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Department of
Agriculture



Federal Crop
Insurance
Corporation



Product
Development
Division

FCIC-25010 (1-2004)
FCIC-25010-1 (3-2004)

LOSS ADJUSTMENT MANUAL (LAM) STANDARDS HANDBOOK

2004 and Succeeding Crop Years

**UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250**

FEDERAL CROP INSURANCE HANDBOOK		NUMBER 25010 (1-2004) 25010-1 (3-2004)
SUBJECT: LOSS ADJUSTMENT MANUAL (LAM) STANDARDS HANDBOOK 2004 and SUCCEEDING CROP YEARS	DATE: March 25, 2004	
	OPI: Product Development Division	
	APPROVED: <i>/s/ Tim B. Witt</i> Deputy Administrator, Research and Development	

SUMMARY OF CHANGES/CONTROL CHART

Major Changes: **Highlight** identifies changes or additions in the text. Three stars (***) identify where information has been removed.

Changes for March 2004 Issuance (FCIC-25010-1)

1. PAR. 43 A (1) (b) For crops covered under the 2004 Basic Provisions with a contract change date of 6/30/2003 or later: Clarified that when no premium rate for an organic farming practice is on the actuarial table and the insured does not have an approved written agreement in effect for an organic practice, any acreage designated in the insured's organic plan as certified organic or transitioning to organic is uninsurable.
2. PAR. 43 A (1) (c) Clarified that "Organic farming practice" (as defined in the Basic Provisions) does not apply if the insured does not have an organic plan in effect from a certifying agent. Therefore, the acreage is insured under a conventional or sustainable farming practice, provided all other insurability requirements are met.
3. PAR. 43 C (6) (a) Corrected spelling of two words in subparagraph 1, and on the first line of subparagraph 2, added the word "or" after "With a CCD on."
4. PAR. 43 D In Answer 4, added the word "not" on the second line of item 2 (b).
5. PAR. 47 Revised to be consistent with the language in the Prevented Planting Handbook.
6. PAR. 48 A Revised throughout this paragraph to be consistent with Manager's Bulletin MGR-04-002 in regards to haying or grazing a volunteer or cover crop on or after November 1.
7. PAR. 48 B (3) Reworded and removed the phrase "nor can they waive an indemnity for the second crop acreage," which indicated another person planting the crop could not waive the indemnity. This is incorrect, since insureds have always been able to choose not to accept an indemnity. First and second crop acreage does not change this right. Also, added after the phrase "Another person planting a second crop cannot choose not to insure the acreage," the following: "if the second crop is an insurable crop and that person has an active policy for this crop in the county."

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SUMMARY OF CHANGES/CONTROL CHART (Continued)

8. PAR.48 C Revised subparagraph (1) to be consistent with Manager’s Bulletin, MGR-04-002 in regards to haying or grazing a volunteer or cover crop on or after November 1. Also, added a “Note” explaining that if a crop is planted on prevented planting acreage (first insured crop) and Noninsured Crop Assistance Program (NAP) coverage is in effect for the planted crop, then the planted crop is considered a second crop and the prevented planting payment is limited to 35% of the prevented planting payment due.

9. PAR. 51 A (1) Added “or obtain a certification from the insured certifying to this information.”

10. PAR. 51 (B) (2) Corrected the word “plant” to “insure” on the first line of this subparagraph.

11. PAR. 52 A (2) Revised to state the adjuster or any other person authorized to handle the claim must enter the multiple cropping codes on the claim form, based on the insured’s certified elected option; UNLESS the insurance provider generates through their computer system the appropriate multiple cropping codes correlating with the insured’s certified elected option for first or second crop acreage. Added the insured’s certified elected option, and when applicable, the adjuster’s verification of the insured’s actual actions, must be maintained in the insured’s loss file. Also, added a “Note” in regards to when the insured refuses to certify their options, etc.

12. PAR. 52 A (3) Added additional explanation of when the codes are used and added two new codes. Also, removed the “Note” stating that for the 2004 crop year the “SC” code is required on the claim form but is not required to be transmitted through the Data Acceptance System (DAS). All of the codes listed in this subparagraph are required to be transmitted through DAS loss records.

13. PAR. 56 Corrected Section number above this paragraph from 10 to 11.

14. PAR. 57 Corrected Section number above this paragraph form 11 to 12.

15. PAR. 58 Corrected Section number above this paragraph from 12 to 13.

CONTROL CHART FOR: LOSS ADJUSTMENT MANUAL STANDARDS HANDBOOK						
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SUMMARY OF CHANGES/CONTROL CHART (Continued)

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SUMMARY OF CHANGES/CONTROL CHART (Continued)

(RESERVED)

2 the problem can be attributed to hot dry winds in the area for the dates in questions by verifying:

- a what the local weather conditions and sub-soil moisture levels were for the dates in question, and
- b with agricultural experts in the area, who are knowledgeable of the irrigated practice method and irrigation equipment used, what the expected results would be utilizing the irrigated practice method and irrigation equipment under the particular conditions and soil types for the dates in question.

(3) Cause of Loss Code When Due to Insured Cause, Insured Unable to Prepare the Land for their Established Irrigation Method

- (a) In some areas, it is a normal and recognized practice to prepare furrows for irrigation after the crop is planted and established. In some instances severe, prolonged drought may not allow a crop to mature to a height sufficient enough to allow furrows to be made without severe damage or destruction of the crop trying to establish the furrows. Also, in some instances severe, prolonged drought may cause some soil types to collapse when trying to make the furrows. In either instance, without the furrows, irrigation water cannot be properly distributed to all areas of the field, which may lead to loss of production. If it is determined that the severe drought was the sole reason for the furrows not being made, the resulting loss of production is covered. Confer with the local NRCS and other similar sources knowledgeable in furrow type irrigation operations to help make these determinations.
- (b) The cause of loss on the claim form would be shown as "Other" with an explanation of what "other" is in the Narrative of the claim form or on an attachment. Additionally, supporting documentation explaining why it has been determined that drought was the sole reason the furrows were not made must be shown on the claim form or on an attachment.

