility forms include the AD-2047 Customer Data Worksheet (if applicable), the CCC-902 Farm Operating Plan for Payment Eligibility, the CCC-901 Member Information for Legal Entities (if applicable), and the AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification.

Many producers, especially if they have participated in FSA programs recently, will already have these forms on file with FSA. Producers who are unsure of whether a form is on file may contact their local FSA service center.

Also, certain producers will also need to submit the following forms to qualify for an increased payment rate or payment limitation, Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, applicable for the program year or years for which the producer is applying for ERP; or Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person or legal entity's certification, for a legal entity and all members of that entity, for each applicable program year.

FSA will continue to accept forms CCC-860 and FSA-510 from producers for the purpose of establishing eligibility for an increased payment rate or payment limitation until the deadline.

Q. How do I know if the indemnity received was due in whole or in part by a qualifying disaster event?

A. For crop insurance, contact your crop insurance agent to verify the disaster event that affected your crop. For NAP crops, contact your FSA office to verify the disaster event that affected your crop. Also, for drought related events, the drought index link can be used to help consider eligibility.

[2020 drought counties eligible for ERP](#)

[2021 drought counties eligible for ERP](#)

Q. I had crop insurance and had a loss on a crop that has not been paid yet, am I still eligible for Phase 1?

A. The data used to populate the initial Phase 1 letter included claim data on file with RMA as of May 2, 2022. In late summer 2022, updated claim information will be used to generate a second letter for those crop/units not included in the initial letter.

Q. I had crop insurance in 2021 and was indemnified for a qualifying disaster event but did not receive a letter or the letter did not include all of my affected crop/units. Am I still eligible for Phase 1?

A. The data used to populate the initial Phase 1 letter included claim data on file with RMA as of May 2, 2022. At that time, claim data for the Supplemental Coverage Option (SCO), Enhanced Coverage Option (ECO), Stacked Income Protection Plan (STAX), Margin Protection Plan, (MP) or Area Risk Protection Insurance (ARPI) was not complete and crop/units including these coverages were not included in the initial Phase 1 letter. If you did not have coverage under SCO, ECO, STAX, MP, or ARPI, contact your crop insurance agent to ensure your claim information was submitted to RMA by your approved insurance provider. In late summer 2022, updated claim information will be used to generate a second letter for those crop/units not included in the initial letter.

Q. Why did my neighbor receive an ERP application and I did not?

A. Only producers who received an indemnity as determined by RMA under certain crop insurance policies or a payment for NAP received an application for Phase 1.

Q. When will I receive my payment after I have submitted my complete ERP application?

A. The ERP payment will be processed after all eligibility forms have been received and the FSA representative has signed and certified the payment.

Q. I am a NAP producer and didn't receive an ERP application. When will I receive my ERP application?

A. Pre-filled application forms for NAP producers will be mailed late summer 2022.

Q. What if I lost my ERP application?

A. The FSA Office can print an application to be completed.

Q. How do I receive a higher payment limitation?

A. Complete an Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs , to request an exception to the ERP payment limitation.

Q. What is the ERP enrollment deadline?

A. FSA will continue accepting applications until the deadline is announced at a future date

Q. Am I required to purchase crop insurance or NAP in the future if I receive an ERP payment?

A. Yes, any applicant that receives an ERP payment must agree to purchase crop insurance or NAP, as applicable, for the next 2 available crop years, as determined by the Secretary. Availability will be determined from the date a producer receives an ERP payment and may vary depending on the timing and availability of crop insurance or NAP for a producer's particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year. For crop insurance you must agree to purchase at the 60/100 coverage level or higher, and for NAP agree to purchase coverage at the catastrophic level or higher.

Q. I no longer farm; do I still need to agree to purchase crop insurance or obtain NAP coverage on the ERP application?

A. Yes, all participants must agree to purchase coverage in order to receive an ERP payment. However, producers who were paid under ERP Phase 1 for a crop in a county, but do not plant that crop in that county in a year for which this requirement applies, are not subject to the crop insurance or NAP purchase requirement for that year.

Q. If I received an ELAP payment for aquaculture, will I receive an ERP Phase 1 payment?

A. ERP Phase 1 will not include losses to aquacultural species that were compensated under the Emergency Assistance for Livestock, Honeybees, and Farm-raised Fish Program (generally referred to as ELAP).

Emergency Relief Program (ERP)

Disaster Recovery Assistance for Commodity and Specialty Crop Producers



Background

On September 30, 2021, President Biden signed into law the Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43), which includes \$10 billion in assistance to agricultural producers impacted by wildfires, droughts, hurricanes, winter storms, and other eligible disasters experienced during calendar years 2020 and 2021. The Farm Service Agency (FSA) has also made payments to ranchers impacted by drought and wildfire through the first phase of the **Emergency Livestock Relief Program (ELRP)**. ERP is another relief component of the Act.

Overview

ERP covers losses to crops, trees, bushes and vines due to a qualifying natural disaster event in calendar years 2020 and 2021.

For impacted producers, FSA will be administering emergency relief to row crop and specialty crop producers through the following two-phased process:

- Phase 1 will leverage existing **Federal Crop Insurance or Noninsured Crop Disaster Assistance Program (NAP)** data as the basis for calculating initial payments.
- Phase 2 will be intended to fill additional assistance gaps and cover eligible producers who did not participate in existing risk management programs.

This two-phased approach enables USDA to streamline the application process to reduce the burden on producers, proactively include underserved producers who have been left out of past relief efforts and encourage participation in existing risk management tools that can help producers handle future extreme weather events.

Eligibility – Phase 1

Eligible crops include all crops for which federal crop insurance or NAP coverage was available and a crop insurance indemnity or NAP payment was received, except for crops intended for grazing. Qualifying natural disaster events include wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including apolar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions.

For ERP eligibility, “related conditions” are damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. They include:

- Excessive wind that occurred as a direct result of a derecho;
- Silt and debris that occurred as a direct result of flooding;
- Excessive wind, storm surges, tornados, tropical storms, and tropical depressions that occurred as a direct result of a hurricane; and
- Excessive wind and blizzards that occurred as a direct result of a winter storm.

For drought, ERP assistance is available if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a drought intensity of:

- D2 (severe drought) for eight consecutive weeks; or
- D3 (extreme drought) or higher level of drought intensity.

Lists of 2020 and 2021 drought counties eligible for ERP are available on the [emergency relief website](#).

For More Info

Additional USDA disaster assistance information can be found on [farmers.gov](#), the [Disaster Assistance Discovery Tool](#), [Disaster-at-a-Glance fact sheet](#), and [Farm Loan Discovery Tool](#).

For FSA and Natural Resources Conservation Service programs, producers should contact their local [USDA Service Center](#). For assistance with a crop insurance claim, producers and landowners should contact their [crop insurance agent](#).



How to Apply – Phase 1

To simplify the delivery of ERP Phase 1 benefits; FSA will send pre-filled application forms to producers whose crop insurance and NAP data is already on file because they received a crop insurance indemnity or NAP payment. This form includes eligibility requirements, outlines the application process, and provides ERP payment information. Producers will receive a separate application form for each program year. Receipt of a pre-filled application is not confirmation that a producer is eligible to receive an ERP Phase 1 payment. Producers will need to return completed and signed ERP Phase 1 applications to their local FSA county office.

Producers must also have the following forms on file with FSA within a subsequently announced deadline as determined by the Deputy Administrator for Farm Programs:

- Form AD-2047, Customer Data Worksheet
- Form CCC-902, Farm Operating Plan for an individual or legal entity
- Form CCC-901, Member Information for Legal Entities (if applicable)
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification (Form AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification) for the ERP producer and applicable affiliates.

Most producers, especially those who have previously participated in FSA programs will likely have these required forms on file. However, those who are uncertain or want to confirm should contact their [local FSA county office](#).

In addition to the forms listed above, certain producers will also need to submit the following forms to qualify for an increased payment limitation or payment rate.

- Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs.
- Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, for the applicable program year.

How Payments are Calculated – Phase 1

ERP Phase 1 payments for crops covered by crop insurance will be prorated by 75 percent to ensure that total ERP payments, including payments under ERP Phase 2, do not exceed the available funding. ERP Phase 1 payments for NAP-covered crops will not be prorated due to the significantly smaller NAP portfolio that by its nature only covers smaller acreages and specialty crops that are not covered by crop insurance.

RMA and FSA will calculate ERP Phase 1 payments based on the data on file with the agencies at the time of calculation.



The ERP Phase 1 payment calculation for a crop and unit will depend on the type and level of coverage obtained by the producer. RMA and FSA will calculate each producer's loss consistent with the loss procedures for the type of coverage purchased but using the ERP factor in place of the coverage level. This calculated amount would then be adjusted by subtracting out the net crop insurance indemnity or NAP payment, which is equal to the producer's gross crop insurance indemnity or NAP payment already received for those losses minus service fees and premiums.

ERP Factor Tables

ERP factor tables can be found below and on the [emergency relief website](#):

Crop Insurance Level	ERP Factor (Percent)
Catastrophic coverage	75
More than catastrophic coverage but less than 55 percent	80
At least 55 percent but less than 60 percent	82.5
At least 60 percent but less than 65 percent	85
At least 65 percent but less than 70 percent	87.5
At least 70 percent but less than 75 percent	90
At least 75 percent but less than 80 percent	92.5
At least 80 percent	95

NAP Coverage Level	ERP Factor (Percent)
Catastrophic coverage	75
50 percent	80
55 percent	85
60 percent	90
65 percent	95

Because the amount of loss due to a qualifying disaster event in calendar years 2020 and 2021 cannot be separated from the amount of loss caused by other eligible causes of loss as defined by the applicable crop insurance or NAP policy, the ERP Phase 1 payment will be calculated based on the producer's loss due to all eligible causes of loss.

Historically Underserved Producers

The ERP payment percentage for historically underserved producers, including beginning, limited resource, socially disadvantaged and veteran farmers and ranchers will be increased by 15% of the calculated payment.

To qualify for the higher payment percentage, eligible producers must have a **CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification**, form on file with FSA for the applicable program year.

Payment Limitation and Adjusted Gross Income

The payment limitation for ERP Phase 1 is determined by the person's or legal entity's average adjusted gross farm income (income from activities related to farming, ranching, or forestry). A person or legal entity, other than a joint venture or general partnership, cannot receive, directly or indirectly, more than \$125,000 in payments for specialty crops and \$125,000 in payment for all other crops under ERP (for Phase 1 and Phase 2 combined) for a program year if their average adjusted gross (AGI) farm income is less than 75 percent of their average AGI the three taxable years preceding the most immediately preceding complete tax year.



If at least 75% of the person or legal entity's average AGI is derived from farming, ranching, or forestry related activities and the participant provides the required certification and documentation, as discussed below, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to:

- \$900,000 for each program year for specialty crops; and
- \$250,000 for each program year for all other crops

The relevant tax years for establishing a producer's AGI and percentage derived from farming, ranching, or forestry related activities are:

- 2016, 2017, and 2018 for program year 2020;
- 2017, 2018, and 2019 for program year 2021; and
- 2018, 2019, and 2020 for program year 2022

To request the increased payment limitation, participants must file form FSA-510 complete with participant's certification their average adjusted gross farm income is at least 75% of their average AGI and a certification from a Licensed Certified Public Accountant (CPA) or Attorney that the participant meets the requirements. To learn more, visit the [Payment Eligibility and Payment Limitations](#) website.

Future Insurance Coverage Requirements

All producers who receive ERP Phase 1 payments, including those receiving a payment based on tree, bush, or vine crop insurance policies, are statutorily required to purchase crop insurance, or NAP coverage where crop insurance is not available, for the next two available crop years, as determined by the Secretary. Participants must obtain crop insurance or NAP, as may be applicable:

- At a coverage level equal to or greater than 60% for insurable crops; or
- At the catastrophic level or higher for NAP crops

Coverage requirements will be determined from the date a producer receives an ERP payment and may vary depending on the timing and availability of crop insurance or NAP for a producer's particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year.

Emergency Relief – Phase 2 (Crop and Livestock Producers)

The second phase of both crop (ERP) and livestock (ELRP) programs will fill gaps and cover producers who did not participate in or receive payments through the existing programs that are being leveraged for Phase 1 implementation.

All ERP information and resources will be updated on the emergency relief website as Phase 2 policies and provisions are available.

