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Agriculture

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**BULLETIN NO.: MGR-15-007**

**TO:** All Approved Insurance Providers  
All Risk Management Agency Field Offices  
All Other Interested Parties

**FROM:** Brandon C. Willis /s/ *Brandon Willis* 10/30/2015  
Administrator

**SUBJECT:** Request for Comments - Double Crop and Replant Policy Provisions

**BACKGROUND:**

The Risk Management Agency (RMA) has received inquiries from producers, crop insurance agents, and others suggesting revisions to policy provisions related to qualifying for double cropping as contained in the Common Crop Insurance Policy Basic Provisions (Basic Provisions). The suggestions include: providing greater flexibility in determining double crop eligibility; providing full coverage on both crops in a double cropping situation if an independent agricultural expert certifies that a particular crop combination is a recognized good farming practice in a given county; and the basis for double cropping qualification should be the percentage of acreage the producer has historically double cropped.

RMA has also received a request to revise the definition of “practical to replant” to provide a specific deadline for which replanting of the crop is considered practical, while providing necessary flexibility and allowances for adverse weather conditions.

Double cropping insurance rules are guided by section 508A(d) the Federal Crop Insurance Act (Act) specifying that a producer may receive full indemnity payments on two or more crops planted for harvest in the same crop year if each of the following conditions are met:

- 1) There is an established practice of planting two or more crops for harvest in the same crop year in the area, as determined by the Corporation.
- 2) An additional coverage policy or plan of insurance is offered with respect to the agricultural commodities planted on the same acreage for harvest in the same crop year in the area.
- 3) The producer has a history of planting two or more crops for harvest in the same crop year or the applicable acreage has historically had two or more crops planted for harvest in the same crop year.
- 4) The second or more crops are customarily planted after the first crop for harvest on the same acreage in the same year in the area.

In accordance with section 508(A)(d)(3) and (4) of the Act, policy provisions contained in section 15(h)(4) of the Basic Provisions require the producer to provide records acceptable

to the approved insurance provider of acreage and production that show the producer has double cropped acreage. In addition, producers are regarded to have history of planting two or more crops for harvest in at least two of the last four crop years in which the first insured crop was planted, or that show the applicable acreage was double cropped in at least two of the last four crop years in which the first insured crop was planted on the acreage. The difference of the two is either the producer has a history or the acreage has a history of double cropping.

There are two ways producers can prove a history of double cropping in two of the last four crop years in which the first insured crop was planted. First, the producer can provide their own records of acreage and actual production history to demonstrate the producer double cropped acreage of the first insured crop in two of the last four crop years in which the first insured crop was planted. Second, if the acreage was double cropped for two of the last four crop years in which the first insured crop was planted, and a new producer acquires the acreage, the previous producer's records of acreage and production can be used.

The provisions contained in section 15(i) of the Basic Provisions limit the number of acres on which two full indemnities can be paid to the number of acres for which the producer provides records of double cropping history. This provision protects program integrity by not allowing a producer to simply have a history of double cropping a small amount of acreage (e.g. 1 acre), but then in a given year, claiming double cropping on an entire operation (e.g. 1,000 acres).

RMA seeks comment from stakeholders in the Federal crop insurance program regarding the following issues and proposed alternatives related to the definition of “practical to replant” and double cropping eligibility and related provisions.

### **Issues and Proposed Alternatives – Double Cropping**

**Issue 1:** Current double cropping requirements do not recognize changes in growing farm operations or for added land.

**Proposed Alternative:** Consider a policy change to allow eligible double cropping acres to be based on either the greatest number of acres, or percentage of acres historically double cropped, rather than the greatest number of acres double cropped in two of the last four crop years in which the first insured crop was planted. This will address both when land is added to an operation and account for multiple crop rotations. (For example, if a producer has a 100-acre farm and has historically double cropped 50 acres planted to wheat followed by soybeans, when the producer purchases an additional 100 acres and plants wheat, the number of acres eligible for double cropping would be based on 50 percent, or 100 acres.) If the producer has historically double cropped wheat followed by soybeans on all acreage where wheat was planted, there is a reasonable presumption they may continue to do so in the future.

Is it appropriate to modify the double cropping requirements, for added acreage to the farm operation and multiple crop rotations, to determine qualifying double cropping acres based on either 1) the greatest number of acres, or 2) a percentage of acres historically double cropped for two years?

**Issue 2:** There seems to be confusion regarding the “two of the last four crop years” language and double cropping requirements. To qualify for double cropping coverage, the producer is required to provide double cropping history in two of the last four crop years in which the first insured crop was planted, or that show the applicable acreage was double cropped in at least two of the last four crop years in which the first insured crop was grown. For instance, if a producer has a history of planting wheat and soybeans on the same acreage in the same crop year, in order to qualify for double cropping, the producer must show records that the same practice was carried out at least twice in a four-year period in which the first insured crop was planted. This is not the same as “two of the four most recent crop years.” A current producer can prove a double cropping history for rotations; however, the records may be several years old where there are multiple crop rotations. (For example, a producer plants wheat followed by soybeans every five years, and then plants other crops following wheat on the acreage in the interim years).

**Proposed Alternative:** Some have suggested that RMA consider a policy change to require that for the first year a producer qualifies for double cropping, the producer must be able to provide records of acreage and production showing that they planted and harvested two crops on the same acreage in the same crop year in “one of the four,” or “one of the three” crop years instead of the current “two of the last four crop years” requirement.

Considering the proposed alternative in Issue 1, is the “two of the last four crop years” requirement appropriate and reasonable, or is a change in the requirement necessary, and if so why?

**Issue 3:** Some producers have found challenges keeping separate records of acreage that was and was not double cropped because they harvest both first/second crop production at the same time. (For example, if a producer has two fields next to each other and on one field they plant wheat, harvest the wheat, and plant soybeans while the other field was a single crop of soybeans only, they may harvest both soybean fields at the same time making it difficult to keep the production separate). MGR-11-003 addressed the issue regarding the allocation of comingled first/second crop production to the acreage in proportion to the liability for the acreage that was and was not double cropped.

**Proposed Alternative:** Consider a policy change to incorporate the clarification from MGR-11-003 that has been done administratively.

Is the policy language clear regarding allocation of comingled first/second crop production to the acreage in proportion to the liability for the acreage that was and was not double cropped appropriate?

**Issue and Proposed Alternative – Practical to Replant**

**Issue:** Concerns have been raised regarding the definition of “practical to replant” and the difficulty and inconsistency that can occur in the administration of the practical to replant provisions of the crop insurance policy. RMA plans to revise the last sentence of the definition to provide a clear, known deadline for which the replanting of the crop is considered to be practical and if not replanted, coverage will not be provided for the initial crop. This also provides necessary allowances for adverse weather conditions that would either prohibit the physical replanting of the crop, or impact the viability of the crop seed germinating, emerging and forming a healthy plant.

Is the proposed definition of “practical to replant” appropriate, as shown on the attached Track Changes document?

**ACTION:**

RMA requests comment, including potential impacts, additional considerations, or alternative suggestions to those outlined within this Bulletin. To visualize the potential changes and enhancements, RMA is providing the attached policy with Track Changes reflecting potential policy language revisions to assist with your review. See the attachment for additional information.

Please submit comments by [45 days from date listed on this memo] to Sarah Kliethermes at [sarah.kliethermes@rma.usda.gov](mailto:sarah.kliethermes@rma.usda.gov) and Erin Albright at [erin.albright@rma.usda.gov](mailto:erin.albright@rma.usda.gov) or by mail to:

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**DISPOSAL DATE:**

December 31, 2015