O Notification and/or Reminder of Irrigation Policy Provisions and These Guidelines

Agents, insureds, and adjusters are to be advised of the significance of this issue. It is recommended that documentation of any notification to insureds be placed in each insured's file, particularly in irrigation water shortage areas identified by the RMA RO.

P Center Pivot Irrigation System

Reference. For information regarding center pivot irrigation systems and the corners of the field on which there is a center pivot irrigation system, see PAR. 55 (Unit Structure).

41 NON-IRRIGATED PRACTICE

Explanation. Usually used in combination with irrigation practice (where insurance is offered on both practices) and distinguishes dry-land acreage from irrigated acreage.

42 INITIAL PLANTING PRACTICE (IBR, NIBR, etc.)

- A General Information. If the insured replants the acreage to a different planting practice, the crop will continue to be insured under the practice initially planted and reported even when the crop is replanted by a practice that was uninsurable as an initial planting. This is not applicable to practices such as irrigated, non-irrigated, staked tomatoes, ground tomatoes, etc.; these practices are considered to be production practices rather than planting practices.
- B Claim Instructions. If the insured files a claim for indemnity, the **planting practice** initially reported will be entered in the "practice column" on the claim form and the replanted practice will be documented in the narrative.

43 ORGANIC FARMING PRACTICE

A Insurance Coverage For Crops Grown Under an Organic Farming Practice

- (1) For crops under the 2004 Basic Provisions with a Contract Change Date (CCD) of 6/30/2003 or later:
- (a) Insurance is available for Certified Organic Acreage and Transitional Acreage (acreage being converted to certified organic acreage in accordance with an organic plan). (Buffer Zone Acreage will be included with the certified organic or transitional acreage of which it is a part), PROVIDED:
- 1 The information needed to determine a premium rate for an organic farming practice for the state, county and crop is specified on the actuarial table, **or**
 - 2 An approved Written Agreement is in effect to insure the acreage being grown under an organic practice when a premium rate for an organic farming practice is **not** shown on the actuarial table. (Most crops with a CCD of 11/30/2003 or later will have a premium rate for an organic farming practice on the actuarial table. Crops with a CCD prior to 11/30/03 will not have a premium rate on the actuarial table.
- NOTE:** Written Agreements are not available for Catastrophic Risk Protection (CAT), Income Protection (IP), Revenue Assurance (RA) plans of coverage, or for pilot program crops, unless permitted by the crop provisions.
- (b) If there is no premium rate for an organic farming practice on the actuarial table and the insured does not have an approved written agreement in effect for an organic practice, then the acreage designated in the insured's organic plan as certified organic or transitioning to organic is uninsurable. Such acreage must be reported as uninsured acreage.
- (c) The "*Organic farming practice*" (as defined in the Basic Provisions) does not apply when the insured has no organic plan in effect from a certifying agent. Therefore, the same policy terms and conditions as would apply to a producer utilizing a non-organic practice (conventional, or sustainable farming practice, if applicable) will apply in this situation, and the same procedures in (2) (b) apply.

NOTE: Also, review responses to frequently asked questions in subparagraph D below for more information.

(2) For crops insured for the 2004 crop year under the 2001 Basic Provisions (crops with a CCD prior to 6/30/03):

(a) If an Organic Written Agreement is in effect:

1 Insureds who practice good organic farming practices are insured and would receive full coverage. Coverage and procedures for Written Agreements for Organic Farming Practices are as stated in the Organic Crop Insurance Underwriting Guide Handbook (FCIC-24140 dated March 2001).

NOTE: Written Agreements are not available for Catastrophic Risk Protection (CAT), Income Protection (IP), Revenue Assurance (RA) plans of coverage, or for pilot program crops, unless permitted by the crop provisions.

(b) If an Organic Written Agreement is NOT in effect:

1 The same policy terms and conditions apply when a producer utilizes an organic farming practice as would apply to a producer utilizing a non-organic practice (conventional farming practice).

2 Weed, insect, and disease controls, approved for organically grown crops, may not be considered good farming practices and could be considered uninsured causes of loss, as stated in 3 below.

3 Policy provisions allow only for unavoidable loss of production due to named perils with no special considerations for an insured using an organic farming practice; i.e., the producer using an organic farming practice is expected to use the same control measures to avoid disease, insects, and weeds as the producer using a non-organic or conventional farming practice. Therefore, if an insured (regardless of whether they used organic or conventional practices) chooses not to apply a generally used and recognized control measure, (e.g., chemical controls) but instead uses an alternative control measure (e.g., non-chemical) and that choice results in an avoidable loss of production, the insured would be assessed an uninsured cause appraisal for such loss of production. However, if a recognized control measure generally used in the county by conventional producers for the insured crop (but not used by the organic producer) was rendered ineffective or less effective due to adverse weather and this control measure similarly affected both organic and conventional growers in the same general area, loss determinations would be comparable for both the organic and conventional growers, unless insects or disease is not a named peril in the specific crop provisions. (Most crop provisions list insects or disease; however, some may not.)

EXAMPLE: The production practices used by an organic producer to control weeds included crop rotations and cultivation. Conventional producers in the same area of the county relied primarily on chemical herbicides. Persistent rains resulted in a similar loss of production for both groups of producers due to the inability to control weeds. The loss of production in this instance would be insurable for both groups. On the other hand, if the chemical weed controls had been effective for conventional producers, any loss of production that organic producers suffered due to the inability to control weeds would be uninsurable.

- (3) For crops insured under the 2001 or 2004 Basic Provisions:
- (a) The price elections or dollar amounts of insurance applicable to both certified organic and transitional acreage will be the price elections or dollar amounts of insurance published by RMA for the crop grown under conventional means for the crop for the current crop year.
 - (b) In addition to standard acreage reporting provisions and procedures, on the date the insured reports his/her organic acreage, (final acreage reporting date for crops under the 2001 Basic Provisions) the insured must have:
 - 1 For certified organic acreage: A written certification in effect from a certifying agent indicating the name of the entity certified, effective date of certification, certificate number types of commodities certified, and name and address of the certifying agent (A certificate issued to a tenant may be used to qualify a landlord or other similar arrangement);
 - 2 For transitional acreage, a certificate as described in (b) 1 above or written documentation from a certifying agent indicating an organic plan is in effect for the acreage; and
 - 3 Records from the certifying agent showing the location of each field and acreage maintained and **not** maintained under organic farming practices (including buffer zone acreage).
 - (c) If any acreage qualified as certified organic or transitional acreage on the date the insured reports such acreage, and such certification is subsequently revoked by the certifying agent, **or** the certifying agent no longer considers the acreage as transitional acreage for the remainder of the crop year, that acreage will remain insured under the reported practice for which it qualified at the time the acreage was reported.
 - (d) See the Prevented Planting Handbook in regards to any special information for crops eligible for prevented planting coverage and that are insured under an organic farming practice.

