

Emergency Disaster Designation and Declaration Process

Overview

Agriculture-related disasters and disaster designations are quite common. One-half to two-thirds of the counties in the United States have been designated as disaster areas in each of the past several years, even in years of record crop production.

The Secretary of Agriculture is authorized to designate counties as disaster areas to make emergency loans (EM) to producers suffering losses in those counties and in counties that are contiguous to a designated county. In addition to EM eligibility, other emergency assistance programs, such as FSA disaster assistance programs, have historically used disaster designations as an eligibility requirement trigger.

The Farm Service Agency (FSA) streamlined the USDA Disaster Designation process to make assistance more readily available and with less burdensome paperwork.

Types of Disaster Designations

FSA administers four types

of disaster designations:

- USDA Secretarial disaster designation (This designation is most widely used).
- Presidential major disaster and Presidential emergency declarations,
- FSA Administrator's Physical Loss Notification and,
- Quarantine designation by the Secretary under the Plant Protection Act or animal quarantine laws as defined in § 2509 of the Food, Agriculture, Conservation and Trade Act of 1990 (mentioned in 7 CFR part 761, which includes a definition of "quarantine" in accordance with 7 U.S.C. 1961).

What Does a Disaster Designation Specify?

A disaster designation specifies:

- The disaster that resulted in the designation;
- The incidence period (dates) of that disaster;
- The specific counties included in the designation.

Procedures for Severe Drought

The streamlined process provides for nearly an automatic designation for any county in which drought conditions, as reported in the U.S. Drought Monitor (<http://droughtmonitor.unl.edu/>) when any portion of a county meets the D2 (Severe Drought) drought intensity value for eight consecutive weeks. A county that has a portion of its area in a drought intensity value of D3 (Extreme Drought) or higher at any time during the growing season also would be designated as a disaster area.

Benefits of the Streamlined Disaster Designation Process

The new process helps reduce paperwork and documentation requirements at the local FSA level, making the process more efficient and timely. Individual producer losses would still need to be documented for Emergency Loan (EM) Program eligibility.

Highlights of the New Rule Governing Secretarial Disaster Designations

- The new rule governing disaster designations:
 - Streamlines the USDA Secretarial designation process by eliminating steps from the current process;
 - Preserves the ability of a state governor or Indian Tribal Council to request a Secretarial Disaster Designation;
 - Removes the requirement that a request for a disaster designation be initiated only by a state governor or Indian Tribal Council;
 - Further streamlines the disaster designation process for severe drought occurrences by utilizing the U.S. Drought Monitor as a tool to automatically trigger disaster areas with no further documentation;
 - Does not impose any new requirements on producers or the public.

- For all other natural disaster occurrences and

those drought conditions that are not considered severe, the county must either show a 30 percent production loss of at least one crop or a determination must be made by surveying producers that other lending institutions will not be able to provide emergency financing.

Location of Regulation Governing Disaster Designation Process

The rule is contained in the Federal Register dated July 13, 2012, at <http://www.gpo.gov/fdsys/pkg/FR-2012-07-13/pdf/2012-17137.pdf> 68/77.

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