Wildfires and Crop Insurance – The Topeka Region – Spring 2022

The Topeka Regional Office has received several questions concerning the widespread damage from wildfires across our region this spring, notably in Nebraska and Kansas. Most of the burned acreage is grassland, with some cropland affected as well. Below are **Frequently Asked Questions** with associated answers that may be helpful. Please note that procedural guidance can also be found in the 2022 Crop Insurance Handbook and 2022 Prevented Planting Standards Handbook. We also encourage insureds to discuss the wildfires and the impact on their farming operations with their crop insurance agent. Additional questions and answers may be provided as more information becomes available.

Is fire an insurable Cause of Loss (COL) under multi-peril crop insurance policies?

Yes, if the fire that damaged or destroyed your crops or prevented you from planting your crop is caused by an insured COL.

Must the wildfire have been ignited due to a natural cause such as lightning to be considered an insurable COL?

No, a fire may have been ignited due to an uninsured COL, but spread due to an insured COL, such as excessive heat, drought, or excessive wind. In other words, the “wildfire” spread due to other insurable conditions.

I have a Pasture Rangeland Forage (PRF) crop insurance with an interval in which the fire occurred. I lost all my rangeland to the

fire. Is fire an insurable COL under PRF?

No. Fire is not an insurable COL under PRF. The PRF policy is an area-based insurance plan that covers perennial pasture, rangeland, or forage used to feed livestock. It provides producers a risk management tool to cover the precipitation needed to produce forage for their operation. It does not insure against loss of production. PRF is not *drought insurance* and does not insure against abnormally *hot temperatures, windy conditions, or fire*.

I have not planted my crop yet, but the wildfire burned last year's crop residue and the inputs (e.g., fertilizer) placed on my field this year to prepare to plant. I expect to plant my crop later this spring. Will my crop insurance policy compensate me for the loss of fertilizer and other inputs damaged or destroyed by the fire?

Crop insurance covers a loss of production or the inability to plant a crop due to an insurable COL. It does not provide coverage against a loss of inputs.

The recent fire stripped my cropland of all residue from last year's crop. I have been advised to plant a cover crop on those acres to protect the acreage from wind and water erosion and then plant my cash crop (soybeans) into my cover crop. Is this allowed under the terms of my crop insurance contract?

Yes. However, please review the policy, including the Special Provisions applicable to your crop and county.

Attached to the soybean policy is a Special Provision statement that addresses cover crops and directs you to the NRCS Cover Crop Termination Guidelines (“NRCS Guidelines”). If you plant a cover crop as described, you must follow the NRCS Guidelines. The NRCS Guidelines can be found at rma.usda.gov/Topics/Cover-Crops.

For instance, if your county is in Zone 2 of the NRCS Guidelines, you will need to *Terminate the cover crop 15 days prior to planting*, unless your county is in drought, NRCS recommends: **If the season is drier than normal nearing cover crop termination time, consider an earlier termination to conserve soil moisture.**

However, on the first page of the NRCS Guidelines, at bottom it states:

"*…To help maximize additional flexibility and up-front assurance, producers can choose to pursue any one of the following options to assure that their cover cropping management system is a GFP.*

1. A producer can follow the generalized zonal guidance provided in these Guidelines,

2. A producer can utilize already available published materials from agricultural experts (e.g., from a university) that are applicable for the crop and the area that support the cover crop management practice as a GFP determination (per the GFP Handbook)

3. In rare instance where 1 and 2 do not cover a specific cover cropping management system, request an exception to these Guidelines by receiving agricultural expert support inwriting in accordance with the GFP Handbook."

Point 3 was bolded for this FAQ, and it may be applicable in this situation. However, if this exception is to be utilized, you would need to consult and obtain support in writing from an agricultural expert and the practice would need to be considered a Good Farming Practice.

The NRCS Guidelines are part of the Special Provisions for soybeans (and other crops), so they cannot be waived or overridden. However, as noted above, exceptions to the termination guidance are built into the NRCS Guidelines. If these exceptions are to be utilized, you would need to consult and obtain support in writing from an agricultural expert and submit the documentation to your insurance company by the acreage reporting date.

I have non-irrigated acreage, and the county that I farm in has been in drought for the past several months. I had not planted

my crop yet when the fire burned last year's residue and all the inputs (e.g. fertilizer) that I placed on the field, as well as dried all the moisture out of the top few inches of soil in the field. If the drought were to continue, would I be eligible for prevented planting?

Prevented planting (PP) is the failure to plant an insured crop by the final planting date or during the late planting period, as applicable. To qualify, you must be prevented from planting by an insured COL that is general to the surrounding area. Final planting dates and late planting periods vary by crop and by area.

PP coverage is available for most annual crops and covers drought, fire, failure of the irrigation water supply, and failure or breakdown of irrigation facilities when due to an insurable COL and when occurring during the PP insurance period. In general, an insured COL must have occurred on eligible acreage within the PP insurance period. To be eligible, your acreage must meet all applicable policy provisions.

For new insureds, the PP insurance period begins on the sales closing date for the insured crop in the county for the crop year the producer's application is accepted.

For carryover insureds (producers who had insurance for the crop in the previous crop year), the PP insurance period begins on the sales closing date for the previous crop year.

For more information on Prevent Plant, refer to: rma.usda.gov/Topics/Prevented-Planting

Also please contact your crop insurance agent before making prevented planting decisions.

I have acreage that was fallowed for the 2022 crop year. I plan to plant summer fallow wheat on it in the Fall of 2022 (2023 crop year). The fire burned off all the residue on the fallowed acreage, and now it is barren. I would like to plant a cover crop on it to protect against soil erosion right now. Would the acreage still qualify for the summer fallow practice in the fall of

2022?

Yes, it would still qualify for the summer fallow practice in the fall of 2022 provided the Special Provisions of Insurance have been met and the cover crop was terminated according to the NRCS Cover Crop Termination Guidelines ("NRCS Guidelines"). You can find the NRCS Guidelines: www.nrcs.usda.gov/sites/default/files/2023-03/cover-crops-termination-guidelines-designed-v4-2019-updated.pdf

In short, if a cover crop is planted on summer fallow acreage in a fallow year, the following planted crop will meet the summer fallow practice definition if the cover crop is not hayed, grazed or harvested at any time, and is terminated according to the NRCS Guidelines prior to June 1 preceding the insured crop.

For the 2022 and succeeding crop years, if a cover crop was planted during the fallow year and was either hayed, grazed or harvested, or not terminated by June 1, the acreage may be insured under the "continuous cropping practice" (if available in your county), or by written agreement (if continuous cropping is not available in your county). Please see the Actuarial Documents in your county or talk to a crop insurance agent for more information on the summer fallow practice. A list of crop insurance agents is available at all USDA Service Centers and online at the RMA Agent Locator.