NOTE: Also, review responses to frequently asked questions in subparagraph D below for more information.

B Causes of Loss When Insured Under an Organic Farming Practice

All loss of production or amount of insurance due to insured causes of loss listed in the crop provisions are applicable to organic farming practice, unless specified otherwise in the Special Provisions, and provided the cause was not due to the insured not following a good organic farming practice. The definition for “Good Farming Practice” in Exhibit 1 also defines “good organic farming practice.” Section 37 of the 2004 Basic Provisions state the following:

- (1) Any loss due to failure to comply with the standards under the National Organic Program will be considered an uninsured cause of loss.
- (2) Contamination by application or drift of prohibited substances onto land on which crops are grown using organic farming practices will not be an insured peril on any certified organic, transitional or buffer zone acreage.

C Loss Adjustment of Organic Farming Practices

- (1) In accordance with the 2004 Basic Provisions or the Organic Crop Insurance Underwriting Guide Handbook (FCIC-24140 dated March 2001), the insured must provide the insurance provider with copies of the records required in A (3) above. During the loss adjustment inspection, request these records and verify pertinent information from these records to determine insurability, practice, if applicable, whether the insured has been following good organic farming practices from any field inspection report performed by an inspector for the certifying agent, and whether acreages reported agree with the acreage shown on the certifier’s records for certified acres and the organic plan approved by a certifier if the insured has only transitional acreage. Items to identify, but not limited to, are as follows:
 - (a) Exact field locations of certified organic, transitional, and buffer zone acreage,
 - (b) Exact field location of acreage not maintained under organic management (i.e., crops grown under conventional or sustainable farming practices),
 - (c) Rotation requirements, etc.
- (2) If the insured produces the insured crop using both an organic and conventional/ sustainable farming practice, verify that separate records of acreage and production for each farming practice have been maintained.
- (3) There is no additional quality adjustment for certified organic or transitional acreage. The quality adjustment procedures that apply to conventional acreage also apply to certified organic, transitional, or buffer zone acreage. Refer to the Basic Provisions and applicable crop provisions and Special Provisions (if applicable) for information on quality adjustment.
- (4) When a cause of loss is questionable for the organic farming practice, such as weed, disease, or insect control for organically grown production, verify with sources in the “Organic Agricultural Industry” as defined in the Basic Provisions and as defined in Exhibit 1 of this handbook.

(5) Use separate line entries for certified organic, transitional acreage (buffer zone acreage planted to insured crop is included with the certified organic or transitional acreage of which it is a part), and also acreage grown under conventional or sustainable farming practice when insured in the same unit on the claim form.

(6) Revised acreage reports.

(a) For crops insured under the 2004 Basic Provisions:

1 With a CCD on or after June 30, 2003, but prior to the November 30, 2003 CCD: (Organic premium rate factors were not included in the actuarial documents):

a If acreage has an organic plan in effect from a certifying agent, it can only be insured by an approved written agreement. If a written agreement was NOT approved, the crop acreage CANNOT be insured. If such acreage has been processed on the acreage report as insured acreage (conventional or organic acreage), the acreage report must be revised to show such acreage as uninsured acreage. Such acreage cannot be insured under a conventional or sustainable farming practice.

b If acreage does not have an organic plan in effect from a certifying agency and a written agreement was not approved, the acreage would not meet the policy definition for organic farming practice, and the acreage would be insurable only under the conventional rates and uninsured causes of loss appraisals may apply. If the acreage was erroneously processed on the acreage report as organic acreage (organic rates), the acreage report must be revised to show the acreage insured under a conventional/sustainable practice. If the acreage was not reported on the acreage report and it is after the final acreage reporting date, it is handled like any other under-reported acreage or unreported unit.

2 With a CCD on **or** after November 30, 2003 (organic rate factors should be included in the actuarial documents for all crops):

NOTE: If by chance the organic rate factor was NOT included in the actuarial documents for the crop and county, it would have to be insured by a written agreement. If no written agreement, the crop acreage is NOT insured).

a Acreage under an organic plan in effect from a certifying agent is insured as organic (using the organic rate factor). If the organic acreage was processed under the conventional/sustainable practice, the acreage report must be revised to show the acreage insured under the organic farming practices.

b An organic plan was not in effect from a certifying agent, and therefore, does not meet the policy definition of "organic farming practice". If such acreage was processed under an organic rate, the acreage report must be revised to show the acreage insured under the conventional rates (conventional/sustainable farming practice) and uninsured causes may apply.

- (b) For crop insured for the 2004 crop year under the 2001 Basic Provisions:

The organic farming practice was utilized on insurable acreage, but no written agreement was approved. If the acreage report processed such acreage as organic acreage, the acreage report must be revised to show such acreage insured under a conventional/sustainable farming practice.
- (c) All other rules for revised acreage reports apply. Refer to PART 2, Section 3 herein.

D Frequent Questions and Answers

Question 1: If a producer grows both regular and organic, are they required to insure both if there are organic rates in the county?

Answer 1: YES, it is not an option; all insurable acreage must be insured.

Question 2: Could they choose to insure everything under the conventional rates even though there are organic rates in the county? (Uninsured cause appraisals applied if appropriate.)

Answer 2: NO, if the acreage is grown using "organic farming practices" and under an organic plan in effect from a certifying agent, it must be insured as organic.

Question 3: Could they choose to insure the conventional crop under the conventional rate and decline coverage for the organic?

Answer 3: NO, it is not an option; all insurable acreage of the crop must be insured.

