

PUBLIC SUBMISSION

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Submitter Information

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General Comment

Subject: Request for Review and Application of De Minimis Exception – ERP 2022 Track 2

I am writing to formally request a review of my Emergency Relief Program (ERP) 2022 Track 2 application and the subsequent change made by the Farm Service Agency (FSA) regarding my response to Question #16, “Are all eligible crops insured.”

At the time of filing, I accurately certified “Yes,” as all eligible crops with potential revenue loss were insured. However, FSA later changed my response to “No,” citing that my grass (hay) acres were uninsured. I was notified of this change and my appeal rights.

For the 2022 crop year, I reported 3,109.23 acres of corn and soybeans and 200.51 acres of hay. While my row crops experienced qualifying losses, my hay crop did not incur a loss. In fact, due to excess moisture, hay production was above average.

As a result of the change to my application, my ERP payment was reduced from the 90% payment rate that I originally certified. I subsequently filed an appeal with the National Appeals Division (NAD). However, my case was among those returned to FSA for further review.

Upon reviewing the Federal Register provisions governing ERP, I note that the Secretary may allow

producers to retain payments up to 90 percent of revenue losses if a de minimis amount of uninsured or uncovered crops is determined. In my case, the hay acreage—which had no loss and represents a small portion of total revenue risk—clearly qualifies as de minimis.

Although I have not yet received payment, I respectfully request the opportunity to complete Form FSA-524C, Certification of De Minimis Revenue Loss for Uncovered/Uninsured Crops, and to have my application reconsidered under this provision. I believe this would support reinstating my eligibility for the 90% payment rate as originally certified.

Thank you for your time and consideration of this request. I would appreciate the opportunity to discuss this matter further or provide any additional documentation needed to support my case.

Sincerely,
Jason Frerichs