Emergency Relief Program (ERP) Phase 1 for Crop Insurance Policyholders

Background

ERP Phase 1 for crop insurance will include policyholders that received an indemnity in crop years 2020, 2021, or 2022 for a qualifying disaster event that occurred in the 2020 or 2021 calendar year. Coverage and claim data reported to RMA by the AIPs is used to calculate the ERP payment amount for each insured unit. The ERP payment calculation generally follows the type of coverage purchased but replaces the crop insurance coverage level with a higher coverage level (i.e., ERP factor). The result is reduced by the net indemnity paid to the producer (e.g., total indemnity less producer premium and administrative fees). In other words, ERP covers a portion of the loss incurred that is within the crop insurance deductible while also reimbursing producer premium and administrative fees.

With few exceptions, primary policyholders that received an indemnity in crop years 2020, 2021, or 2022 and that had claim records indicating a date of damage in the 2020 or 2021 calendar year will receive a letter from the USDA-FSA. The letter will include a pre-filled application for each crop year that will provide information on the crop(s), physical location(s), and unit(s) potentially eligible for assistance under Phase 1. Also included will be SBIs associated with the policy, gross indemnity, and the calculated ERP payment. Crop insurance data used to pre-fill the application is as of May 2, 2022, and cannot be modified. Any disputes over this information would need to be addressed in a subsequent Phase of ERP. In addition, the data will be updated at a future date to identify 'new' records, resulting in a separate mailing.

Producers will be required to input crop share information, certify to future crop insurance purchase requirements, and, most importantly, certify that a qualifying disaster event did cause some portion of their loss. Causes of loss reported on crop insurance claim records are not used to establish producer eligibility. Producers will take completed applications to their local service center to complete the process, including the determination of payment limits and eligibility for historically underserved producer adjustments. FSA will also apply a 75% payment factor that may be adjusted higher in the future (additional payments made) if funds are available.

The general concept behind the payment calculation is as follows:

$$\begin{aligned} \text{ERP Payment} = & (\text{Expected Value} \times \text{ERP Factor} - \text{Actual Value}) \\ & \times \text{Share} \\ & - \text{Indemnity Amount} \\ & + \text{Producer Premium} \\ & + \text{Administrative Fees} \end{aligned}$$

Finer Detail

Qualifying disaster event

Includes wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions. For qualifying drought, any area within the county must have been rated by the U.S. Drought Monitor as having D2 for eight consecutive weeks or D3/D4 level of drought intensity.

Cross Agency Matching

For a producer to receive a letter, the primary policyholder tax identification number, as reported by the AIP, must match with data on file with FSA. Similarly, for an SBI to be listed on the ERP application, the SBI tax identification number must match with data on file with FSA.

Policy exceptions

Perennial crops with an intended use of grazing (as determined by the ADM); livestock policies; nursery; forage seeding; Cottonseed Endorsement; Downed Rice Endorsement; Sugarcane Crop Replacement Endorsement; Margin Protection Plan policies purchased without a base policy; replant payment claim records; and raisin reconditioning payment claim records are not included in the data provided to FSA.

In addition, policyholders with 2021 crop year coverage under Stacked Income Protection (STAX), Supplemental Coverage Option (SCO), Enhanced Coverage Option (ECO), Margin Protection (MP), and Area Risk Protection Insurance (ARPI) are not included in the data provided to FSA. This includes the underlying crop-units associated with STAX, SCO, ECO, and MP. The data will be updated at a future date to identify 'new' records and will be followed by a separate mailing.

Data transformations:

Given the need to minimize the number of records for a given producer, crop insurance data was aggregated to the insured unit level. This necessitated the creation of unit numbers for purposes of the ERP application. The following table outlines how unit numbers were derived for the ERP application:

Unit Type	Derived Unit Number (ERP application "Pay Unit")
Enterprise	EU-0001000 (ignores basic unit number and optional unit number reported through PASS)
Enterprise by Irrigation Practice	EP-0001 + irrigation practice code (e.g., EP-00010002) (ignores basic unit number and optional unit number reported through PASS)
Enterprise by Cropping Practice	EC-0001 + cropping practice code (e.g., EC-00010019) (ignores basic unit number and optional unit number reported through PASS)
Enterprise by Type	ET-0001 + type code (e.g., ET-00010012) (ignores basic unit number and optional unit number reported through PASS)
Basic Unit	BU-basic unit number + 0000 (e.g., BU-00020000) (ignores optional unit number reported through PASS)
Optional Unit	OU-basic unit number + optional unit number (e.g., OU-00010009) (reflects basic unit number and optional unit number reported through PASS)
Unit Division Option	UD-basic unit number + optional unit number (e.g., UD-00010009) (reflects basic unit number and optional unit number reported through PASS)
Written Unit Agreement	UA-basic unit number + optional unit number (e.g., UA-00010009) (reflects basic unit number and optional unit number reported through PASS)
Whole Farm Unit	WU-00000000

	(ignores basic unit number and optional unit number reported through PASS)
Whole Farm Revenue Protection	-00000000 (no unit number reported through PASS)
Area-based plans	- + basic unit number + optional unit number (e.g., -00010009) (reflects basic unit number and optional unit number reported through PASS)

In some limited situations, multiple policy numbers for the same producer, crop, and county resulted in two units with the same derived unit numbers. In these situations, the '00' in the fourth and fifth position of the derived unit were replaced with '88' for one of the units (e.g., BU-00020000 became BU-88020000). This was necessary given that the ERP application does not include other identifiers such as policy number, insurance plan, or coverage type code (CAT vs. Buy-up).

For the whole farm unit structure (WU unit structure code), the ERP application will list "Whole Farm Unit" as the crop as the crop insurance data for all crops under the WU were combined.

For policies with multi-county enterprise units, crop insurance data for the secondary county is combined with the primary county. The ERP application does not provide the secondary county.

ERP Factor

The following table provides the ERP factor associated with a given level of crop insurance coverage:

Crop Insurance Coverage Level	ERP Factor
Catastrophic coverage	75.0
More than catastrophic coverage but less than 55 percent.....	80.0
At least 55 percent but less than 60 percent.....	82.5
At least 60 percent but less than 65 percent.....	85.0
At least 65 percent but less than 70 percent.....	87.5
At least 70 percent but less than 75 percent.....	90.0
At least 75 percent but less than 80 percent.....	92.5
At least 80 percent	95.0

In the basic case, the crop insurance coverage level is established as the coverage level percent multiplied by the price election percent (e.g., 75% x 90% equals 67.5% and results in an 87.5% ERP factor). However, supplemental coverages are also included. That is, if someone with Revenue Protection at 75% also purchased the full value of SCO and the full value of ECO, the producer would be recognized as having a 95% coverage, resulting in a 95% ERP factor. Importantly, all net indemnities from supplemental coverages are subtracted from the ERP payment.

ERP Payment Calculations

The general calculation for all plans except ARPI, RI, and standalone STAX policies is:

$$\text{ERP Payment} = (\text{Expected Value} \times \text{ERP Factor} - \text{Actual Value}) \times \text{Share} \times \text{Multiple} \\ \text{Commodity Factor} - \text{Indemnity Amount} + \text{Producer Premium} + \text{Administrative Fees}$$

Expected value is derived from data reported on the loss record and is adjusted to reflect 100% of the price election (as applicable). For example, expected value for APH (90) is calculated as: (Loss Guarantee Amount x Price Election) / (Coverage Level Percent x Price Election Percent).

Actual value is derived from data reported on the loss record and is adjusted to reflect 100% of the price election (as applicable). For example, actual value for APH (90) is calculated as Production to Count x Price Election. For YP (01) or RP (02), actual value equals the Revenue to Count reported on the loss record.

Indemnity amount and producer premium include any amounts for supplemental coverages associated with that crop-unit. Since the ERP application reports at the crop-unit level and administrative fees are not assessed at the unit level, all fees associated with the crop are applied to one unit on the application.

For ARPI, RI, and standalone STAX policies, the ERP factor was used to recalculate what the area-based payment factor for production losses would have been under the given plan. The formulas for these vary by plan but, as an example, the RI calculation is:

ERP Payment = Expected Value x ERP Factor x Modified Payment Factor x Share x Multiple Commodity Factor – Indemnity Amount + Producer Premium + Administrative Fees

May 23, 2022

RE: Emergency Relief Program Phase 1 Signup

Dear Producer:

You are receiving this letter because Risk Management Agency (RMA) records indicate you have received a crop insurance indemnity for the 2020, 2021, and/or 2022 crop year for an insured cause of loss that occurred in calendar year 2020 and/or 2021. You **may** be eligible for additional benefits under the recently announced Emergency Relief Program (ERP) if you meet the requirements outlined in this letter.

The ERP will provide assistance for losses of crops, trees, bushes, and vines due to qualifying disaster events. FSA will follow a two-phased process to administer ERP. Phase 1 will provide payments to producers who received crop insurance indemnities using claim data that was on file with RMA as of May 2, 2022. This letter advises you of your **option** to participate in Phase 1 if you suffered a loss due to a qualifying disaster event as discussed below. For indemnified losses filed after May 2, 2022, and producers receiving Noninsured Crop Disaster Assistance Program (NAP) payments, a separate notification and pre-filled application will be provided at a later date. Phase 2 will be announced in the future and will encompass eligible losses and participants not included under Phase 1.

Qualifying disaster events include wildfires, hurricanes (including related excessive wind, storm surges, tornado, tropical storms, and tropical depression), floods (including related silt and debris), derechos (including related excessive wind), excessive heat, winter storms (including related blizzard and excessive wind), freeze (including a polar vortex), smoke exposure, excessive moisture, and qualifying drought occurring in calendar years 2020 and 2021. Related conditions must have occurred as a direct result of the indicated disaster event. "Qualifying drought" includes only those counties in which the drought intensity was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level at any point during the applicable calendar year. A list of counties that experienced a qualifying drought in calendar years 2020 and 2021 is available through local FSA service centers and at <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>.

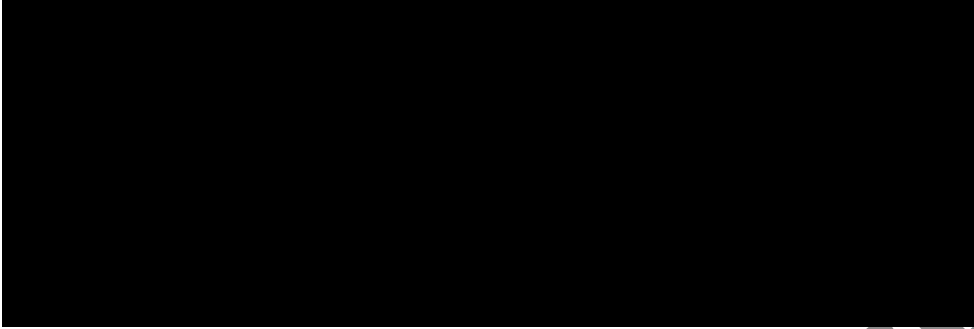
Instructions:

- To request an ERP Phase 1 payment, you must complete the enclosed FSA-520 Emergency Relief Program (ERP) Application **and submit it to FSA by July 22, 2022**. The FSA-520 is pre-filled with information based on your crop insurance participation. Please complete items 13 through 15 under Part C and item 24 under Part E as applicable and return to the FSA County Office listed in item 5 of the form. For further guidance on how to complete the form, instructions may be found at <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

Note: If you are not currently an FSA customer, one or more of the forms identified in Part A of the FSA-520 may be required.

- To receive a payment under ERP, you must agree to purchase crop insurance or NAP, as applicable for the crop, at the 60/100 level of coverage or higher for insured crops, or at the catastrophic level of coverage or higher for NAP crops for the next two available crop years.

For more information, additional details are available online at <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>. If you have questions on any of the pre-filled information on Part C, items 7 through 10 and item 12 of the application, please contact your crop insurance agent. If you have additional questions, contact the FSA Call Center at 1-877-508-8364 or the FSA County Office listed in item 5 of the application.



Enclosure: Producer Specific Pre-filled FSA-520

Draft

FSA-520 (05-23-22)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	1. Crop Year	2. Application Number
		3. Recording State Name/Code	4. Recording County Name/Code
		5A. Name and Address of Recording County FSA Office (Include City, State and Zip Code)	
		5B. Recording County FSA Office Telephone No. (Include Area Code)	

EMERGENCY RELIEF PROGRAM (ERP) PHASE 1 APPLICATION

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is the Extending Government Funding and Delivering Emergency Assistance Act (Pub. L. 117-43). The information will be used to determine eligibility for program benefits. The information collected on this form may be disclosed to other Federal, State, and Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary; however, failure to furnish the requested information will result in a determination of ineligibility for program benefits. Payments may be made under the program to which the form applies only to the extent permitted by applicable authorities.