Question 4: Could they choose to decline coverage for the organic acreage if there weren't any organic rates in the county?

Answer 4:

For the 2004 crop year, for crops with a contract change date:

- (1) Prior to June 30, 2003, since these crops were not insured under the 2004 Basic Provisions, crops grown organically would be insured as outlined in MGR-01-04 and the 2001 Organic Crop Insurance Underwriting Guide, as follows:
 - (a) If a written agreement was approved, the acreage would be insured with the organic rate and any losses due to insects, disease, or weeds would be covered if the recognized organic farming practices failed to provide an effective control due to an insured cause of loss; or
 - (b) If a written agreement was not approved, the acreage would be insurable under the conventional rates and uninsured causes of loss appraisals may apply.

- (2) On or after June 30, 2003, but prior to the November 30, 2003, are insured under the 2004 Basic Provisions; however, organic premium rate factors were not included in the actuarial documents. Therefore, if:
- (a) Acreage is under an organic plan in effect from a certifying agent, it would only be insured by an approved written agreement, which would provide for the organic premium rate. If a written agreement was NOT approved, the crop acreage would NOT be insured; or
 - (b) An organic plan was not in effect from a certifying agent, the acreage does not meet the policy definition of "organic farming practice" and the acreage would, therefore, be insured under the conventional rates and uninsured causes may apply.
- (3) On or after November 30, 2003, organic rate factors should be included in the actuarial documents for all crops. Therefore, if:
- (a) Acreage is under an organic plan in effect from a certifying agent, it would be insured using the organic rate factor. (If the organic rate factor was NOT included in the actuarial documents for the crop and county, it would have to be insured by a written agreement. If no written agreement, the crop acreage is NOT insured); or
 - (b) An organic plan was not in effect from a certifying agent, the acreage does not meet the policy definition of "organic farming practice" and the acreage would, therefore, be insured under the conventional rates and uninsured causes may apply.

Question 5: Could they choose to insure everything under the conventional rate if there weren't any organic rates in the county? (Uninsured cause appraisals applied if appropriate.)

Answer 5: See answer 4 above.

Question 6: Under what circumstance, if any, would Section 8 (b) (1) of the **Basic Provisions** be applied? (e.g., Insurance will not be provided at all, under any rate, for the "organic" acreage even if the producer wants. In other words, when is the "organic" acreage uninsurable, Section 8 (b) (1), verses when would it be insured under the conventional rate but uninsured cause appraisals applied if appropriate?)

Answer 6: Section 8 (b) (1) **of the Basic Provisions** may be applicable at any time the Insurance Provider determines "the farming practices carried out are not in accordance with the farming practices for which the premium rates, production guarantees, or amounts of insurance have been established." This determination should be made when a crop type, class, variety or condition under which the crop is planted, are not generally recognized for the area. (For example where agricultural experts determine planting non-irrigated corn following a failed small grain crop is not appropriate for the area).

In addition, for crops under the 2004 Basic Provisions, that have an organic plan in effect from a certifying agent:

- (a) Such acreage cannot be insured as conventional with or without organic rates being shown on the actuarial documents.

(d) Separate records of production

- 1 If the first insured crop suffers a loss, the insured must provide separate records of production for all insured crops planted on the same acreage as the first insured crop.

EXAMPLE: The insured has an insurable loss on 100 acres of wheat and subsequently plants cotton on 10 acres of that wheat acreage. The insured must provide records of the wheat **and** cotton production on that 10 acres separate from any other wheat and cotton production that may be planted in the same unit.

- 2 If the insured fails to provide separate records, the production of each crop will be allocated to the acreage in proportion to the liability of the acreage.

47 FIRST INSURED CROP PREVENTED FROM PLANTING AND SECOND CROP

If the insured is prevented from planting the first insured crop in the crop year (except in the case of double cropping, as described in PAR. 49 below), the following applies:

A Insured's Options

- (1) **Not plant a second crop** on the same acreage for harvest in the same crop year and collect 100 percent of the prevented planting (PP) payment for the acreage, **provided no other party plants a second crop on this acreage.**
- (2) **Plant a second crop** on the same acreage for harvest in the same crop year. **(A cover crop may be considered a second crop; refer to the Prevented Planting Handbook and the definition of "Second Crop" in Exhibit 1.) When a second crop is planted and the insured does not qualify for double cropping, the following will apply:**
 - (a) The insured will receive 100 percent of any indemnity that may be due for the second crop and 35 percent of the PP payment for the acreage of the first insured crop, provided the second crop is not planted on or before the FPD or during the LP period (as applicable) for the first insured crop.
 - (b) The insured is responsible for paying 35% of the premium (producer-paid premium) for the first insured crop acreage (PP acreage) that has a second crop planted on it.
 - (c) The insured is responsible for paying the full premium for the second crop acreage **if the second crop acreage is an insured crop.**
 - (d) Subsequent crops planted will not affect the indemnity for the second crop acreage.

NOTE 1: For PP, the second crop does not have to be insured or suffer a loss before the PP payment for the first insured crop (PP acreage) is reduced to 35%. Also, refer to PAR. 48 below about reduced PP payments.

NOTE 2: If second crop planted acreage follows first insured crop PP acreage, it must be reported as insured acreage if it meets all insurability requirements for the crop (no option to not insure second crop acreage if there is an active policy in the county for the crop).

48 **ADDITIONAL INFORMATION ABOUT REDUCTION OF PAYMENTS AND PREMIUM DUE TO SECOND CROP**

Except in the case of Double Cropping as described in PAR. 49 below, the following applies:

A Another Person Plants Second Crop Acreage

- (1) Even if another person plants a second crop on acreage where the **first insured crop was prevented from planting, or the first insured crop was planted and suffered a loss and the second crop is insured and suffers an insurable loss**, the **PP** payment for first crop acreage will be 35% of the **PP** payment or the indemnity for planted first insured crop acreage will be 35% of the insurable loss.

For example: Insured AA plants 2004 corn and receives an indemnity. Insured AA then cash rents this acreage to Insured ZZ who plants insured soybeans on this same acreage. Insured AA must notify his/her insurance provider and must notify Insured ZZ's insurance provider that a second crop was planted on acreage on which he/she (Insured AA) had a first insured crop.

