

# **Emergency Relief Program (ERP) for Crop Losses in 2020 and 2021**

## **Why are there 2 phases for ERP?**

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.

## **What is ERP Phase 1?**

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.

## **What is ERP Phase 2?**

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.

## **Am I eligible for Phase 1 and Phase 2 payments?**

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.

## **If I received a letter for Phase 1, am I automatically eligible for a disaster payment?**

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.

## **When will pre-filled ERP Phase 1 applications be mailed?**

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.

## **Do I have to submit my ERP application to an FSA County Office?**

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.

## **Who must sign the ERP application**

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

## **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?**

The ERP application will be considered incomplete.

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

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

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

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.

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

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. (insert link)

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

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.

**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?**

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.

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

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.

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

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

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

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

## **What if I lost my ERP application?**

The FSA Office can print an application to be completed.

## **How do I receive a higher payment limitation?**

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.

## **What is the ERP enrollment deadline?**

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

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

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.

## **I no longer farm; do I still need to agree to purchase crop insurance or obtain NAP coverage?**

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.

**If I received an ELAP payment for aquaculture will I receive an ERP Phase 1 payment?**

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).