Public Burden Statement (Paperwork Reduction Act): Public reporting burden for this collection is estimated to average 15 minutes per response, including reviewing instructions, gathering and maintaining the data needed, completing (providing the information), and reviewing the collection of information. You are not required to respond to the collection of information, unless it displays a valid OMB control number. **RETURN THIS COMPLETED FORM TO YOUR RECORDING COUNTY FSA OFFICE.**

PART A – PRODUCER AGREEMENT

The Farm Service Agency (FSA) will make payments under ERP Phase 1 to producers who meet the requirements of the program. The following information is needed in order for FSA to determine that the producer is eligible to receive ERP Phase 1 assistance. By submitting this application, the producer agrees:

1. To comply with the Notice of Funds Availability published by FSA. A copy of this document may be found at: <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>
2. To provide to FSA any additional information requested by FSA to verify that information provided on this form is accurate. Producer is required to retain documentation in support of their application for 3 years after the date of approval. All information provided to FSA for program eligibility and payment calculation purposes, including certification that a producer suffered an eligible loss due to a qualifying disaster event, is subject to spot check.
3. To comply with payment attribution and payment eligibility provisions by submitting the following forms within 60 days, if not already on file with FSA:
 - AD-2047, Customer Data Worksheet
 - CCC-902, Farm Operating Plan for Payment Eligibility
 - CCC-901, Member Information for Legal Entities (if applicable)
 - AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification
 - FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs (if applicable)
 - CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification (if applicable).

The application will not be considered complete until all producers that have a share of the ERP Phase 1 payment have completed all required items and signed in item 24. Failure of an individual, entity, or member of an entity to timely submit all information required may result in no payment or a reduced payment.

4. That for the purpose of certifications in items 15 and 23, a qualifying loss means that the calculated crop insurance indemnity or NAP payment that I received was due, in whole or in part, to a crop production loss or a loss of trees, bushes, and vines caused by a qualifying disaster event. For ERP, qualifying disaster event means: wildfires, hurricanes (including excessive wind, storm surges, tornados, tropical storms, and tropical depressions that occurred as a direct result of a hurricane), floods (including silt and debris that occurred as a direct and proximate result of flooding), derechos (including excessive wind that occurred as a direct result of a derecho), excessive heat, winter storms (including excessive wind and blizzards that occurred as a direct result of a winter storm), freeze (including a polar vortex), smoke exposure, excessive moisture, and qualifying drought, and related conditions, occurring in calendar years 2020 and 2021. Related conditions mean damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event. "Qualifying drought" means an area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a drought intensity of D2 (severe drought) for eight consecutive weeks or D3 (extreme drought) or higher for any period of time during the applicable calendar years. A list of counties that experienced a qualifying drought in calendar years 2020 and 2021 is available through local FSA service centers and at <https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>.

DATE STAMPED

PART A – PRODUCER AGREEMENT, Continued from Page 1

The Extending Government Funding and Delivering Emergency Assistance Act requires producers to obtain crop insurance or NAP coverage for the next two available crop years to be eligible for an ERP payment. By signing this form, the producer agrees to **have read and comply with the crop insurance and NAP coverage requirement as stated below for each crop for which “Yes” is checked in items 14 and 22.** This agreement does not supersede or modify any previous requirements to purchase crop insurance or NAP coverage under any other law or program.

I understand that I have applied for a payment under ERP on at least one **insurable crop and/or NAP eligible crop**. In return for receiving a payment under ERP, I agree to purchase crop insurance or NAP, as may be applicable for the crop, at a coverage level equal to or greater than 60 percent for insurable crops; or at the catastrophic level or higher for NAP crops, for the next two available crop years. Availability will be determined from the date I receive an ERP payment and may vary depending on the timing and availability of crop insurance or NAP for particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year. I understand that I am also required to pay any service fees, administrative fees, and premiums associated with such coverage. I acknowledge that I must refund my ERP payment if I fail to meet this requirement.

If I am required to meet this requirement for a crop for which an individual crop insurance policy is not available and I am ineligible for a NAP payment for the applicable year(s) because I exceed the average Adjusted Gross Income (AGI) limitation, then I must meet this requirement by either:

- obtaining NAP coverage and paying the applicable NAP service fee as required above, regardless of my ineligibility for NAP payment; or
- purchasing Whole-Farm Revenue Protection (WFRP) crop insurance coverage, if eligible,

If I receive a Phase 1 payment that was calculated based on an indemnity under a PRF, Annual Forage, or WFRP policy, I understand that I must purchase the same type of policy or a combination of individual policies for the crops that had covered losses under ERP to meet this linkage requirement.

PART B – PRODUCER INFORMATION

6. Producer's Name, Address (*City, State and Zip Code*) and Phone Number (*Include Area code*)

PART C – INSURED CROP INFORMATION

7. Physical State/County Code	8. Pay Unit	9. Crop	10. Gross Indemnity	11. Estimated ERP Payment (Prior to adjustments)	12. Primary Policyholder and SBI's	13. Share	14. In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A.	15. I certify that I had a qualifying loss as defined in Part A.
							<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
							<input type="checkbox"/> Yes <input type="checkbox"/> No	
							<input type="checkbox"/> Yes <input type="checkbox"/> No	

PART D – NAP CROP INFORMATION

16. Admin State/County Code	17. Unit	18. Crop	19. Pay Group	20. NAP Payment	21. Estimated ERP Payment (Prior to adjustments)	22. In return for receiving an ERP payment on this crop, I agree to purchase crop insurance or NAP as provided in Part A.	23. I certify that I had a qualifying loss as defined in Part A.
						<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

PART E – PRODUCER CERTIFICATIONS

I certify that all information on this application, whether entered by me or by someone else on my behalf, is true and correct. I understand that if any information is determined to be in error, the application may be denied, and such errors may result in a determination of ineligibility in whole or in part.

24A. Producer's/Primary Policyholder's Signature (By)	24B. Title/Relationship of Individual Signing in a Representative Capacity	24C. Date (MM-DD-YYYY)
24D. SBI Signature (By)	24E. Title/Relationship of Individual Signing in a Representative Capacity	24F. Date (MM-DD-YYYY)

PART F –FSA REPRESENTATIVE CERTIFICATION

25A. FSA Representative's Signature	25B. Date Signed (MM-DD-YYYY)
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In accordance with Federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, and employees participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

Emergency Relief Program (ERP)

Drought Eligible Counties in 2020



Overview

The Emergency Relief Program (ERP) provides assistance to producers with eligible losses of crops, trees, bushes, and vines due to wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including a polar vortex, smoke exposure, excessive moisture, qualifying drought, and related conditions occurring in calendar years 2020 and 2021.

Losses due to drought are only eligible for assistance if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity.

Counties included in this document have met eligibility criteria for drought in calendar year 2020.

STATE	COUNTY
Alabama	Baldwin County, Mobile County
Arkansas	Benton County
Arizona	Apache County, Cochise County, Coconino County, Gila County, Graham County, Greenlee County, La Paz County, Maricopa County, Mohave County, Navajo County, Pima County, Pinal County, Santa Cruz County, Yavapai County, Yuma County
California	Alameda County, Amador County, Butte County, Colusa County, Contra Costa County, Del Norte County, Glenn County, Humboldt County, Imperial County, Inyo County, Kern County, Lake County, Lassen County, Marin County, Mendocino County, Modoc County, Mono County, Napa County, Nevada County, Placer County, Plumas County, Riverside County, Sacramento County, San Bernardino County, San Francisco County, San Joaquin County, San Mateo County, Santa Clara County, Shasta County, Sierra County, Siskiyou County, Solano County, Sonoma County, Sutter County, Tehama County, Trinity County, Yolo County, Yuba County
Colorado	Adams County, Alamosa County, Arapahoe County, Archuleta County, Baca County, Bent County, Boulder County, Broomfield County, Chaffee County, Cheyenne County, Clear Creek County, Conejos County, Costilla County, Crowley County, Custer County, Delta County, Denver County, Dolores County, Douglas County, Eagle County, Elbert County, El Paso County, Fremont County, Garfield County, Gilpin County, Grand County, Gunnison County, Hinsdale County, Huerfano County, Jackson County, Jefferson County, Kiowa County, Kit Carson County, Lake County, La Plata County, Larimer County, Las Animas County, Lincoln County, Logan County, Mesa County, Mineral County, Moffat County, Montezuma County, Montrose County, Morgan County, Otero County, Ouray County, Park County, Phillips County, Pitkin County, Prowers County, Pueblo County, Rio Blanco County, Rio Grande County, Routt County, Saguache County, San Juan County, San Miguel County, Sedgwick County, Summit County, Teller County, Washington County, Weld County, Yuma County
Connecticut	Hartford County, Litchfield County, New London County, Tolland County, Windham County
Florida	Franklin County, Jefferson County, Liberty County, Taylor County, Wakulla County
Hawaii	Hawaii County, Honolulu County, Kalawao County, Kauai County, Maui County

Iowa	Adair County, Adams County, Audubon County, Boone County, Buena Vista County, Calhoun County, Carroll County, Cass County, Cherokee County, Clay County, Crawford County, Dallas County, Dickinson County, Emmet County, Greene County, Guthrie County, Hamilton County, Harrison County, Humboldt County, Ida County, Kossuth County, Lyon County, Madison County, Mills County, Monona County, Montgomery County, O'Brien County, Osceola County, Palo Alto County, Plymouth County, Pocahontas County, Polk County, Pottawattamie County, Sac County, Shelby County, Sioux County, Story County, Webster County, Woodbury County
Idaho	Blaine County, Butte County, Camas County, Custer County, Lemhi County, Lincoln County
Illinois	Christian County, De Witt County, Logan County, Macon County, Sangamon County
Kansas	Cheyenne County, Decatur County, Finney County, Grant County, Gray County, Greeley County, Hamilton County, Haskell County, Jewell County, Kearny County, Logan County, Morton County, Norton County, Phillips County, Rawlins County, Scott County, Seward County, Sherman County, Smith County, Stanton County, Stevens County, Thomas County, Wallace County, Wichita County
Massachusetts	Barnstable County, Berkshire County, Bristol County, Dukes County, Essex County, Hampden County, Middlesex County, Nantucket County, Norfolk County, Plymouth County, Suffolk County, Worcester County
Maine	Androscoggin County, Aroostook County, Cumberland County, Franklin County, Hancock County, Knox County, Lincoln County, Penobscot County, Piscataquis County, Sagadahoc County, Somerset County, Waldo County, Washington County, York County
Minnesota	Rock County
Missouri	Barry County, Christian County, Dade County, Douglas County, Greene County, Jasper County, Lawrence County, McDonald County, Newton County, Stone County, Webster County
Mississippi	Hancock County, Harrison County, Jackson County
Montana	Big Horn County, Carter County, Custer County, Daniels County, Powder River County, Richland County, Roosevelt County, Rosebud County, Sheridan County, Valley County
North Dakota	Benson County, Bottineau County, Burke County, Burleigh County, Cavalier County, Divide County, Dunn County, Eddy County, Emmons County, Foster County, Kidder County, LaMoure County, Logan County, McHenry County, McKenzie County, McLean County, Mercer County, Morton County, Mountrail County, Oliver County, Pierce County, Ramsey County, Renville County, Rolette County, Sheridan County, Stutsman County, Towner County, Ward County, Wells County, Williams County
Nebraska	Adams County, Arthur County, Banner County, Box Butte County, Buffalo County, Burt County, Cedar County, Chase County, Cherry County, Cheyenne County, Clay County, Colfax County, Cuming County, Custer County, Dakota County, Dawes County, Dawson County, Deuel County, Dixon County, Dodge County, Douglas County, Dundy County, Franklin County, Frontier County, Furnas County, Garden County, Garfield County, Gosper County, Grant County, Greeley County, Hall County, Hamilton County, Harlan County, Hayes County, Hitchcock County, Howard County, Kearney County, Keith County, Kimball County, Knox County, Lincoln County, McPherson County, Madison County, Morrill County, Nuckolls County, Perkins County, Phelps County, Pierce County, Platte County, Red Willow County, Scotts Bluff County, Sheridan County, Sherman County, Sioux County, Stanton County, Thurston County, Valley County, Washington County, Wayne County, Webster County, Wheeler County
New Hampshire	Belknap County, Carroll County, Hillsborough County, Merrimack County, Rockingham County, Strafford County
New Mexico	Bernalillo County, Catron County, Chaves County, Cibola County, Colfax County, Curry County, DeBaca County, Dona Ana County, Eddy County, Grant County, Guadalupe County, Harding County, Hidalgo County, Lea County, Lincoln County, Los Alamos County, Luna County, McKinley County, Mora County, Otero County, Quay County, Rio Arriba County, Roosevelt County, Sandoval County, San Juan County, San Miguel County, Santa Fe County, Sierra County, Socorro County, Taos County, Torrance County, Union County, Valencia County
Nevada	Churchill County, Clark County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lincoln County, Lyon County, Mineral County, Nye County, Pershing County, Storey County, Washoe County, White Pine County