NOTE: For prevented planting: If on first insured crop acreage, a volunteer crop or a cover crop is hayed or grazed from the same acreage, after the **LP** period (or after the **FPD** date if a **LP** period is not applicable) for the first insured crop **but prior to November 1**, or **if the volunteer crop or cover crop** is otherwise harvested at any time, the reduction applies as stated in (1) above. If a second crop is planted on or prior to the **LP** period (on or prior to the **FPD** if no **LP** period is applicable), the insured is not eligible for a **PP** payment.

- (2) If the **first crop acreage was planted acreage** and the second crop acreage does not suffer a loss or is not insured, 100% of indemnity of the first crop acreage will be applicable.
- (3) If the **first crop acreage was PP acreage**, and no second crop was planted or there is a volunteer or cover crop on such acreage, but the volunteer or cover crop **was not** hayed, grazed, or otherwise harvested, **or the volunteer or cover crop is hayed or grazed on or after November 1**, the **PP** payment is 100% of the **PP** payment for the first insured **PP** crop acreage.

B First crop acreage that is cash rented by another person who plants a crop on this acreage

- (1) Cash rent, as used in PAR. 48 means cash renting for agricultural use (growing a crop, haying, grazing, etc.) This does not apply when the acreage is cash rented for a non-agricultural use; e.g., hunting.
- (2) The crop that is planted by the person cash renting the acreage is considered the second crop for both the person having the first insured crop, and is also considered the second crop for the person that cash rented the acreage and planted a crop on this acreage.
- (3) **Another person planting the second crop cannot choose not to insure the acreage if the second crop is an insurable crop and that person has an active policy for this crop in the county. This is because only the insured that had the first crop indemnity may elect to not insure any second crop acreage to preserve 100% of his/her first crop indemnity.**

C Prevented Planting (PP) Only:

- (1) If a volunteer crop or cover crop is hayed or grazed on the same acreage after the LP period (after the FPD if an LP period is not applicable) but prior to November 1, the insured is eligible for only 35% of PP payment for the first insured crop.
- (2) If the insured receives cash rent for any acreage on which the insured was prevented from planting, the insured is eligible for only 35% of the PP payment for the first insured crop.

NOTE: If a crop is planted on the PP acreage (first insured crop) and Noninsured Crop Assistance Program (NAP) coverage is in effect for the planted crop, then the planted crop is considered to be a second crop (NAP is only available for crops planted for the purpose of haying, grazing, or harvesting). Thus, the PP payment is limited to 35% of the PP payment due.

Refer to the Prevented Planting Handbook for all PP loss adjustment procedures.

49 DOUBLE CROPPING AS IT RELATES TO FIRST AND SECOND CROPS

A Full Indemnity Payment or Full PP Payment for First Insured Crop When the Insured Qualifies for Double Cropping

The insured may receive a full indemnity, or a full PP payment for a first insured crop when a second crop is planted on the same acreage in the same crop year, regardless of whether or not the second crop is insured or sustains an insurable loss, if **each** of the following **double-cropping** conditions are met:

- (1) It is a practice that is generally recognized by agricultural experts or the organic agricultural industry for the area to plant two or more crops for harvest in the same crop year;
- (2) The second or more crops are customarily planted in the area for harvest after the first insured crop is harvested on the same acreage in the same crop year;
- (3) Additional coverage insurance offered under the authority of the Act is available in the county on the two or more crops that are double cropped;
- (4) The insured provides acreage and production records acceptable to the insurance provider that show the insured has double cropped acreage in at least two of the last four crop years in the county in which the first insured crop was planted, or that show the applicable acreage was double cropped in at least two of the last four crop years in which the first insured crop was grown; and
- (5) In the case of PP, the second crop is not planted on or prior to the FPD date or, if applicable, prior to the end of the LP period for the first insured crop.

B Limitations of Number of Double Cropped Acres

The receipt of a full indemnity or PP payment on both crops that are double cropped is limited to the number of acres for which the insured can demonstrate he/she has double cropped, or that have been historically double cropped as specified in subparagraph A above. For example, if the producer has the two years of required history and double

cropped 40 acres one year and 50 acres in the other, then 40 acres would qualify for the double cropping exemption. **NOTE:** Ratios for increasing PP eligibility do not apply to this.

50 SUBSEQUENT PLANTED CROPS

A General Information

A subsequent crop is a crop following a second crop (i.e., third, fourth, etc.) or following an insured crop that is prevented from being planted after a first insured crop.

B Insurance is not provided for subsequent crops, unless it is a practice that is generally recognized by agricultural experts or the organic agricultural industry for the area to plant three or more crops for harvest on the same acreage in the same crop year, and additional coverage insurance provided under the authority of the Act is offered for the third or subsequent crop in the same crop year. Insurance will only be provided for a subsequent crop if the criteria in both items (1) and (2) below are met.

- (1) The insured must provide records acceptable to the insurance provider that show:
 - (a) The insured has produced and harvested the insured crop following two other crops that were harvested on the same acreage in the same crop year in at least two of the last four years in which the insured produced the insured crop; or
 - (b) The applicable acreage has had three or more crops produced and harvested on it in at least two of the last four years in which the insured crop was grown on it; and
- (2) The amount of insurable acreage must not exceed 100 percent of the greatest number of acres for which the insured provides the records required in B (1) above.

51 LOSS ADJUSTMENT

A Be familiar with and understand the policy provisions for first insured crop, second crop and subsequent crops, as outlined above.

B Inspection of First Insured Crop

- (1) On an inspection for the first insured crop, the adjuster must **obtain a certification from the insured certifying to the following** or ask the insured **the following (1) whether** the insured plan to plant a second crop on any of the acreage released, **or (2) whether** the insured plans to cash rent the acreage to another person who plans to plant an insured crop on such acreage or. Refer to PAR. 48 for more information regarding cash renting first insured crop acreage and also PAR. 46A (3) (a) regarding the insured's written notice requirements. The election to not insure the second crop must be made as specified in PAR. 46 A (2) (a).

