

PUBLIC SUBMISSION

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Emergency Relief Program (ERP) 2022

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Document: FSA-2023-0020-0021
Comment on FR Doc # 2026-05565

Submitter Information

Name: Donna Vietor
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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, there was alfalfa certified in my name, but it was cash rented out to another entity for their livestock. I collected the cash rent and did not have the alfalfa hay acres in 2022. I can submit documentation to show payment of cash rent.

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). Based on the results of all of these NAD Appeals if I would have continued with the case it would have been approved by NAD. However, my case was among those returned to FSA for further review due to so many cases being approved by NAD.

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 I rented out in 2022—clearly qualifies as de minimis.

I did receive payment at the 90% level and 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 being able to retain my ERP 2022 payment that was previously issued at the 90% level.

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,
Donna Vietor