New York	Suffolk County
Oklahoma	Beaver County, Beckham County, Blaine County, Caddo County, Cimarron County, Custer County, Dewey County, Ellis County, Garfield County, Greer County, Harmon County, Jackson County, Kingfisher County, Kiowa County, Logan County, Major County, Roger Mills County, Texas County, Washita County, Woodward County
Oregon	Baker County, Benton County, Clackamas County, Coos County, Crook County, Curry County, Deschutes County, Douglas County, Gilliam County, Grant County, Harney County, Jackson County, Jefferson County, Josephine County, Klamath County, Lake County, Lane County, Linn County, Malheur County, Marion County, Morrow County, Multnomah County, Polk County, Sherman County, Umatilla County, Union County, Wasco County, Washington County, Wheeler County, Yamhill County
Pennsylvania	Centre County, Clinton County, Lycoming County, Potter County, Tioga County, Union County
Puerto Rico	Aibonito Municipio, Coamo Municipio, Guayama Municipio, Juana Diaz Municipio, Ponce Municipio, Salinas Municipio, Santa Isabel Municipio
Rhode Island	Bristol County, Kent County, Newport County, Providence County, Washington County
South Dakota	Bennett County, Bon Homme County, Charles Mix County, Clay County, Custer County, Fall River County, Gregory County, Harding County, Hutchinson County, Lake County, Lincoln County, McCook County, Minnehaha County, Moody County, Oglala Lakota County, Turner County, Union County, Yankton County
Texas	Anderson County, Andrews County, Aransas County, Armstrong County, Atascosa County, Austin County, Bailey County, Bandera County, Bastrop County, Bee County, Bell County, Bexar County, Blanco County, Borden County, Brazoria County, Brazos County, Brewster County, Briscoe County, Brooks County, Brown County, Burleson County, Burnet County, Caldwell County, Calhoun County, Cameron County, Carson County, Castro County, Childress County, Cochran County, Coleman County, Collingsworth County, Colorado County, Comal County, Concho County, Crane County, Crockett County, Crosby County, Culberson County, Dallam County, Dawson County, Deaf Smith County, DeWitt County, Dickens County, Dimmit County, Duval County, Ector County, Edwards County, El Paso County, Fayette County, Floyd County, Fort Bend County, Frio County, Gaines County, Garza County, Gillespie County, Glasscock County, Goliad County, Gonzales County, Gray County, Grimes County, Guadalupe County, Hale County, Hall County, Hansford County, Hardeman County, Hartley County, Hays County, Hemphill County, Hidalgo County, Hockley County, Houston County, Howard County, Hudspeth County, Hutchinson County, Irion County, Jackson County, Jeff Davis County, Jim Hogg County, Jim Wells County, Karnes County, Kendall County, Kenedy County, Kerr County, Kimble County, Kinney County, Kleberg County, Lamb County, La Salle County, Lavaca County, Lee County, Leon County, Live Oak County, Llano County, Loving County, Lubbock County, Lynn County, McCulloch County, McMullen County, Martin County, Mason County, Matagorda County, Maverick County, Medina County, Menard County, Midland County, Milam County, Mills County, Moore County, Motley County, Nueces County, Ochiltree County, Oldham County, Parmer County, Pecos County, Potter County, Presidio County, Randall County, Reagan County, Real County, Reeves County, Refugio County, Roberts County, Runnels County, San Patricio County, San Saba County, Schleicher County, Sherman County, Starr County, Sterling County, Sutton County, Swisher County, Terrell County, Terry County, Tom Green County, Travis County, Upton County, Uvalde County, Val Verde County, Victoria County, Ward County, Webb County, Wharton County, Wheeler County, Willacy County, Williamson County, Wilson County, Winkler County, Yoakum County, Zapata County, Zavala County
Utah	Beaver County, Box Elder County, Cache County, Carbon County, Daggett County, Davis County, Duchesne County, Emery County, Garfield County, Grand County, Iron County, Juab County, Kane County, Millard County, Morgan County, Piute County, Rich County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, Wayne County, Weber County

Washington	Benton County, Chelan County, Douglas County, Franklin County, Grant County, Kittitas County, Klickitat County, Okanogan County, Walla Walla County, Yakima County
Wyoming	Albany County, Big Horn County, Campbell County, Carbon County, Converse County, Crook County, Fremont County, Goshen County, Hot Springs County, Johnson County, Laramie County, Lincoln County, Natrona County, Niobrara County, Platte County, Sheridan County, Sublette County, Sweetwater County, Uinta County, Washakie County, Weston County
U.S. Virgin Islands/ U.S. Affiliated Pacific Islands	Kapingamarangi, Rota, Saint Croix, Saint John, Saipan, Utirik, Wotje, Yap, Saint Thomas

More Information

If you have questions or need additional information, please visit the [ERP website](#) or contact your local [FSA County Office](#).

Additional USDA disaster assistance information can be found on [farmers.gov](#), including the [Disaster Assistance Discovery Tool](#), [Disaster-at-a-Glance fact sheet](#), and [Farm Loan Discovery Tool](#).



Emergency Relief Program (ERP)

Drought Eligible Counties in 2021



Overview

The Emergency Relief Program (ERP) provides assistance to producers with eligible losses of crops, trees, bushes, and vines due to wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including a polar vortex, smoke exposure, excessive moisture, qualifying drought, and related conditions occurring in calendar years 2020 and 2021.

Losses due to drought are only eligible for assistance if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity.

Counties included in this document have met eligibility criteria for drought in calendar year 2021.

STATE	COUNTY
Arizona	Apache County, Cochise County, Coconino County, Gila County, Graham County, Greenlee County, La Paz County, Maricopa County, Mohave County, Navajo County, Pima County, Pinal County, Santa Cruz County, Yavapai County, Yuma County
California	Alameda County, Alpine County, Amador County, Butte County, Calaveras County, Colusa County, Contra Costa County, Del Norte County, El Dorado County, Fresno County, Glenn County, Humboldt County, Imperial County, Inyo County, Kern County, Kings County, Lake County, Lassen County, Los Angeles County, Madera County, Marin County, Mariposa County, Mendocino County, Merced County, Modoc County, Mono County, Monterey County, Napa County, Nevada County, Orange County, Placer County, Plumas County, Riverside County, Sacramento County, San Benito County, San Bernardino County, San Diego County, San Francisco County, San Joaquin County, San Luis Obispo County, San Mateo County, Santa Barbara County, Santa Clara County, Santa Cruz County, Shasta County, Sierra County, Siskiyou County, Solano County, Sonoma County, Stanislaus County, Sutter County, Tehama County, Trinity County, Tulare County, Tuolumne County, Ventura County, Yolo County, Yuba County
Colorado	Adams County, Alamosa County, Arapahoe County, Archuleta County, Baca County, Bent County, Boulder County, Broomfield County, Chaffee County, Cheyenne County, Clear Creek County, Conejos County, Costilla County, Crowley County, Custer County, Delta County, Denver County, Dolores County, Douglas County, Eagle County, Elbert County, El Paso County, Fremont County, Garfield County, Gilpin County, Grand County, Gunnison County, Hinsdale County, Huerfano County, Jackson County, Jefferson County, Kiowa County, Kit Carson County, Lake County, La Plata County, Larimer County, Las Animas County, Lincoln County, Logan County, Mesa County, Mineral County, Moffat County, Montezuma County, Montrose County, Morgan County, Otero County, Ouray County, Park County, Phillips County, Pitkin County, Prowers County, Pueblo County, Rio Blanco County, Rio Grande County, Routt County, Saguache County, San Juan County, San Miguel County, Sedgwick County, Summit County, Teller County, Washington County, Weld County, Yuma County
Hawaii	Hawaii County, Honolulu County, Kauai County, Maui County

Iowa	Adair County, Audubon County, Benton County, Black Hawk County, Boone County, Bremer County, Buchanan County, Buena Vista County, Butler County, Calhoun County, Cass County, Cerro Gordo County, Cherokee County, Chickasaw County, Clay County, Delaware County, Dickinson County, Emmet County, Fayette County, Floyd County, Franklin County, Greene County, Grundy County, Guthrie County, Hamilton County, Hancock County, Hardin County, Humboldt County, Ida County, Iowa County, Johnson County, Kossuth County, Linn County, Lyon County, Marshall County, Mitchell County, O'Brien County, Osceola County, Palo Alto County, Plymouth County, Pocahontas County, Pottawattamie County, Sac County, Shelby County, Sioux County, Story County, Tama County, Webster County, Winnebago County, Winneshiek County, Woodbury County, Worth County, Wright County
Idaho	Ada County, Adams County, Bannock County, Bear Lake County, Benewah County, Bingham County, Blaine County, Boise County, Bonner County, Bonneville County, Boundary County, Butte County, Camas County, Canyon County, Caribou County, Cassia County, Clark County, Clearwater County, Custer County, Elmore County, Franklin County, Fremont County, Gem County, Gooding County, Idaho County, Jefferson County, Jerome County, Kootenai County, Latah County, Lemhi County, Lewis County, Lincoln County, Minidoka County, Nez Perce County, Oneida County, Owyhee County, Payette County, Power County, Shoshone County, Teton County, Twin Falls County, Valley County, Washington County
Illinois	Boone County, Cook County, DeKalb County, Kane County, Lake County, McHenry County, Winnebago County
Kansas	Cheyenne County, Clark County, Comanche County, Decatur County, Gove County, Graham County, Grant County, Greeley County, Hamilton County, Kearny County, Logan County, Meade County, Morton County, Norton County, Phillips County, Rawlins County, Scott County, Sheridan County, Sherman County, Stanton County, Stevens County, Thomas County, Wallace County, Wichita County
Maine	Franklin County, Oxford County, Piscataquis County, Somerset County
Michigan	Gogebic County, Sanilac County
Minnesota	Aitkin County, Anoka County, Becker County, Beltrami County, Benton County, Big Stone County, Blue Earth County, Brown County, Carlton County, Cass County, Chippewa County, Clay County, Clearwater County, Cook County, Cottonwood County, Crow Wing County, Douglas County, Faribault County, Freeborn County, Grant County, Hennepin County, Hubbard County, Isanti County, Itasca County, Jackson County, Kandiyohi County, Kittson County, Koochiching County, Lac qui Parle County, Lake County, Lake of the Woods County, Lincoln County, Lyon County, McLeod County, Mahanomen County, Marshall County, Martin County, Meeker County, Mille Lacs County, Morrison County, Mower County, Murray County, Nicollet County, Nobles County, Norman County, Otter Tail County, Pennington County, Pipestone County, Polk County, Pope County, Red Lake County, Redwood County, Renville County, Rock County, Roseau County, Saint Louis County, Sherburne County, Sibley County, Stearns County, Stevens County, Swift County, Todd County, Wadena County, Watonwan County, Wilkin County, Wright County, Yellow Medicine County
Montana	Beaverhead County, Big Horn County, Blaine County, Broadwater County, Carbon County, Carter County, Cascade County, Chouteau County, Custer County, Daniels County, Dawson County, Deer Lodge County, Fallon County, Fergus County, Flathead County, Gallatin County, Garfield County, Glacier County, Golden Valley County, Granite County, Hill County, Jefferson County, Judith Basin County, Lake County, Lewis and Clark County, Liberty County, Lincoln County, McCone County, Madison County, Meagher County, Mineral County, Missoula County, Musselshell County, Park County, Petroleum County, Phillips County, Pondera County, Powder River County, Powell County, Prairie County, Ravalli County, Richland County, Roosevelt County, Rosebud County, Sanders County, Sheridan County, Silver Bow County, Stillwater County, Sweet Grass County, Teton County, Toole County, Treasure County, Valley County, Wheatland County, Wibaux County, Yellowstone County

