



United States
Department of
Agriculture

Risk
Management
Agency

1400 Independence
Avenue, SW
Stop 0801
Washington, DC
20250-0801

INFORMATIONAL MEMORANDUM: IS-08-003

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

FROM: William Murphy /s/ *William Murphy* 4/15/08
Deputy Administrator for Insurance Services

SUBJECT: Claims Alert - Damage Due to Herbicide Carry-Over; Failure
to Follow a Good Farming Practice (GFP)

BACKGROUND:

Wheat and other small grains may be stunted or killed due to herbicide carryover when the rotational crop restrictions on chemical labels are not followed. The potential for such injury is exacerbated in periods of drought, particularly extreme drought conditions as experienced in North Carolina during 2007, and which continue into 2008.

The Office of the Inspector General has reported to the Risk Management Agency (RMA) that some North Carolina producers may have planted wheat on acreage following sweet potatoes and/or tobacco on which "Command" herbicide was applied. For all recommended application amounts of Command on sweet potatoes and tobacco, there is a 12-month rotational crop restriction before wheat and other fall planted small grains can be grown safely without herbicide carryover potentially stunting or killing these crops. Furthermore, the abnormally dry conditions that occurred in the four months following application of Command can contribute to increased risk of carryover injury to the next crop.

ACTION:

All causes of loss covered by the Federal crop insurance policy must be due to drought, flood, or other natural disaster as specified in the crop provisions. Approved insurance providers (AIPs) are reminded of the need to verify the previous crop on the acreage and require policyholders to document the production methods they used, including chemical applications made prior to planting the current insured crop. AIPs are encouraged to spot check insured wheat acreage planted after sweet potatoes or tobacco to verify the condition of the crop.

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The Risk Management Agency Administers
And Oversees All Programs Authorized Under
The Federal Crop Insurance Corporation

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Chemical labels are considered published material for the purposes of GFP determinations, i.e., “The label is the law.” Specifically listed as one of the rotational crop precautions on the manufacture’s label for Command is the following: “extreme dryness in the four months following application can contribute to increased injury to the next crop”. Failure to follow label application recommendations for the current insured crop or rotational crop restrictions for the subsequent insured crop is not a GFP. If GFP is not followed, an assessment for uninsured causes of loss is required for yield-based plans of insurance. Such acreage must be removed from the acreage report for Group Risk Plan (GRP) and Group Risk Income Protection (GRIP) plans of insurance.

MGR-05-010 provides that AIPs must make a decision whether production methods used by a producer constitute a GFP. If asked by the AIP, producers must provide the AIP with all relevant facts relating to their agronomic situation. Producers who disagree with the GFP decision made by the AIP may request a GFP determination from the RMA Regional Office serving the area.

DISPOSAL DATE:

This Informational Memorandum is for transmitting information and is consistent with existing policy provisions and procedures.