

Attachment 2

Questions and Answers

1. RMA has issued a guidance about the need for producers to follow good farming practices when controlling Asian soybean rust and complying with Federal crop insurance policy provisions. Has RMA defined these good farming practices?

The definition of “good farming practices” is located in the Common Crop Insurance Policy Basic Provisions. Further, the terms referenced in the definition of good farming practices have also been defined for further clarity. To determine whether a disease control measure is a good farming practice, four questions must be answered by the agricultural expert -- whether the recommended disease control measures will:

- (1) Allow the insured crop to make normal progress toward maturity;
- (2) Produce at least the yield used to determine the production guarantee or amount of insurance, including any adjustments for late planted acreage;
- (3) Not reduce or adversely affect the yield if it is applied or not applied to the insured crop; and
- (4) Be generally recognized for the area or contained in the organic plan, as applicable.

If an answer to any of the above stated questions is negative, the disease control measure would not be considered a good farming practice.

2. Who should be considered the local agricultural expert regarding providing guidance in following good farming management practices?

Agricultural experts currently approved by RMA include plant pathologists who are employed by the Cooperative State Research, Education and Extension Service, the agricultural departments of States and universities, and certified crop consultants. Other persons may be qualified if their research or occupation is related to the specific crop or practice for which such expertise is sought. To obtain approval for such persons contact RMA’s Deputy Administrator for Insurance Services at USDA/RMA/Deputy Administrator for Insurance Services/Stop 0805, 1400 Independence Avenue SW., Washington, DC 20250–0805.

Websites such as www.ces.ncsu.edu/depts/pp/soybeanrust/index.htm, www.aphis.gov, www.soygrowers.com, www.stopsoybeanrust.com, www.soybeanrustinfo.com, www.usda.gov/soybeanrust, and www.epa.gov, may also contain helpful information about ASR treatments.

3. What are the obligations of the producer in dealing with this issue?

Producers are responsible to keep informed of Asian soybean rust outbreaks in their area and act appropriately to prevent or eradicate the outbreak. This includes frequently scouting their fields and documenting their findings. Just as with virtually all other diseases, soybean producers should consult an agricultural expert when Asian soybean rust becomes a threat in their area.

Producers must also follow recommendations from local agricultural experts to control or prevent the disease.

4. Some concerns regard the availability of fungicides to fight the disease. What will happen if there are not enough chemicals to properly treat soybean fields infected by Asian soybean rust?

The producer must make all efforts to obtain the recommended fungicides. If a producer is unable to obtain the needed fungicides prior to or during the time periods when such application is required, losses resulting from an Asian soybean rust infestation will be covered. Producers should document the circumstances and results of their efforts to obtain fungicides.

5. Considering the number of producers affected and the fact that many producers do not own their own applicators, will coverage be provided in the event there are not enough applicators to apply needed fungicides?

As with the availability of fungicides, the producer must make all efforts to obtain applicators. However, if the producer is unable to apply fungicides timely and at recommended levels because applicators are not available for use, losses resulting from an Asian soybean rust infestation will be covered.

6. What are the recommended applications for organic soybean producers?

Organic soybean producers should consult with their local organic agricultural industry person to determine recommended applications. The organic agricultural industry persons currently approved by RMA include plant pathologists who are employed by the following organizations: Appropriate Technology Transfer for Rural Areas, Sustainable Agriculture Research and Education or the Cooperative State Research, Education and Extension Service, the agricultural departments of States and universities, and certified crop consultants.

7. How will the Federal crop insurance program respond if recommended organic applications do not work against Asian soybean rust?

Organic production practices approved by a certifying agent are considered good farming practices and soybean producers are required to follow such good farming practices and the recommendations of the local organic agricultural industry persons. Organic producers are not required to do anything that may endanger their organic certification.

If the losses are unavoidable due to naturally occurring events and producers follow organic good farming practices, then Asian soybean rust is an insured cause of loss.

8. What are the chances that these organically approved applications will work against Asian soybean rust?

Only local organic agricultural industry persons are qualified to respond and such persons should be consulted.

9. What if the cost of chemicals or organic materials outweighs the benefits? Once I plant the crop, isn't it still insurable?

Economics are not a consideration in determining if good farming practices have been used. If rust infects or threatens an insured's soybean crop, to be eligible for the full amount of coverage, producers must apply the recommended applications and follow good farming practices regardless of cost. Failure to follow the recommendations of the agricultural expert or local organic agricultural industry persons because the producer does not want to or cannot afford to incur the costs associated with following the recommendations, because the costs associated with following such recommendations is greater than the value of the crop, or because the producer is unable to obtain financing is not considered a good farming practice.

If a producer chooses not to properly care for the crop, the crop is still insured. However, the losses associated with the decision to not care for the crop would be considered damage caused by uninsured causes and the production loss associated with such uninsured causes would be considered in the determination of production to count, resulting in a reduction in the indemnity.

For example if an application of disease control measures would prevent further losses of 5 bushels per acre, and the producer elects to not treat the crop, then crop insurance may cover other losses except that 5 bushels.

10. What if there is a control measure listed for Asian soybean rust in the organic plan and a newly approved control measure becomes available? Can the plan be amended?

Yes. The organic plan may be amended to include additional measures, should the need occur. Organic producers would need to contact their certifying agency. Consult the Organic Materials Review Institute at www.omri.org, or the USDA-National Organic Program at www.ams.usda.gov/nop, or, in the case of the Iowa Department of Agriculture and Land Stewardship (organic certification program), at www.agriculture.state.ia.us.

11. Should producers document their management practices?

It is strongly recommended that producers document their actions including any advice or opinions from agricultural experts or organic agricultural industry person and any actions taken in response to such advice or opinion. Acceptable documentation includes, but is not limited to, the following:

1. Data from local weather stations;
2. Published anecdotal records such as newspaper and magazine articles;
3. Farm Service Agency reports;
4. Written recommendations from extension agents or other agricultural experts (see crop insurance policy for a listing of qualified persons);
5. Printed information from Federal, state, university or extension official websites;
6. Other published information (facts sheets, bulletins, newsletters, etc) from:
 - A. Land grant universities;
 - B. Cooperative extension service; or
 - C. Independent third parties such as farm advisors or certified crop consultants.
7. Contemporaneous records of planting, spraying, scouting, harvesting and any other applicable farm practices such as journals, logs, etc. that contain the date the practice occurred and how it was carried out;
8. Contemporaneous journals, logs or notes of persons contacts, the date, and the information provided;
9. Chemical labels and brochures; and
10. Other records as determined necessary by the crop insurance company or RMA.

Unpublished documentation may be subject to verification.

12. To whom should producers go to for further information?

Producers that could be impacted by Asian soybean rust should talk with their chemical suppliers, certified crop consultants, and plant pathologists in agriculture departments of State governments, universities, and USDA's Cooperative State Research, Education and Extension Service who are familiar with the risks of exposure to this disease.

Producers should direct crop insurance questions to crop insurance agents and agronomic questions regarding production methods to local agriculture experts and organic agricultural industry persons.