North Dakota	Adams County, Barnes County, Benson County, Billings County, Bottineau County, Bowman County, Burke County, Burleigh County, Cass County, Cavalier County, Dickey County, Divide County, Dunn County, Eddy County, Emmons County, Foster County, Golden Valley County, Grand Forks County, Grant County, Griggs County, Hettinger County, Kidder County, LaMoure County, Logan County, McHenry County, McIntosh County, McKenzie County, McLean County, Mercer County, Morton County, Mountrail County, Nelson County, Oliver County, Pembina County, Pierce County, Ramsey County, Ransom County, Renville County, Richland County, Rolette County, Sargent County, Sheridan County, Sioux County, Slope County, Stark County, Steele County, Stutsman County, Towner County, Traill County, Walsh County, Ward County, Wells County, Williams County
Nebraska	Banner County, Box Butte County, Boyd County, Buffalo County, Cedar County, Chase County, Cheyenne County, Dakota County, Dawes County, Dawson County, Deuel County, Dixon County, Dundy County, Frontier County, Furnas County, Garden County, Gosper County, Harlan County, Hayes County, Hitchcock County, Holt County, Keith County, Keya Paha County, Kimball County, Knox County, Lincoln County, Morrill County, Perkins County, Phelps County, Red Willow County, Scotts Bluff County, Sheridan County, Sioux County
New Hampshire	Coos County
New Mexico	Bernalillo County, Catron County, Chaves County, Cibola County, Colfax County, Curry County, DeBaca County, Dona Ana County, Eddy County, Grant County, Guadalupe County, Harding County, Hidalgo County, Lea County, Lincoln County, Los Alamos County, Luna County, McKinley County, Mora County, Otero County, Quay County, Rio Arriba County, Roosevelt County, Sandoval County, San Juan County, San Miguel County, Santa Fe County, Sierra County, Socorro County, Taos County, Torrance County, Union County, Valencia County
Nevada	Carson City, Churchill County, Clark County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lincoln County, Lyon County, Mineral County, Nye County, Pershing County, Storey County, Washoe County, White Pine County
Oklahoma	Alfalfa County, Beaver County, Beckham County, Caddo County, Canadian County, Carter County, Choctaw County, Cimarron County, Cleveland County, Comanche County, Cotton County, Creek County, Custer County, Dewey County, Ellis County, Garvin County, Grady County, Greer County, Harmon County, Harper County, Hughes County, Jackson County, Jefferson County, Kiowa County, Le Flore County, Love County, McClain County, Major County, Noble County, Okfuskee County, Okmulgee County, Osage County, Pawnee County, Pushmataha County, Roger Mills County, Stephens County, Texas County, Tillman County, Tulsa County, Washington County, Washita County, Woods County, Woodward County
Oregon	Baker County, Benton County, Clackamas County, Columbia County, Coos County, Crook County, Curry County, Deschutes County, Douglas County, Gilliam County, Grant County, Harney County, Hood River County, Jackson County, Jefferson County, Josephine County, Klamath County, Lake County, Lane County, Lincoln County, Linn County, Malheur County, Marion County, Morrow County, Multnomah County, Polk County, Sherman County, Tillamook County, Umatilla County, Union County, Wallowa County, Wasco County, Washington County, Wheeler County, Yamhill County
South Dakota	Aurora County, Beadle County, Bennett County, Bon Homme County, Brookings County, Brown County, Brule County, Buffalo County, Butte County, Campbell County, Charles Mix County, Clark County, Clay County, Corson County, Custer County, Davison County, Day County, Deuel County, Dewey County, Douglas County, Edmunds County, Fall River County, Faulk County, Grant County, Gregory County, Haakon County, Hamlin County, Hand County, Hanson County, Harding County, Hughes County, Hutchinson County, Hyde County, Jackson County, Jerauld County, Jones County, Kingsbury County, Lake County, Lawrence County, Lincoln County, Lyman County, McCook County, McPherson County, Marshall County, Meade County, Mellette County, Miner County, Minnehaha County, Moody County, Oglala Lakota County, Pennington County, Perkins County, Potter County, Roberts County, Sanborn County, Spink County, Stanley County, Sully County, Todd County, Tripp County, Turner County, Union County, Walworth County, Yankton County, Ziebach County

Texas	Andrews County, Armstrong County, Atascosa County, Bailey County, Bandera County, Bastrop County, Baylor County, Bee County, Bell County, Bexar County, Blanco County, Borden County, Bosque County, Brazoria County, Brewster County, Briscoe County, Brooks County, Brown County, Caldwell County, Calhoun County, Cameron County, Camp County, Carson County, Castro County, Childress County, Cochran County, Coleman County, Collingsworth County, Comal County, Concho County, Cooke County, Coryell County, Cottle County, Crane County, Crockett County, Crosby County, Culberson County, Dallam County, Dawson County, Deaf Smith County, DeWitt County, Dickens County, Dimmit County, Donley County, Duval County, Ector County, Edwards County, El Paso County, Fayette County, Fisher County, Floyd County, Foard County, Franklin County, Frio County, Gaines County, Garza County, Gillespie County, Glasscock County, Goliad County, Gonzales County, Gray County, Guadalupe County, Hale County, Hall County, Hansford County, Hardeman County, Hartley County, Haskell County, Hays County, Hemphill County, Hidalgo County, Hockley County, Hopkins County, Howard County, Hudspeth County, Hutchinson County, Irion County, Jack County, Jeff Davis County, Jim Hogg County, Jim Wells County, Jones County, Karnes County, Kendall County, Kenedy County, Kent County, Kerr County, Kimble County, King County, Kinney County, Kleberg County, Knox County, Lamar County, Lamb County, La Salle County, Lavaca County, Lee County, Live Oak County, Llano County, Loving County, Lubbock County, Lynn County, McCulloch County, McLennan County, McMullen County, Martin County, Mason County, Matagorda County, Maverick County, Medina County, Menard County, Midland County, Milam County, Mills County, Mitchell County, Montague County, Moore County, Motley County, Nueces County, Ochiltree County, Oldham County, Parker County, Parmer County, Pecos County, Potter County, Presidio County, Randall County, Reagan County, Real County, Reeves County, Roberts County, Runnels County, San Patricio County, San Saba County, Scurry County, Sherman County, Starr County, Sterling County, Stonewall County, Swisher County, Terrell County, Terry County, Titus County, Tom Green County, Travis County, Upshur County, Upton County, Uvalde County, Val Verde County, Victoria County, Ward County, Webb County, Wheeler County, Wichita County, Wilbarger County, Willacy County, Williamson County, Winkler County, Wise County, Wood County, Yoakum County, Zapata County, Zavala County
Utah	Beaver County, Box Elder County, Cache County, Carbon County, Daggett County, Davis County, Duchesne County, Emery County, Garfield County, Grand County, Iron County, Juab County, Kane County, Millard County, Morgan County, Piute County, Rich County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County, Tooele County, Uintah County, Utah County, Wasatch County, Washington County, Wayne County, Weber County
Washington	Adams County, Asotin County, Benton County, Chelan County, Clark County, Columbia County, Cowlitz County, Douglas County, Ferry County, Franklin County, Garfield County, Grant County, Island County, Kittitas County, Klickitat County, Lincoln County, Okanogan County, Pend Oreille County, San Juan County, Skagit County, Skamania County, Spokane County, Stevens County, Walla Walla County, Whatcom County, Whitman County, Yakima County
Wisconsin	Ashland County, Bayfield County, Iron County, Kenosha County, Milwaukee County, Racine County, Rock County, Walworth County,
Wyoming	Albany County, Big Horn County, Campbell County, Carbon County, Converse County, Crook County, Fremont County, Goshen County, Hot Springs County, Johnson County, Laramie County, Lincoln County, Natrona County, Niobrara County, Park County, Platte County, Sheridan County, Sublette County, Sweetwater County, Teton County, Uinta County, Washakie County, Weston County
U.S. Virgin Islands/ U.S. Affiliated Pacific Islands	Kapingamarangi, Saint Croix, Wotje, Saint John, Saint Thomas

More Information

If you have questions or need additional information, please visit the [ERP website](#) or contact your local [FSA County Office](#).

Additional USDA disaster assistance information can be found on [farmers.gov](#), including the [Disaster Assistance Discovery Tool](#), [Disaster-at-a-Glance fact sheet](#), and [Farm Loan Discovery Tool](#).

Billing Code: 3410-05-P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Notice of Funds Availability; Emergency Relief Program (ERP)

[Docket ID FSA–2022–0004]

AGENCY: Farm Service Agency, USDA.

ACTION: Notification of funding availability.

SUMMARY: The Farm Service Agency (FSA) is issuing this notice announcing ERP.

ERP will provide assistance to producers for losses to crops, trees, bushes, and vines due to wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions occurring in calendar years 2020 and 2021. ERP assistance will be provided in two phases. This document provides the eligibility requirements, application process, and payment calculations for ERP Phase 1, which will provide payments for crop production losses and tree, bush, and vine losses calculated using certain data from previously issued crop insurance indemnities and Noninsured Crop Disaster Assistance Program (NAP) payments.

DATES: *Funding availability:* Implementation will begin **[Insert date of publication in the *FEDERAL REGISTER*]**.

Comment Date: We will consider comments on the Paperwork Reduction Act that we receive by: **[Insert date 60 days after date of publication in the *FEDERAL REGISTER*]**.

ADDRESSES: We invite you to submit comments on the information collection request.

You may submit comments by any of the following methods, although FSA prefers that you submit comments electronically through the Federal eRulemaking Portal:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID FSA–2022–0004. Follow the online instructions for submitting comments.

- *Mail, Hand-Delivery, or Courier:* Director, Safety Net Division, FSA, USDA, 1400 Independence Avenue SW, Stop 0510, Washington, DC 20250-0522. In your comment, specify the docket ID FSA-2022-0004.

All comments will be posted without change and publicly available on <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Tona Huggins; telephone: (202) 720–6825; email: tona.huggins@usda.gov. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice) or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Background

Division B, Title I, of the Extending Government Funding and Delivering Emergency Assistance Act (Pub. L. 117-43) provides \$10 billion for necessary expenses related to losses of:

- Crops;
- Trees;

- Bushes; and
- Vines.

To be eligible for assistance, the loss must be a consequence of one of the following qualifying disaster events occurring in the 2020 or 2021 calendar years:

- Droughts;
- Wildfires;
- Hurricanes;
- Floods;
- Derechos;
- Excessive heat;
- Winter storms;
- Freeze, including a polar vortex;
- Smoke exposure; and
- Excessive moisture.

Losses due to drought are only eligible for assistance if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity.

FSA is using the funding to assist producers who suffered eligible losses through several programs.¹ In this document, FSA is announcing ERP, which will assist

¹FSA previously announced ELRP on April 4, 2022 (87 FR 19465-19470). The Milk Loss Program and On-Farm Stored Commodity Loss Program will be announced in a future rule. These programs and ERP have the same funding source.

producers who suffered losses of crops, trees, bushes, or vines due to qualifying disaster events. FSA will administer ERP in two phases:

- ERP Phase 1 will use a streamlined process with pre-filled application forms. It will provide payments for crop production losses and tree, bush, and vine losses in certain situations where data are already on file with FSA or the Risk Management Agency (RMA), as a result of the producer previously receiving a NAP payment or a crop insurance indemnity under certain crop insurance policies. This document provides the eligibility requirements, application process, and payment calculations for ERP Phase 1.
- ERP Phase 2 will provide payments for other eligible losses through a more traditional application process during which eligible producers will provide all data required to calculate a payment. FSA will announce ERP Phase 2 provisions and application period in a future *Federal Register* document.

Definitions

The definitions in 7 CFR parts 718 and 1400 apply to ERP, except as otherwise provided in this document. The following definitions also apply.

Administrative fee means the amount an insured paid for catastrophic risk protection, and additional coverage for each crop year as specified in the applicable crop insurance policy.

Average adjusted gross farm income means the average of the portion of the person or legal entity's adjusted gross income derived from farming, ranching, or forestry

operations for the 3 taxable years preceding the most immediately preceding complete taxable year. The relevant tax years are:

- (1) For the 2020 program year, 2016, 2017, and 2018;
- (2) For the 2021 program year, 2017, 2018, and 2019; and
- (3) For the 2022 program year,² 2018, 2019, and 2020.

Average adjusted gross income means the average of the adjusted gross income as defined under 26 U.S.C. 62 or comparable measure of the person or legal entity. The relevant tax years are:

- (1) For the 2020 program year, 2016, 2017, and 2018;
- (2) For the 2021 program year, 2017, 2018, and 2019; and
- (3) For the 2022 program year, 2018, 2019, and 2020.

Beginning farmer or rancher means a farmer or rancher who has not operated a farm or ranch for more than 10 years and who materially and substantially participates in the operation. For a legal entity to be considered a beginning farmer or rancher, at least 50 percent of the interest must be beginning farmers or ranchers.

Bush means a low, branching, woody plant, from which at maturity of the bush, an annual fruit or vegetable crop is produced for commercial market for human consumption, such as a blueberry bush. The definition does not cover nursery stock or plants that produce a bush after the normal crop is harvested.

Buy-up NAP coverage means NAP coverage at a payment amount that is equal to an indemnity amount calculated for buy-up coverage computed under section 508(c) or

²The 2022 crop year is included because a qualifying disaster event occurring in the 2021 calendar year may have caused a loss of a crop during the 2022 crop year, based on how “crop year” is defined in the applicable crop insurance policy or NAP provisions.