NOTE: Insureds can elect not to insure a second crop on a first insured crop unit, when only a portion of the first insured planted crop unit is being released for another use and it is unknown whether there will be a loss on the first insured crop unit. The election applies to all second crop acreage on the unit of the first insured crop.

- (2) If the insured does not plan to **insure** the second crop **acreage**, the insurance provider must obtain a signed written notice (signed certification) from the insured at

this time so stating, unless it is for a GRP crop. If it is a GRP crop, the insured must turn in a written notice (signed certification) prior to planting the second crop. Follow the individual insurance provider's instructions regarding the document to use in the completion of the written notice (certification). Refer to PAR. 46 A (2) (a) above for information pertaining to written notices.

- (3) If the insured plans to plant and insure a second crop, explain the insured's requirements about keeping separate production records and the consequences if the insured cannot provide the required records, as explained in PAR 46 A (3) (d) above. Refer to PAR. 52 below for instructions for recording the separate production on the Production Worksheet.

C Inspection of Second Crop Acreage that is Insured

- (1) If the insured has any other insured crops, there is the potential of having second crop acreage that is insured. Verify whether the crop being inspected is insured second crop acreage.
- (2) When there is first and second crop acreage within the same unit, obtain the insured's separate records of production of the second crop acreage. Refer to PAR. 46 A (3) (d) for the record requirements. If the required records have not been kept, the production to count for the first and second crop must include the allocation of production as stated in subparagraph D below. **NOTE:** For PP payments involving second crop acreage, refer to the Prevented Planting Handbook.

D How to Prorate Production

When separate records of crop production have not been kept for first insured crop acreage and second crop acreage, the production must be prorated. Use the same formula as is used for commingled production in PAR. 126. Also, refer to the example in the first Q&A in PAR. 53.

52 CLAIM FORM ENTRIES RELATIVE TO FIRST INSURED AND SECOND INSURED CROPS

A Codes for First and Second Crops

- (1) The following codes apply to all policies **insured under the 2004 Basic Provisions** except clams and nursery, and applies to all insurance plans, except AGR and Livestock. More than one code may apply to a claim **unit, but only one code per loss line.**
- (2) **The multiple cropping code(s), as shown below, must be entered on the claim form by the adjuster or any other person authorized to handle the claim, based on the insured's certified elected option; UNLESS the insurance provider generates through their computer system the appropriate multiple cropping codes correlating with the insured's certified elected option for first or second crop acreage; e.g., option to plant a second crop but not insure it would generate a WI code on a line of first insured planted crop acreage, or option to plant and insure a second crop would generate an IR code on a line of first insured planted crop acreage, etc. The insured's certified elected option, and when applicable, the adjuster's verification of the insured's actual actions, must be maintained in the insured's loss file.**

NOTE: When insureds refuse to certify or are uncertain of their elected option for the first crop acreage, the insurance provider shall limit the indemnity or PP payment to

35%. However, if an insured's certification limits him/her to a 35% payment, the appropriate codes would be used; i.e., respective code to reinstate the remaining 65% (indemnity or PP payment), if 35% had already been paid; or 100% if 35% had not already been paid. The reverse would also apply; i.e., certification indicates the insured is entitled to 100% payment but actions limit insured to 35%.

(3) Multiple Cropping Code Table

CODES FOR FIRST INSURED CROP LOSS LINES	DEFINITION	USE ONLY ON LINES OF FIRST INSURED CROP ACREAGE WHEN. . .
<p>WI (on planted acres)</p>	<p>Waive insurance on 2nd crop acreage</p> <p>100% Indemnity on 1st insured crop acreage</p>	<p>The insured waives insurance on second crop acreage contained in unit of a first insured planted crop.</p> <p>NOTE 1: This waiver is based on the unit structure for each individual first insured planted crop unit that contains second crop acreage; e.g., 100 acres of failed wheat, first insured crop (unit 00100). Soybeans (second crop) are insured and planted on 10 acres (unit 00300 soybeans) of the failed wheat acres (unit 00100). The insured waives insurance on the 10 acres of soybeans (second crop acres). Soybeans, second crop acres (also unit 00300) are planted on 150 acres of the failed wheat (unit 00200), but the insured elects NOT to waive insurance on the 150 acres of soybeans (second crop acres) in unit 00300 soybeans.</p> <p>NOTE 2: The waiver must be done by the time specified in PAR. 46 and cannot be accepted at a later date. Once the waiver is signed, it cannot be retracted at a later date.</p> <p>NOTE 3: Insurance cannot be waived on second crop acreage when the first insured crop acreage was prevented from planting.</p>
<p>NS (on planted acres)</p>	<p>NO 2nd INSURED CROP PLANTED ON 1st INSURED CROP ACRES</p> <p>100% Indemnity on 1st insured planted crop acreage</p> <p>NOTE: If insurance is waived for 2nd crop, use WI code above.</p>	<p>(1) At the time the of the final inspection for the 1st insured crop acres, the insurance provider accepts the insured's certification that no second crop will be planted; or</p> <p>(2) The insured did not waive insurance on the 2nd crop, the indemnity for the first insured crop has not been processed yet, and the adjuster has verified after it is too late to plant a 2nd crop that a 2nd crop was not planted.</p> <p>NOTE 1: If an indemnity payment of 35% has already been made on the 1st insured crop acreage and it is determined that a 2nd insured crop was not insured, or if insured, was not planted, the RI code would be used rather than the NS code. Refer to the RI code.</p> <p>NOTE 2: If someone other than the insured plants a second crop on any of the first insured crop acreage, policy provisions require the insured to notify their insurance provider of this.</p>

