

# EMERGENCY RELIEF PROGRAM (ERP) Q AND A

## AIP QUESTIONS AND RMA RESPONSES

**Q1:** ERP recipient grows Category C crops. To meet the 60/100 two-year purchase requirement, can that be a combination of a 50/100 base MPCl policy and SCO on top?

**RMA A1:** Yes. Like WHIP/WHIP+, if a producer purchases HIP-WI, SCO, ECO, STAX or MP, the supplemental will count towards meeting the purchase requirement provided the combination of coverages purchased meets or exceeds the 60/100 coverage level.

**Q2:** If an ERP payment is made on one variety of grapes, is the 2-year 60% coverage level requirement only applicable to that variety in the county or to ALL grapes on the county/crop policy?

**RMA A2:** The Grape Crop Provisions allow for separate coverage levels by type/variety. Therefore, the 60% coverage level requirement applies to those varieties an ERP benefit was received.

**Q3:** If an ERP payment is made on pistachios, but the recipient has less than 60% coverage level in 2022, and 2022 is the first year in the 2-year crop policy cycle, can they still meet the 2-year 60/100 purchase requirement by electing 60/100 coverage (or a sufficient combo of base + SCO coverage if that is **permissible**) at the beginning of the next 2-year program (i.e., 2024) as long as it is done before 2026?

**RMA A3:** Correct. Given the 2-year policy cycle for pistachios, the producer in this example is not able to change their coverage level until the 2024 crop year. The producer can meet the requirement by increasing their coverage level for the 2024/2025 crop policy cycle. SCO is currently not available for pistachios but if it were to become available it would count towards meeting the requirement.

See also FAQ [Emergency Relief Program \(usda.gov\)](https://www.usda.gov/emergency-relief-program):

**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.

**Q4:** One of my farmers were told that if a wife qualifies for the 15% increase under the socially disadvantaged portion of ERP, that the joint venture will then have a reduction in there 2021 ARC/PLC payments. I checked with 2 FSA offices and received 2 different answers. Can you clarify this, please?

**RMA A4:** The 15% increase for historically underserved producers under ERP does not reduce 2021 ARC/PLC payments. To be eligible for an ERP payment through FSA, spouses listed as an SBI will need to be determined a producer for FSA purposes by filing Form CCC-902, Farm Operating Plan for an Individual or Legal Entity if this is not already on file. If the spouse was not previously tied to any land or was not represented to FSA as having a share in the crop, and adjustments are made to apply for ERP, other program payments may be affected.

**Q5:** Who decides who gets spot-checked? Is this random? If a farmer is found to not qualify for 2020, are they going to ask for money back from all farmers who submitted 2020 applications? If one farmer's supporting documentation suffices, will they use the same documentation for all farmers in the county who are spot checked?

**RMA A5:** FSA County Committees (COC) will facilitate spot-checks and while no specific decisions have been made as to what will be required, for similar programs the COC has considered local farming practices, weather conditions, and disaster events for which they have knowledge. Additional and more specific information will be provided in the future.

**Q6:** Who decides if the supporting documentation on a spot check is suffice? I thought it was the county committees, but farmers are being told someone "higher" will be deciding this?

**RMA A6:** FSA County Committees (COC) will facilitate spot-checks and while no specific decisions have been made as to what will be required, for similar programs the COC has considered local farming practices, weather conditions, and disaster events for which they have knowledge. Additional and more specific information will be provided in the future.

**Q7:** I am told farmers who owe money back will need to pay the ERP payments "plus interest"...where do they calculate this from?

**RMA A7:** See [erp\\_nofa.pdf \(usda.gov\)](#) "Requirement To Purchase Crop Insurance or NAP Coverage" and "Provisions Requiring Refund to FSA." FSA will calculate any interest owed in accordance with their regulations.

**Q8:** When are the file transmissions from RMA to FSA for 2020 and 2021? What is the frequency for the file transmissions? We have had a couple insureds say FSA cannot see their claims data so the AIP has resaved claims and re-sent the policies to RMA.

**RMA A8:** What is available is covered in the white paper - [Emergency Relief Program \(ERP\) Phase 1 for Crop Insurance Policyholders \(usda.gov\)](#). "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."

Discussions are ongoing regarding the second file, content, and timing. This is not WHIP+ where oversights, errors, etc. could be fixed one week and available to the county office after weekend processing.