(h) of the Federal Crop Insurance Act and equal to the amount that the buy-up coverage yield for the crop exceeds the actual yield for the crop.

Catastrophic coverage has the same meaning as in 7 CFR 1437.3.

Coverage level means the percentage determined by multiplying the elected yield percentage under a crop insurance policy or NAP coverage by the elected price percentage.

Crop insurance means an insurance policy reinsured by the Federal Crop Insurance Corporation under the provisions of the Federal Crop Insurance Act, as amended. It does not include private plans of insurance.

Crop insurance indemnity means the payment to a participant for crop losses covered under crop insurance administered by RMA in accordance with the Federal Crop Insurance Act (7 U.S.C. 1501-1524).

Crop year means:

(1) For insured crops, trees, bushes, and vines, the crop year as defined according to the applicable crop insurance policy; and

(2) For NAP-covered crops, the crop year as defined in 7 CFR 1437.3.

Deputy Administrator means the FSA Deputy Administrator for Farm Programs.

FCIC means the Federal Crop Insurance Corporation, a wholly owned Government Corporation of USDA, administered by RMA.

Historically underserved farmer or rancher means a beginning farmer or rancher, limited resource farmer or rancher, socially disadvantaged farmer or rancher, or veteran farmer or rancher.

Income derived from farming, ranching, and forestry operations means income of an individual or entity derived from:

- (1) Production of crops, specialty crops, and unfinished raw forestry products;
- (2) Production of livestock, aquaculture products used for food, honeybees, and products derived from livestock;
- (3) Production of farm-based renewable energy;
- (4) Selling (including the sale of easements and development rights) of farm, ranch, and forestry land, water or hunting rights, or environmental benefits;
- (5) Rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;
- (6) Processing, packing, storing, and transportation of farm, ranch, forestry commodities including renewable energy;
- (7) Feeding, rearing, or finishing of livestock;
- (8) Payments of benefits, including benefits from risk management practices, crop insurance indemnities, and catastrophic risk protection plans;
- (9) Sale of land that has been used for agricultural purposes;
- (10) Payments and benefits authorized under any program made available and applicable to payment eligibility and payment limitation rules;
- (11) Income reported on Internal Revenue Service (IRS) Schedule F or other schedule used by the person or legal entity to report income from such operations to the IRS;
- (12) Wages or dividends received from a closely held corporation, and Interest Charge Domestic International Sales Corporation (IC-DISC) or legal entity comprised

entirely of family members when more than 50 percent of the legal entity's gross receipts for each tax year are derived from farming, ranching, or forestry activities as defined in this document; and

(13) Any other activity related to farming, ranching, and forestry, as determined by the Deputy Administrator.

Limited resource farmer or rancher means a farmer or rancher who is both of the following:

(1) A person whose direct or indirect gross farm sales, based on 2 years, did not exceed:

(a) \$180,300 in each of the 2017 and 2018 calendar years for the 2020 program year;

(b) \$179,000 in each of the 2018 and 2019 calendar years for the 2021 program year; or

(c) \$189,200 in each of the 2019 and 2020 calendar years for the 2022 program year; and

(2) A person whose total household income was at or below the national poverty level for a family of four in each of the same two previous calendar years referenced in paragraph (1) of this definition. Limited resource farmer or rancher status can be determined using a website available through the Limited Resource Farmer and Rancher Online Self Determination Tool through National Resource and Conservation Service at <https://lrftool.sc.egov.usda.gov>.

For an entity to be considered a limited resource farmer or rancher, all members who hold an ownership interest in the entity must meet the criteria in paragraphs (1) and (2) of this definition.

NAP means the Noninsured Crop Disaster Assistance Program, which is authorized by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and regulations in 7 CFR part 1437.

NAP service fee means the fee the producer paid to obtain NAP coverage specified in 7 CFR 1437.7.

Ownership interest means to have either a legal ownership interest or a beneficial ownership interest in a legal entity. For the purposes of administering ERP, a person or legal entity that owns a share or stock in a legal entity that is a corporation, limited liability company, limited partnership, or similar type entity where members hold a legal ownership interest and shares in the profits or losses of such entity is considered to have an ownership interest in such legal entity. A person or legal entity that is a beneficiary of a trust or heir of an estate who benefits from the profits or losses of such entity is considered to have a beneficial ownership interest in such legal entity.

Premium means the premium paid by the producer for crop insurance coverage or NAP buy-up coverage levels.

Program year means the crop year.

Qualifying disaster event means wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions.

Qualifying drought means an area within the county was rated by the U.S.

Drought Monitor as having a drought intensity of D2 (severe drought) for eight consecutive weeks or D3 (extreme drought) or higher level for any period of time during the applicable calendar year.

Related condition means damaging weather and adverse natural occurrences that occurred concurrently with and as a direct result of a specified qualifying disaster event.

Related conditions include, but are not limited to:

- Excessive wind that occurred as a direct result of a derecho;
- Silt and debris that occurred as a direct and proximate result of flooding;
- Excessive wind, storm surges, tornados, tropical storms, and tropical depressions that occurred as a direct result of a hurricane; and
- Excessive wind and blizzards that occurred as a direct result of a winter storm.

Socially disadvantaged farmer or rancher means a farmer or rancher who is a member of a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. For entities, at least 50 percent of the ownership interest must be held by individuals who are members of such a group. Socially disadvantaged groups include the following and no others unless approved in writing by the Deputy Administrator:

- (1) American Indians or Alaskan Natives;
- (2) Asians or Asian-Americans;
- (3) Blacks or African Americans;

- (4) Hispanics or Hispanic Americans;
- (5) Native Hawaiians or other Pacific Islanders; and
- (6) Women.

Specialty crops means fruits, tree nuts, vegetables, culinary herbs and spices, medicinal plants, and nursery, floriculture, and horticulture crops. This includes common specialty crops identified by USDA's Agricultural Marketing Service at <https://www.ams.usda.gov/services/grants/scbgp/specialty-crop> and other crops as designated by the Deputy Administrator.

Substantial beneficial interest (SBI) has the same meaning as specified in the applicable crop insurance policy. For the purposes of ERP Phase 1, Federal crop insurance records for "transfer of coverage, right to indemnity" are considered the same as SBIs.

Tree means a tall, woody plant having comparatively great height, and a single trunk from which an annual crop is produced for commercial market for human consumption, such as a maple tree for syrup, or papaya or orchard tree for fruit. It includes immature trees that are intended for commercial purposes. Nursery stock, banana and plantain plants, and trees used for pulp or timber are not considered eligible trees.

Unit means the unit structure as defined under the applicable crop insurance policy for insured crops or in 7 CFR 1437.9 for NAP-covered crops.

USDA means the U.S. Department of Agriculture.

U.S. Drought Monitor means the system for classifying drought severity according to a range of abnormally dry to exceptional drought. It is a collaborative effort

between Federal and academic partners, produced on a weekly basis, to synthesize multiple indices, outlooks, and drought impacts on a map and in narrative form. This synthesis of indices is reported by the National Drought Mitigation Center at <http://droughtmonitor.unl.edu>.

Veteran farmer or rancher means a farmer or rancher who has served in the Armed Forces (as defined in 38 U.S.C. 101(10)³) and:

- (1) Has not operated a farm or ranch for more than 10 years; or
- (2) Has obtained status as a veteran (as defined in 38 U.S.C. 101(2)⁴) during the most recent 10-year period.

For an entity to be considered a veteran farmer or rancher, at least 50 percent of the ownership interest must be held by members who have served in the Armed Forces and meet the criteria in paragraph (1) or (2) of this definition.

Vine means a perennial plant grown under normal conditions from which an annual fruit crop is produced for commercial market for human consumption, such as grape, kiwi, or passion fruit, and that has a flexible stem supported by climbing, twining, or creeping along a surface. Nursery stock, perennials that are normally propagated as annuals such as tomato plants, biennials such as strawberry plants, and annuals such as pumpkin, squash, cucumber, watermelon, and other melon plants, are excluded from the term vine.

³The term “Armed Forces” means the United States Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard, including the reserve components.

⁴The term “veteran” means a person who served in the active military, naval, air, or space service, and who was discharged or released under conditions other than dishonorable.

ERP Phase 1

ERP Phase 1 will provide a streamlined application process for eligible losses during the 2020, 2021, or 2022 crop years⁵ for which a producer had:

- A Federal Crop Insurance policy that provided coverage for crop production losses or tree losses related to the qualifying disaster events and received an indemnity⁶ for a crop and unit, excluding perennial crops with an intended use of grazing; livestock policies; nursery; forage seeding; and Margin Protection Plan policies purchased without a base policy; or
- NAP coverage and received a NAP payment for a crop and unit.

ERP Phase 1 excludes losses to aquacultural species that were compensated under the Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish Program (generally referred to as ELAP) to avoid providing duplicate benefits for losses already at least partially compensated for by ELAP.

The applicable crop insurance policies and NAP provide payments to producers for crop, tree, bush, and vine losses due to eligible causes of loss as defined respectively in the producer's crop insurance policy or NAP, which includes crop production losses and tree losses due to the qualifying disaster events eligible for ERP. Where such an overlap has been identified, RMA and FSA are using certain data submitted by producers

⁵The 2022 crop year is included because a qualifying disaster event occurring in the 2021 calendar year may have caused a loss of a crop during the 2022 crop year, based on how "crop year" is defined in the applicable crop insurance policy or NAP provisions.

⁶For purposes of this program, indemnity does not include cottonseed endorsement payments, downed rice endorsement payments, sugarcane crop replacement endorsement payments, replant payments, or raisin reconditioning payments.

for crop insurance or NAP purposes to calculate a producer's eligible loss under ERP Phase 1. The ERP calculation is intended to compensate producers for a percentage of that loss determined by the applicable ERP factor, which varies based on the producer's level of crop insurance or NAP coverage, as described later in this document.

Producers who did not qualify for assistance under Phase 1 who experienced losses to crops, trees, bushes, and vines, will be addressed under ERP Phase 2. Other losses to crops, trees, bushes, and vines will also be addressed under ERP Phase 2.⁷ ERP Phase 2 will address situations where a producer's records at RMA do not match the records at FSA. Further, producers who apply for payment under ERP Phase 1 may also apply under ERP Phase 2; however, payments under ERP Phase 2 will take into account any amounts received for the crop and unit under ERP Phase 1. ERP Phase 2 provisions will be specified in a future *Federal Register* document.

Eligibility

To be eligible for payment under ERP Phase 1, a producer must have suffered a crop, tree, bush, or vine loss that was caused, in whole or in part, by a qualifying disaster event. Because under certain policies the amount of loss due to a qualifying disaster event cannot be separated from the amount of loss caused by other eligible causes of loss as defined by the applicable crop insurance policy or NAP, the ERP Phase 1 payment will be based on the producer's loss as long as those losses are in whole or in part caused by a qualifying disaster event.

⁷Losses covered under ERP Phase 2 may include crop quality losses, losses for which the producer did not have an applicable crop insurance policy or NAP coverage for the crop and unit, and losses for which the producer had an applicable crop insurance policy or NAP coverage but the loss was not significant enough to result in a crop insurance indemnity or NAP payment or was otherwise excluded from ERP Phase 1.

In addition, consistent with other FSA disaster assistance programs, a producer must be a:

- (1) Citizen of the United States;
- (2) Resident alien, which for purposes of ERP means “lawful alien” as defined in 7 CFR 1400.3;
- (3) Partnership consisting of solely of citizens of the United States or resident aliens;
- (4) Corporation, limited liability company, or other organizational structure organized under State law consisting solely of citizens of the United States or resident aliens; or
- (5) Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

Eligible crops include all crops for which crop insurance or NAP coverage was available, except for crops intended for grazing.

Application Process

FSA and RMA will identify the producers who meet the criteria described above to apply for ERP Phase 1. For each of those producers, FSA will generate an FSA-520, Emergency Relief Program (ERP) Phase 1 Application, with certain items pre-filled with information already on file with USDA. A separate application form will be generated for each applicable program year. FSA expects to begin mailing application forms in May to producers who received crop insurance indemnities, and to begin mailing forms to producers who received NAP payments later in the summer. FSA will mail application forms for policy holders with 2021 crop year coverage under Stacked Income

Protection (STAX), Supplemental Coverage Option (SCO), Enhanced Coverage Option (ECO), Margin Protection (MP), and Area Risk Protection Insurance (ARPI) when data become available.