CODES FOR FIRST INSURED CROP LOSS LINES	DEFINITION	USE ONLY ON LINES OF FIRST INSURED CROP ACREAGE WHEN. . .
NS (on PP acres)	NO 2nd CROP ON PP 1st INSURED CROP ACRES 100% PP payment on first insured crop acreage	<p>The insurance provider, in accordance with Section 5 E of the Prevented Planting Handbook, allows and accepts the insured's certification that no second crop will be planted for harvest, or no cover crop will be planted and hayed, grazed, or otherwise harvested, or no volunteer crop will be hayed, grazed, or otherwise harvested.</p> <p>NOTE 1: If the insurance provider cannot or does not allow the insured's certification, an initial PP payment of 35% will be made as stated in Section 5 E of the Prevented Planting Handbook.</p> <p>NOTE 2: Insurance providers should require insureds to sign a statement certifying they will notify them if another person plants a second crop for harvest on the PP acreage (1st insured crop) or if another person hays or grazes prior to November 1st, or otherwise harvests a cover crop or volunteer crop at any time.</p> <p>NOTE 3: If 35% of the PP payment has been made and it is determined the insured is entitled to the remaining 65% of the PP payment, the RI code rather than the NS code will be used. Refer to the RI code for PP.</p>
DC	Meets Double-Cropping requirement 100 % Indemnity or PP payment on 1 st insured crop	It has been verified the insured meets all double-cropping requirements as stated in PAR. 49 above.
IR	65% Indemnity Reduction of the 1 st insured crop (planted acreage)	<p>NOTE: Double cropping eligibility does not apply, and insurance was not waived on the 2nd crop acreage.</p> <p>(1) The insured is unsure if a second crop will be planted;</p> <p>(2) The insured states a second crop will be planted and insured;</p> <p>(3) A second crop is insured and has been planted;</p> <p>(4) The insurance provider does not allow or does not accept the insured's certification that a second crop will not be planted; or</p> <p>(5) The insurance provider accepts the insured's certification that a second crop would NOT be planted and 100% of the indemnity was paid. However, it subsequently is planted, suffers an insurable loss, and the insured accepts the 2nd crop indemnity.</p>

CODES FOR FIRST INSURED CROP LOSS LINES	DEFINITION	USE ONLY ON LINES OF FIRST INSURED CROP ACREAGE WHEN. . .
RP	65% Reduction of PP payment of the 1st insured crop (PP acreage)	<p>It is determined that a PP payment is payable on the first insured crop and double cropping eligibility does not apply but:</p> <p>(1) At the time of final inspection for the PP payment, the insured is unsure if any of the following will occur, or the insured states or certifies that one of the following will occur:</p> <ul style="list-style-type: none"> ▪ Second crop will be planted for harvest; ▪ Cover crop will be planted and hayed or grazed after the LP period (FPD if LP period does not apply) but prior to November 1; ▪ Volunteer crop will be hayed or grazed after the LP period (FPD if LP period does not apply) but prior to November 1; or ▪ A cover crop or volunteer crop will be otherwise harvested at any time. <p>(2) The insured or someone else actually carries out one of the items in (1) above.</p> <p>(3) The insurance provider accepted the insured's certification that any of the items in (1) above would not occur and 100 % of the PP payment was made. However, subsequent to the certification and payment of 100% of the PP payment, the insured or another person carries out one of the items in (1) above.</p>
RI (for planted acres indemnity)	Restore Indemnity of 1 st insured crop to 100% (planted acres)	<p>The first insured crop's indemnity was reduced to 35%, and the:</p> <p>(1) Insured second crop did not suffer a loss; or</p> <p>(2) Adjuster verified a 2nd crop was not insured, or if insured, was not planted; or</p> <p>(3) Indemnity of first insured crop was erroneously reduced; or</p> <p>(4) Insured waives indemnity on the second crop acreage.</p> <p>NOTE: Adjusters will only use this code on corrected claims they prepare that also need the indemnity restored. If no corrected claim is required, the insurance provider will use this code internally in the computer program. Refer to PAR. 131 for the reasons that corrected claims are prepared. Documentation must be placed in the insured's loss file that explains why the indemnity is being restored.</p>

CODES FOR FIRST INSURED CROP LOSS LINES	DEFINITION	USE ONLY ON LINES OF FIRST INSURED CROP ACREAGE WHEN. . .
RI (for PP Payment)	Restore PP Payment of first insured crop to 100%	<p>The first insured crop PP Payment was reduced to 35% and the:</p> <p>(1) Adjuster verified a 2nd crop was not planted, a volunteer or cover crop was not hayed or grazed prior to Nov. 1, or a volunteer or cover crop was not otherwise harvested.</p> <p>(2) Insured stated or certified a 2nd crop would be planted, or a volunteer or cover crop would be hayed, grazed, or otherwise harvested. However, subsequent to the statement or certification, the adjuster verifies that a 2nd crop was not planted, or a volunteer or cover crop was not hayed or grazed prior to November 1, or otherwise harvested.</p> <p>NOTE: If a cover crop or volunteer crop that still exists November 1 or later appears to be harvestable, the PP payment cannot be restored until the final disposition of the cover crop or volunteer crop is determined.</p> <p>(3) PP payment of first insured crop was erroneously reduced.</p> <p>NOTE: Adjusters will only use this code on corrected claims they prepare that also need the PP payment restored. If no corrected claim is required, the insurance provider will use this code internally in the computer program. Refer to PAR. 131 for the reasons that corrected claims are prepared. Documentation must be placed in the insured's loss file that explains why the indemnity was restored.</p>
FC	First insured Crop acreage for which no other multiple cropping code applies and 100% indemnity is applicable	<p>EXAMPLE: First insured crop unit 00100 is 80 acres of wheat (Field A, 30 acres and Field B, 50 acres.) The unit suffers a loss. However, only Field B contributed to the unit loss. The acres in Field A did not. The insurance provider accepts the insured's certification that no 2nd crop will be planted on Field B and that soybeans (2nd crop) will be planted on Field A. Even if the soybeans (2nd crop) planted in Field A suffers an insurable loss, the 1st crop acreage on these 30 acres would receive 100% indemnity. Therefore, at the time unit 00100 wheat indemnity is paid, 50 acres would be coded as NS, and the 30 acres would be coded as FC, indicating the insured is paid 100% on the entire unit. The FC code cannot be used when all of the first crop acres were planted to a second crop, unless some of the 1st crop acres were not subject to an indemnity reduction.</p>

