

**Risk Management Agency Interpretation of Federal Crop Insurance Corporation (FCIC) Provisions:**

**Subject:** Request dated July 23, 2021, to the Risk Management Agency for an interpretation for the 2018 policy year in the determination of whether section 15(l) of the 2018 Whole-Farm Revenue Protection (WFRP) Pilot Policy authorizes an Approved Insurance Provider (AIP) to correct errors in reporting at any time they discover an error.

The relevant policy provisions are:

**15. Required Reports.**

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- (l) *Errors in reporting may be corrected by us at any time we discover the incorrect information unless corrections are authorized in section 41.*

**41. Correction of Errors.**

- (a) *In addition to any other corrections allowed in your policy and subject to section 41(b), we may correct:*
- (1) *Within 60 days after the sales closing date, any incorrect information on your application or provided by the sales closing date, including identification numbers for you and any person with a substantial beneficial interest in you, to ensure that the eligibility information is correct and consistent with information reported by you to any USDA agency;*
  - (2) *Within 30 days after the Revised Farm Operation Report, information reported to reconcile errors in the information with correct information that has been determined by any USDA agency;*
  - (3) *Within 30 days of any subsequent correction of data by FSA, erroneous information corrected as a result of verification of information; and*
  - (4) *At any time, any incorrect information if the incorrect information was caused by electronic transmission errors by us or errors made by any agency within USDA in transmitting the information provided by you for purposes of other USDA programs.*

**Interpretation Submitted by Requestor(s)**

**First Requestor's Interpretation:**

The first requestor's interpretation is that Section 15(1) of the WFRP Policy allows the AIP to correct an error "unless [the correction at issue] [is] authorized in section 41." Section 41(a) of the WFRP Policy outlines four (4) categories of errors that are authorized to be corrected by the AIP, and the timing of such corrections if they are to be made.

- Section 41(a)(1) allows the AIP to correct any incorrect information on the application or provided by the sales closing date within 60 days after the sales closing date to ensure that the eligibility information is correct and consistent with information reported by you to any USDA agency.
- Section 41(a)(2) allows the AIP to reconcile errors with correct information that has been determined by any USDA agency within 30 days after the Revised Farm Operation Report.

- Section 41(a)(3) allows the AIP to correct within 30 days of any subsequent correction of data by FSA any information deemed erroneous as a result of verification of information.
- Section 41(a)(4) allows the AIP to correct information at any time if the incorrect information was caused by electronic transmission errors made by the USDA or any agency.

The first requestor continues their interpretation that based upon the plain language of Section 15(l), errors in reporting that do not fall within the aforementioned categories of authorized corrections can be corrected at any time upon discovery of the incorrect information. Conversely, if the error in reporting at issue falls within one of the four categories outlined in Section 41, Section 15(l) does not authorize correction. It can only be done pursuant to Section 41.

Second Requestor's Interpretation:

The second requestor interprets that under section 15(l), the authority of an AIP to correct "incorrect information" is not restricted to only the information and deadlines identified in section 41(a)(1) – (4). To this end, the term "unless" as used in section 15(l) should not be read to mean "only if corrections are authorized by section 41." An interpretation of section 15(l) that permits only those corrections described in section 41(a) effectively negates the purpose of the provision and the "at any time" language.

The second requestor also interprets section 15(l) to authorize the AIP to correct incorrect information "at any time" unless section 41(a) has imposed a temporal limitation on the correction of information in specific circumstances. Thus, if the Farm Service Agency (FSA) corrects data, the AIP must correct any incorrect information within 30 days of the FSA's correction rather than at "any time."

Furthermore, the second requestor interprets that if an AIP discovers that the producer reported incorrect information, other than the information specifically identified in section 41(a), the AIP must correct the information "at any time" so that is consistent with the applicable policy and procedure.

**Federal Crop Insurance Corporation Determination**

FCIC agrees with both requestors' interpretations. Section 15(l) authorizes an AIP to correct errors in reporting of information at any time an error in reporting is discovered, except for those errors identified by Section 41 which may only be corrected according to the deadlines specified.

In accordance with section 33(a)(1) of the WFRP Pilot Policy, this FCIC interpretation is generally applicable and binding in any mediation or arbitration. In accordance with section 33(a)(1), any appeal of this interpretation must be in accordance with 7 C.F.R. part 11.