For producers who received a crop insurance indemnity for eligible policies, the pre-filled application will include the producer's physical State and county codes, pay unit numbers, crops, and gross indemnities. While the majority of crop insurance policies may cover an eligible crop loss, a small number do not and are not eligible for ERP, including livestock policies and margin policies. Even if a policy is included in ERP Phase 1, the producer will need to certify that their payment under any such policy was in whole or in part due to a crop loss related to a qualifying disaster event. For producers who received a NAP payment, the pre-filled applications will include the producer's administrative State and county codes, unit numbers, crops, pay groups, and gross NAP payments. FSA will also pre-fill the calculated ERP Phase 1 payment amounts, prior to any payment reductions.⁸ Producers cannot alter the data in these pre-filled items. If a producer believes that any information that has been pre-filled is incorrect, the producer should contact their crop insurance agent for insured crops or their FSA county office for NAP-covered crops.

Receipt of a pre-filled application form is not a confirmation that the producer is eligible to receive an ERP Phase 1 payment. In order to receive a payment, the producer must certify that their crop insurance indemnity or NAP payment on which the ERP

⁸ Similar to other disaster programs administered by FSA, payment reductions will be made to account for payment limitation, lack of compliance with highly erodible land conservation and wetland conservation requirements, and prorating of payments to stay within available funding as discussed later in this document.

Phase 1 payment will be based was due, in whole or in part, to a crop production loss or a loss of trees, bushes, or vines caused by a qualifying disaster event. Producers are responsible for reviewing the list of qualifying disaster events, and if a loss was due to drought, producers must also ensure that the county where the crop and unit was located meets the definition of “qualifying drought.” FSA will provide a factsheet and other materials to provide examples and more details on the qualifying disaster events to assist producers. In addition, producers must also certify that they will meet the requirement to purchase crop insurance or NAP coverage for the next 2 available crop years, as described later in this document.

The portion of the form for producers who had crop insurance will also list the primary policy holder and all producers with an SBI who have a record established with FSA. If one or more producers with an SBI had a share in a crop, the primary policy holder must update the application to show the share in the crop for each of those producers in addition to the primary policy holder. If determined eligible, any payments will be issued to the primary policy holder and to any producers with an SBI who have a share in the crop according to their shares in the crop entered on the application. To receive a payment, each person or entity that is listed as having a share of the ERP Phase 1 payment for a crop and unit must sign the application and agree to purchase crop insurance or NAP coverage for that crop and unit, as described later in this document. If multiple crops and units are listed on an application, producers may agree to purchase crop insurance or NAP coverage for only some of the crops and units; an ERP Phase 1 payment will be issued only for those crops and units for which the producer agrees to meet that requirement.

Producers, including any producers with an SBI who have a share in a crop as indicated on the application, must also have the following forms on file with FSA by within 60 days of the ERP Phase 1 deadline announced by the Deputy Administrator to receive an ERP Phase 1 payment:

- Form AD-2047, Customer Data Worksheet;
- Form CCC-902, Farm Operating Plan for an individual or legal entity as provided in 7 CFR part 1400;
- Form CCC-901, Member Information for Legal Entities (if applicable); and
- A highly erodible land conservation (sometimes referred to as HELC) and wetland conservation certification as provided in 7 CFR part 12 (form AD-1026 Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification) for the producer and applicable affiliates.

Many producers, especially if they have participated in FSA programs recently, will already have these forms on file with FSA. Producers who are unsure of whether a form is on file may contact their local FSA service center. Contact information for service centers is available at <https://www.farmers.gov/working-with-us/service-center-locator>.

In addition to the forms listed above, certain producers will also need to submit the following forms to qualify for an increased payment rate or payment limitation, as described later in this document:

- Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, applicable for the program year or years for which the producer is applying for ERP;⁹ or
- Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, accompanied by a certification from a certified public accountant or attorney as to that person or legal entity's certification, for a legal entity and all members of that entity, for each applicable program year.

FSA will continue to accept forms CCC-860 and FSA-510 from producers for the purpose of establishing eligibility for an increased payment rate or payment limitation until the deadline announced by FSA.

Payment Calculation

RMA and FSA will calculate ERP Phase 1 payments based on the data on file with the agencies at the time of calculation. The ERP Phase 1 payment calculation for a crop and unit will depend on the type and level of coverage obtained by the producer. Each calculation will use an ERP factor based on the producer's level of crop insurance or NAP coverage, as specified in the following tables.

⁹ A producer who has filed form CCC-860 certifying their status as a socially disadvantaged, beginning, or veteran farmer or rancher for a prior program year is not required to submit a subsequent certification of their status for a later program year because a producer's status as socially disadvantaged would not change in different years, and their certification as a beginning or veteran farmer or rancher includes the relevant date needed to determine for what programs years the status would apply. Because a producer's status as a limited resource farmer or rancher may change annually depending on the producer's direct and indirect gross farm sales, those producers must submit form CCC-860 for each applicable program year.

Crop Insurance Coverage Level	ERP Factor (percent)
Catastrophic coverage	75.0
More than catastrophic coverage but less than 55 percent.....	80.0
At least 55 percent but less than 60 percent.....	82.5
At least 60 percent but less than 65 percent.....	85.0
At least 65 percent but less than 70 percent.....	87.5
At least 70 percent but less than 75 percent.....	90.0
At least 75 percent but less than 80 percent.....	92.5
At least 80 percent.....	95.0

NAP Coverage Level	ERP Factor (percent)
Catastrophic coverage	75.0
50 percent.....	80.0
55 percent.....	85.0
60 percent.....	90.0
65 percent.....	95.0

When determining the ERP factors, analysis was conducted to ensure that payments do not exceed available funding and, in aggregate across all producers, do not exceed 90 percent of losses, as required by the Extending Government Funding and Delivering Emergency Assistance Act. The difference between the ERP payment factor for crop insurance and NAP is due to differences in the available coverage levels. Crop insurance is available at the catastrophic coverage level (50 percent production coverage of 55 percent of the price) and buy-up coverage levels (50 percent to 85 percent of the production for 100 percent of the price). NAP is limited by law to a maximum of 65 percent buy-up coverage. For both NAP and crop insurance, the ERP payment factor for the catastrophic and maximum buy-up levels are 75 percent and 95 percent respectively, with the ERP factors stair-stepping for the buy-up options in-between as shown in the tables above. The Extending Government Funding and Delivering Emergency Assistance Act provides that payments to producers who did not have crop insurance or

NAP coverage cannot exceed 70 percent of their loss; therefore, the lowest ERP factor for producers who had crop insurance or NAP is set at 75 percent. Payment limits and other reductions will reduce ERP payments, further lowering the percent of losses covered.

For crop insurance, RMA will use the producer's data that is already on file, which provides the necessary information to determine the producer's amount of loss. Crop insurance provides financial assistance for crop losses due to specified natural disasters and uses a producer's data to calculate a payment based on the type of crop insurance coverage elected by the producer. As previously discussed, ERP is intended to compensate producers for a percentage of their loss determined by the applicable ERP factor based on the level of crop insurance coverage purchased; therefore, RMA will calculate each producer's loss consistent with the loss procedures for the type of coverage purchased¹⁰ but using the ERP factor. This calculated amount would then be adjusted by subtracting out the net crop insurance indemnity, which is equal to the producer's gross crop insurance indemnity already received for those losses minus service fees and premiums.

For NAP-covered crops, FSA will use the producer's crop production or inventory data that is already on file, which provides the necessary information to determine the producer's amount of loss. NAP provides financial assistance for crop losses due to specified natural disasters and uses a producer's crop production or inventory data to calculate a payment based on the level of NAP coverage elected by the

¹⁰For example, ERP for Area Risk Protection Insurance (ARPI) and STAX is based on area-wide (for example, county) production losses.

producer. As previously discussed, ERP is intended to compensate producers for a percentage of loss determined by the applicable ERP factor based on their NAP coverage level; therefore, FSA will perform a calculation that is consistent with the NAP payment calculation for the crop and unit, as provided in 7 CFR part 1437, but using the ERP factor in the table above applicable to the producer's NAP coverage level as the applicable guarantee in those calculations. For example, the guarantee for a producer that had purchased 60 percent NAP coverage would be adjusted and recalculated based on a 90 percent ERP factor. The calculated amount using the ERP factor would then be adjusted by subtracting the net NAP calculated payment, which is equal to the producer's gross NAP payment already received by the producer minus service fees and premiums.¹¹ For NAP, actual value equals the dollar value of the crop and unit at the time of loss as determined by USDA. For example, a producer had a crop that had a value of \$150,000 and a 50 percent loss, resulting in a loss of \$75,000. They had a NAP coverage level of 60 percent, so their NAP guarantee was \$90,000. Their NAP guarantee of \$90,000 minus the \$75,000 value of the crop that was not lost is equal to a net NAP calculated payment of \$15,000. The new ERP guarantee based on the ERP factor of 90 percent is calculated to be \$135,000. The ERP guarantee of \$135,000 minus the \$75,000 value of the crop that was not lost is equal to \$60,000, which is reduced by the net NAP calculated payment amount of \$15,000, resulting in a calculated ERP Phase 1 payment of \$45,000.

¹¹The gross NAP payment is the amount calculated according to 7 CFR part 1437, prior to any payment reductions for reasons including, but not limited to, sequestration, payment limitation, and the applicant or member of an applicant that is an entity exceeding the average AGI limitation.

Similar to other FSA disaster assistance programs like ELAP and other recent ad hoc disaster programs, historically underserved farmers and ranchers will receive an increase to their ERP Phase 1 payment that is equal to 15 percent of the amount calculated as described above. For example, if a historically underserved farmer or rancher's calculated amount is \$1,000, their ERP Phase 1 payment will be \$1,150. To qualify for the increased payment amount, a historically underserved farmer or rancher must have certified their status on form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification. FSA will issue ERP Phase 1 payments as applications are processed and approved. If a producer files form CCC-860 after their ERP Phase 1 payment is issued but before the deadline to be announced by FSA, FSA will process the form CCC-860 and issue the additional payment amount.

A total of \$10 billion was allocated to certain disaster relief programs. Congress allocated \$750 million for livestock assistance, with the first phase of the Emergency Livestock Relief Program (ELRP) already paying over \$560 million. ERP Phase 1 payments for crops covered by crop insurance will be prorated by 75 percent to ensure that total ERP payments, including payments under ERP Phase 2, do not exceed the available funding. ERP Phase 1 payments for NAP-covered crops will not be prorated due to the significantly smaller NAP portfolio that by its nature only covers smaller acreages and specialty crops that are not covered by crop insurance.

Payment Limitation

The payment limitation for ERP Phase 1 is determined by the person's or legal entity's average adjusted gross farm income (income from activities related to farming,

ranching, or forestry). Specifically, a person or legal entity, other than a joint venture or general partnership, cannot receive, directly or indirectly, more than \$125,000 in payments for specialty crops and \$125,000 in payment for all other crops under ERP (for Phase 1 and Phase 2 combined) for a program year if their average adjusted gross farm income is less than 75 percent of their average AGI the three taxable years preceding the most immediately preceding complete tax year. If at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, or forestry related activities and the participant provides the required certification and documentation, as discussed below, the person or legal entity, other than a joint venture or general partnership, is eligible to receive, directly or indirectly, up to:

- \$900,000 for each program year for specialty crops¹²; and
- \$250,000 for each program year for all other crops.

The relevant tax years for establishing a producer's AGI and percentage derived from farming, ranching, or forestry related activities are:

- 2016, 2017, and 2018 for program year 2020;
- 2017, 2018, and 2019 for program year 2021; and
- 2018, 2019, and 2020 for program year 2022.

To receive more than \$125,000 in ERP payments for a program year, producers must submit form FSA-510, accompanied by a certification from a certified public

¹²The Extending Government Funding and Delivering Emergency Assistance Act provides that in the case of specialty crops or high value crops, as determined by the Secretary, the Secretary shall impose payment limitations consistent with 7 CFR 760.1507(a)(2), which specified that a producer could receive up to \$900,000 if not less than 75 percent of the average adjusted gross income of the person or legal entity was average adjusted gross farm income. USDA is continuing to evaluate how to define "high value crops" and will address those crops during ERP Phase 2.

accountant or attorney as to that person or legal entity's certification. If a producer requesting the increased payment limitation is a legal entity, all members of that entity must also complete form FSA-510 and provide the required certification according to the direct attribution provisions in 7 CFR 1400.105, "Attribution of Payments." If a legal entity would be eligible for the increased payment limitation based on the legal entity's average AGI from farming, ranching, or forestry related activities but a member of that legal entity either does not complete a form FSA-510 and provide the required certification or is not eligible for the increased payment limitation, the payment to the legal entity will be reduced for the limitation applicable to the share of the ERP Phase 1 payment attributed to that member. FSA will issue ERP Phase 1 payments as applications are processed and approved. If a producer files form FSA-510 and the accompanying certification after their ERP Phase 1 payment is issued but before the deadline announced by FSA, FSA will process the form FSA-510 and issue the additional payment amount.