CODES FOR SECOND CROP LOSS LINES	DEFINITION	USE ONLY ON LINES OF SECOND CROP ACREAGE WHEN . . .
SC	<p>Second Crop Acreage that is Insured</p>	<p>This insured crop was planted on the same acreage of the first insured crop (planted or prevented from planting) within the same crop year, and if the first insured crop acreage was planted acreage, the indemnity for the second crop acreage was not waived.</p> <p>NOTE: The indemnity for second crop acreage cannot be waived if the insurable loss on the first insured crop was prevented planting.</p>
SW	<p>Second Crop Acreage Insured - Indemnity Waived</p> <p>NOTE: Indemnity cannot be waived when the first insured crop has payable PP Payment.</p>	<p>(1) The acreage for the entire unit is second crop acreage for which the indemnity is waived.</p> <p>(2) The acreage on this claim unit has both first insured crop planted acreage and the second crop acreage indemnity is waived, or</p> <p>(3) The acreage on this claim unit has second crop acreage on which part of the second crop acreage indemnity is waived and some of it is not.</p> <p>NOTE: The indemnity waiver is based on the unit structure for each individual first insured crop unit that contains second crop acreage.</p> <p>Waiver of the second crop acreage indemnity can be allowed when acreage of a second crop unit lies in two different units of the first insured crop acreage. For example: 100 acres of failed wheat, first insured crop (unit 00100). Soybeans, second crop (unit 00300), is insured and planted on 10 acres of Field A, the failed wheat acres (unit 00100). The insured waives the payable indemnity on the 10 acres of soybeans (second crop acres). Soybeans (second crop) is insured and planted on 150 acres of the failed wheat (unit 00200), but the insured elects NOT to waive the payable indemnity on the 150 acres of soybeans (second insured crop acres) that are also part of unit 00300 soybeans.</p> <p>Waiver of the second crop acreage indemnity cannot be allowed when acreage of a second crop unit lies in only one unit of the first insured crop acreage. For example: Unit 00101 consisted of 100 acres of failed wheat acres – 50 acres, Field A and 50 acres, Field B. Unit 00201 soybeans is the same legal description as unit 00101 wheat. Field A and B are planted to soybeans; i.e., total of 100 acres soybeans (second crop). In this situation, the insured cannot waive only a portion of the 100 acres since the acreage lies in the unit structure of the first insured crop. The insured can either waive indemnity on all 100 acres, or none. Exception to this would be if part of the 100 acres qualifies for double cropping; e.g., Field A (50 acres) qualifies for double cropping acreage. Then the indemnity on the remaining 50 acres in Field B that did not qualify for double cropping acres could be waived.</p>

- (b) A WFU will be determined when the acreage is reported but may be adjusted or combined to reflect the actual unit structure when adjusting a loss.
- (c) A five-position unit number and WFU abbreviation (WU) will be used. The unit designation is shown as 00100WU on the acreage report. (Unless the insurance provider specifies otherwise, do not show WU with the unit number on the claim form.)

SECTION 11 USDA FARM PROGRAM COMPLIANCE

56 CONTROLLED SUBSTANCE VIOLATION

Under the Food Security Act of 1985, any person who is convicted under Federal or state law of planting, cultivating, growing, producing, harvesting, or storing a controlled substance in any crop year will be ineligible for USDA benefits, including crop insurance, for 5 years from the date of conviction.

SECTION 12 HAZARDS CONNECTED WITH PESTICIDES OR OTHER CHEMICAL SUBSTANCES

57 PESTICIDE OR OTHER CHEMICAL SUBSTANCE HAZARDS

- A General Information. Most all pesticides have a period of time that must lapse after they have been applied before it is safe to enter the treated field without wearing protective clothing and equipment. Normally, this is at least the time necessary for sprays to dry and dusts to settle (8-48 hours). Material Safety Data Sheets (MSDS) contain pertinent detailed information about specific chemicals including health hazards, emergency and first-aid, and the safe re-entry period after a chemical has been applied. Some USDA field offices such as FSA and NRCS house MSDSs. Other local agencies may have these data sheets for possible use. In addition, each state has a poison control center, which normally carries a toll-free number and maintains a 24-hour consultant service in the diagnosis and treatment of human illnesses resulting from toxic substances. Check with NRCS or FSA for MSDSs or other literature pertaining to pesticide or chemical hazards.
- B Prior to Inspection. At the time the appointment is set up, ask the insured or the insured's representative if the field, orchard, or vineyard to be entered has been treated with pesticides or other chemicals. If the field, orchard, or vineyard is to be treated or has been treated within this time period, reschedule the appointment(s) and document the visit accordingly.

SECTION 13 FSA OFFICE

58 FSA INFORMATION

A Background

- (1) Although insured producers are not required to certify acreage to FSA, insurance providers may use certain information or documents from the FSA office as one option to verify and/or determine data for loss adjustment inspections if it has not already been done by a previous inspection for the crop year.
- (2) FSA offices are required to ensure that anyone requesting information on another person is authorized. Identify yourself, the insurance provider you are representing, and provide some kind of evidence that shows that the insurance provider you represent has a policy in effect for the insured. FSA offices have been instructed to accept any one or more of the following documentation as evidence that the insurance provider you represent has a policy in effect for the insured:
 - (a) A producer signed FCIC-approved form showing request for cancellation and transfer of the insured's MPCl insurance to the insurance provider for which you are working;
 - (b) A claim form completed or partially completed indicating loss adjustment work will be performed for the producer;
 - (c) A personal request by the producer;
 - (d) A signed statement or telephone call from the producer asking for copying or releasing of FSA documents to a named insurance provider representative (contractor or employee);
 - (e) Summary of Insurance Protection (or Schedule of Insurance);
 - (f) Notice of Acceptance; or
 - (g) A written statement by the agent in the FSA-426, item 10, stating the following:

I certify that the producer(s) listed above has a current policy with the insurance company I represent. This information will be used solely by the insurance company I represent for the express purpose of fulfilling its loss adjustment and compliance obligations."
- (3) The FSA County Office will provide, without charge to FCIC employees or insurance provider representatives, one copy of the following, when requested for MPCl insureds: FSA 425 and reproduced copies of FSA-578 (Producer Print), aerial photographs, and copies of other forms available to the public. Additional copies of aerial photographs are available for \$1 each. See Exhibit 7.
- (4) FSA offices have been instructed to strikeout (black out) any personal information that does not apply to the specific producer identified on the FSA-426.