



## **Crop Insurance Professional Association, LLC**

August 22, 2016

Director, Product Administration and Standards Division  
Risk Management Agency  
United States Department of Agriculture  
P.O. Box 419205  
Kansas City, Missouri 64133-6205

**RE: 7 CFR Part 457, Docket No. FCIC-16-0002, RIN 0563-AC50, Common Crop Insurance Regulations, Basic Provisions pertaining to “Practical to Replant” definition**

Dear Director:

On behalf of the Crop Insurance Professionals Association (CIPA), thank you for the opportunity to provide comment in regard to the interim rule promulgated by the Federal Crop Insurance Corporation (FCIC) which would change the “practical to replant” definition. We believe this portion of the Interim Final Rule is problematic, and should be removed or amended to achieve a better result.

Replant provisions in federal crop insurance presume an adverse situation – the farmer’s first attempt at a crop is washed or flooded or blown out, etc. Historically, the farmer and the adjustor have been looked to as the best judge of whether it was practical to replant that crop. Under this definitional change, however, the practical experience and judgment of the farmer and the adjustor, which is specifically focused upon that farm, that area, and the unique conditions, would be replaced with a uniform date. Thus, the change effectively declares that it is always practical to replant, not just through the final plant date for the crop but through the late planting period as well. This is not a practical standard given the various adverse situations that trigger replant provisions. Even if the final plant dates and late planting periods were all perfect and consistent across all regions, which they are not, we still strongly believe the farmer and adjustor are best suited to make this judgment.

We understand one of the motivations for this definitional change is to have greater consistency among Approved Insurance Providers (AIPs) in regions when adverse conditions occur. We recognize this can be a challenge. However, we would argue the adjustor model is vital to Federal Crop Insurance and far superior to arbitrary standards. We would also note the new definition still allows for an exception where “there is no chance of seed germination, emergence, and formation of a healthy plant,” bringing into question whether the definition will actually achieve greater consistency. Our farmer

customers need an appropriate degree of situational flexibility when adverse conditions arise particularly during planting season. We will never achieve complete consistency, as even within a small area two cases can be very different. We believe the current practical to replant standard and processes better accommodate the needs of the farmers we serve.

We also understand one of the motivations is to improve program integrity. This is laudable and we strongly support this goal. However, to restrict a farmer's options at planting time where every minute is critical strikes us as an overly broad fix to a very narrow problem. We would suggest that a better solution would be to require that when a farmer chooses to plant back to the original crop at any time during the late plant period that this definitively be considered a replant until the late plant period has expired.

Finally, we are concerned about the definitional change in that it creates internal inconsistencies in the program that will not make sense to the farmers this program is meant to serve. For example, a farmer can be declared prevented from planting as of the final plant date. But, now, under the change, if the farmer did get a particular field planted before the flood occurred, the farmer would be held to replant rules on that field through a late plant period which might be 10 or 15 or 20 or 25 days later, depending on which county the farmer is in. This could create confusing and inconsistent results that only restrict the most prudent options and the deference paid toward farmers in attaining the best outcome.

In summary, CIPA believes this definitional change is far too significant and adverse to be implemented as is in this Interim Final Rule. We would welcome the opportunity to engage with the Risk Management Agency in a discussion of ways to address perceived problems constructively, but we urge you to strike the new "practical to replant" definition as it currently reads.

Thank you once again for the opportunity to provide comment and for your consideration of our views. We appreciate the work the FCIC does, and we stand ready to assist in any way we can.

Sincerely,

William Cole  
Chairman