A payment made to a legal entity will be attributed to those members who have a direct or indirect ownership interest in the legal entity, unless the payment of the legal entity has been reduced by the proportionate ownership interest of the member due to that member's ineligibility.

Attribution of payments made to legal entities will be tracked through four levels of ownership in legal entities as follows:

- First level of ownership—any payment made to a legal entity that is owned in whole or in part by a person will be attributed to the person in an

amount that represents the direct ownership interest in the first level or payment legal entity;¹³

- Second level of ownership—any payment made to a first-level legal entity that is owned in whole or in part by another legal entity (referred to as a second-level legal entity) will be attributed to the second-level legal entity in proportion to the ownership of the second-level legal entity in the first-level legal entity; if the second-level legal entity is owned in whole or in part by a person, the amount of the payment made to the first-level legal entity will be attributed to the person in the amount that represents the indirect ownership in the first-level legal entity by the person;
- Third and fourth levels of ownership —except as provided in the second level of ownership bullet above and in the fourth level of ownership bullet below, any payments made to a legal entity at the third and fourth levels of ownership will be attributed in the same manner as specified in the second level of ownership bullet above; and
- Fourth-level of ownership—if the fourth level of ownership is that of a legal entity and not that of a person, a reduction in payment will be applied to the first-level or payment legal entity in the amount that

¹³The “first level or payment legal entity” means that the payment entity will have a reduction applied, and if the payment entity happens to be a joint venture, that reduction is applied to the first level, or highest level, for payments. The “first level or payment legal entity” is the highest level of ownership of the applicant to whom payments can be attributed or limited. If the applicant is a business type that does not have a limitation or attribution, the reduction is applied to the first level, but if the business type can have the reduction applied directly to it, then the limitation applies.

represents the indirect ownership in the first level or payment legal entity by the fourth-level legal entity.

Payments made directly or indirectly to a person who is a minor child will not be combined with the earnings of the minor's parent or legal guardian.

A producer that is a legal entity must provide the names, addresses, ownership share, and valid taxpayer identification numbers of the members holding an ownership interest in the legal entity. Payments to a legal entity will be reduced in proportion to a member's ownership share when a valid taxpayer identification number for a person or legal entity that holds a direct or indirect ownership interest, at the first through fourth levels of ownership in the business structure, is not provided to FSA.

If an individual or legal entity is not eligible to receive ERP Phase 1 payments due to the individual or legal entity failing to satisfy payment eligibility provisions, the payment made either directly or indirectly to the individual or legal entity will be reduced to zero. The amount of the reduction for the direct payment to the producer will be commensurate with the direct or indirect ownership interest of the ineligible individual or ineligible legal entity. Like other programs administered by FSA, payments made to an Indian Tribe or Tribal organization, as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), will not be subject to payment limitation.

Requirement to Purchase Crop Insurance or NAP Coverage

All producers who receive ERP Phase 1 payments, including those receiving a payment based on tree, bush, or vine crop insurance policies, are statutorily required to purchase crop insurance, or NAP coverage where crop insurance is not available, for the

next 2 available crop years, as determined by the Secretary. Participants must obtain crop insurance or NAP, as may be applicable:

- At a coverage level equal to or greater than 60 percent for insurable crops;
or
- At the catastrophic level or higher for NAP crops.

Availability will be determined from the date a producer receives an ERP payment, and may vary depending on the timing and availability of crop insurance or NAP for a producer's particular crops. The final crop year to purchase crop insurance or NAP coverage to meet the second year of coverage for this requirement is the 2026 crop year.

In situations where crop insurance is unavailable for a crop, an ERP participant must obtain NAP coverage. Section 1001D of the Food Security Act of 1985 (1985 Farm Bill) provides that a person or entity with an AGI in amount greater than \$900,000 is not eligible to participate in NAP; however, producers with an AGI greater than \$900,000 are eligible for ERP. To reconcile this restriction in the 1985 Farm Bill and the requirement to obtain NAP or crop insurance coverage, ERP participants may meet the purchase requirement by purchasing Whole-Farm Revenue Protection (WFRP) crop insurance coverage, if eligible, or they may pay the applicable NAP service fee despite their ineligibility for a NAP payment. In other words, the service fee must be paid even though no NAP payment may be made because the AGI of the person or entity exceeds the 1985 Farm Bill limitation. The crop insurance and NAP coverage requirements are specific to the crop and county (which is the county where the crop is physically located for insured crops and the administrative county for NAP-covered crops) for which ERP

Phase 1 payments are paid. This means that a producer is required to purchase crop insurance or NAP coverage for the crop in the county for which the producer was issued an ERP Phase 1 payment. Producers who receive an ERP Phase 1 payment that was calculated based on an indemnity under a Pasture, Rangeland, and Forage (PRF); Annual Forage; or WFRP policy must purchase the same type of policy or a combination of individual policies for the crops that had covered losses under ERP to meet the linkage requirement. Producers who receive a payment on a crop in a county and who have the crop or crop acreage in subsequent years, as provided in this document, and who fail to obtain the 2 years of crop insurance or NAP coverage required as specified in this document must refund all ERP Phase 1 payments for that crop in that county with interest from the date of disbursement. Producers who were paid under ERP Phase 1 for a crop in a county, but do not plant that crop in that county in a year for which this requirement applies, are not subject to the crop insurance or NAP purchase requirement for that year.

Provisions Requiring Refund to FSA

In the event that any ERP Phase 1 payment resulted from erroneous information reported by the producer or if the producer's data are updated after RMA or FSA calculate a producer's ERP Phase 1 payment, the ERP Phase 1 payment will be recalculated and the producer must refund any excess payment to FSA, including interest to be calculated from the date of the disbursement to the producer. If FSA determines that the producer intentionally misrepresented information used to determine the producer's ERP Phase 1 payment amount, the application will be disapproved and the producer must refund the full payment to FSA with interest from the date of disbursement. All persons with a financial interest in a legal entity receiving payments

are jointly and severally liable for any refund, including related charges, which is determined to be due to FSA for any reason. Any required refunds must be resolved in accordance with debt settlement regulations in 7 CFR part 3.

General Provisions

Applicable general eligibility requirements, including recordkeeping requirements and required compliance with HELC and Wetland Conservation provisions, are similar to those for the previous ad hoc crop disaster programs and current permanent disaster programs.

General requirements that apply to other FSA-administered commodity programs also apply to ERP, including compliance with the provisions of 7 CFR part 12, “Highly Erodible Land and Wetland Conservation,” and the provisions of 7 CFR 718.6, which address ineligibility for benefits for offenses involving controlled substances. Appeal regulations in 7 CFR parts 11 and 780 and equitable relief and finality provisions in 7 CFR part 718, subpart D, apply to determinations under ERP. As described above, ERP Phase 1 payments are calculated using data on file with RMA and FSA at the time of calculation. Producers who receive an ERP Phase 1 application and disagree with the calculated payment amount or data used in the calculation may apply for ERP Phase 2, which will allow them to provide their data to FSA through a traditional application process.

Participants are required to retain documentation in support of their application for 3 years after the date of approval. All information provided to FSA for program eligibility and payment calculation purposes, including certification that a producer suffered a loss due to a qualifying disaster event, is subject to spot check. Participants

receiving ERP Phase 1 payments or any other person who furnishes such information to USDA must permit authorized representatives of USDA or the Government Accountability Office, during regular business hours, to enter the agricultural operation and to inspect, examine, and to allow representatives to make copies of books, records, or other items for the purpose of confirming the accuracy of the information provided by the participant.

Applicants have a right to a decision in response to their application. If an applicant files a late ERP Phase 1 application, the application is subject to the following conditions:

- A late ERP application will be considered a request to waive the deadline.
- Requests to waive or modify program provisions are at the discretion of the Deputy Administrator. The Deputy Administrator has the authority to waive or modify application deadlines and other requirements or program provisions not specified in law in cases where the Deputy Administrator determines it is (1) equitable to do so and (2) where the lateness or failure to meet such other requirements or program provisions do not adversely affect the operation of ERP.
- Applicants who request to waive or modify ERP provisions do not have a right to a decision on those requests.
- The Deputy Administrator's refusal to exercise discretion on requests to waive or modify ERP provisions will not be considered an adverse decision and is, by itself, not appealable.

Any payment under ERP will be made without regard to questions of title under State law and without regard to any claim or lien. The regulations governing offsets in 7 CFR part 3 apply to ERP payments.

If any person who would otherwise be eligible to receive a payment dies before the payment is received, payment may be released as specified in 7 CFR 707.3.

Similarly, if any person or legal entity who would otherwise have been eligible to apply for a payment dies or is dissolved, respectively, before the payment is applied for, payment may be released in accordance with this document if a timely application is filed by an authorized representative. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a participant is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment. Eligibility of such participant will be determined, as it is for other participants, based upon ownership share and risk in producing the crop.

In either applying for or participating in ERP, or both, the producer is subject to laws against perjury (including, but not limited to, 18 U.S.C. 1621). If the producer willfully makes and represents as true any verbal or written declaration, certification, statement, or verification that the producer knows or believes not to be true, in the course of either applying for or participating in ERP, or both, then the producer may be found to be guilty of perjury. Except as otherwise provided by law, if guilty of perjury the applicant may be fined, imprisoned for not more than 5 years, or both, regardless of whether the producer makes such verbal or written declaration, certification, statement, or verification within or outside the United States.

For the purposes of the effect of a lien on eligibility for Federal programs (28 U.S.C. 3201(e)), USDA waives the restriction on receipt of funds under ERP but only as to beneficiaries who, as a condition of the waiver, agree to apply the ERP payments to reduce the amount of the judgment lien.

In addition to any other Federal laws that apply to ERP, the following laws apply: 15 U.S.C. 714; and 18 U.S.C. 286, 287, 371, and 1001.

Paperwork Reduction Act Requirements

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), FSA is requesting comments from interested individuals and organizations on the information collection request associated with ERP. After the 60-day period ends, the information collection request will be submitted to the Office of Management and Budget (OMB) for a 3-year approval to cover ERP information collection. To start the ERP information collection approval, prior to publishing this notice, FSA received emergency approval from OMB for 6 months. The emergency approval covers ERP information collection activities.

Title: ERP.

OMB Control Number: 0560-0309.

Type of Request: New Collection.

Abstract: FSA will make payments to eligible producers who suffered losses to crops, trees, bushes, and vines due to wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions occurring in calendar years 2020 and 2021. This request includes both ERP Phase 1, which uses a streamlined application

process for producers whose data is already on file with FSA or RMA, and ERP Phase 2, which will use a traditional application process during which producers will provide the information required to calculate a payment.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per response multiplied by the estimated total annual responses. The estimated average time per response is rounded to 3 decimal places instead of showing all 7 decimal places, so the calculation based on the numbers shown below is not exact.

Estimate of Respondent Burden: Public reporting burden for this information collection is estimated to average 0.176 hours per response to include the time for reviewing instructions, searching for information, gathering and maintaining the data, and completing and reviewing the collection of information.

Type of Respondents: Individuals or households, businesses or other for profit farms.

Estimated Annual Number of Respondents: 505,000.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Responses: 505,000.

Estimated Average Time Per Response: 0.176 hours.

Estimated Total Annual Burden on Respondents: 88,650.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected;
or

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Environmental Review

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulation for compliance with NEPA (7 CFR part 799). ERP is authorized by the Extending Government Funding and Delivering Emergency Assistance Act. The intent of ERP Phase 1 is to provide payments to producers who suffered eligible crop, tree, bush, and vine losses due to wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke

exposure, excessive moisture, and qualifying drought, and related conditions occurring in calendar years 2020 and 2021.

The limited discretionary aspects of the program (for example, determining payment limitations) were designed to be consistent with established FSA disaster programs. As such, the Categorical Exclusions found at 7 CFR part 799.31 apply, specifically 7 CFR 799.31(b)(6)(iv) and (vi) (that is, § 799.31(b)(6)(iv) Individual farm participation in FSA programs where no ground disturbance or change in land use occurs as a result of the proposed action or participation; and § 799.31(b)(6)(vi) Safety net programs administered by FSA). No Extraordinary Circumstances (7 CFR 799.33) exist. As such, FSA has determined that the implementation of ERP and the participation in ERP do not constitute major Federal actions that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this regulatory action.

Federal Assistance Programs

The title and number of the Federal assistance programs, as found in the Assistance Listing,¹⁴ to which this document applies is 10.964 – Emergency Relief Program.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are

¹⁴See <https://sam.gov/content/assistance-listings>.

prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720-2600 or (844) 433-2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or email: OAC@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Zach Ducheneaux,
Administrator,
Farm Service Agency.