

For: State and County Offices

**Delegation of Authority to Determine Eligible Adverse Weather Under LIP**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

The LIP regulations and 1-LDAP (Rev. 1) specify eligible loss condition, including eligible adverse weather events.

A review of the regulatory definition for LIP has led to the conclusion that COC’s can perform fact-finding and determine that an eligible adverse weather event or events occurred and if the event or events were directly responsible for livestock losses.

The provisions of regulations and 1-LDAP (Rev. 1) will continue to apply except that a COC can determine an eligible adverse weather event or events were responsible for livestock losses if the criteria are satisfied and the COC decision is documented, according to the provisions of this notice.

To facilitate quicker review of notices of loss and applications for payment, this policy is now effective and will be included in a future amendment to 1-LDAP (Rev. 1).

**B Purpose**

This notice provides guidance and delegates authority for COC to determine eligible adverse weather event(s).

<b>Disposal Date</b>	<b>Distribution</b>
October 1, 2019	State Offices; State Offices relay to County Offices

## 2 Eligible Adverse Weather Event

### A Regulatory Definition

As specified in 1-LDAP (Rev. 1), an eligible adverse weather event is defined as extreme and abnormal damaging weather in the calendar year in which benefits are being requested, is unexpected during the loss period in which it occurred, and directly results in eligible livestock death losses exceeding normal mortality or injury and the sale of eligible livestock at a reduced price. Eligible adverse weather events include, but are not limited to, as determined by DAFP or designee:

- earthquake
- hail
- lightning
- tornado
- tropical storm
- typhoon
- vog, if directly related to a volcanic eruption
- winter storm, if it meets the definition provided in regulations and 1-LDAP (Rev. 1)
- hurricane
- flood
- blizzard
- wild fires
- extreme heat
- extreme cold
- straight-line wind.

Drought is not an eligible adverse weather event except when associated with anthrax and results in the death of eligible livestock.

Some of the eligible adverse weather events are further defined in regulations and 1-LDAP (Rev. 1).

### B Determining Eligible Adverse Weather Event

In addition to the eligible adverse weather events included in subparagraph A, and according to the regulatory definition of eligible adverse weather event, this notice authorizes COC to perform fact-finding to make an eligible adverse weather event determination associated with a notice of loss and application for payment when the COC determines that an event or events meets all of the following 3 conditions:

- extreme weather event
- abnormal (unexpected) weather event not expected to occur during the loss period
- damaging weather event that directly kills or injures livestock.

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### 2 Eligible Adverse Weather Event (Continued)

#### B Determining Eligible Adverse Weather Event (Continued)

COC must document its findings and the weather data used to support a determination of eligible adverse weather event(s) in the COC minutes. The documentation must clearly show that all the conditions were met and that the event or events were directly responsible for the deaths and/or injury of livestock.

All other provisions of 1-LDAP (Rev. 1) continue to apply including STC oversight of COC actions and decisions consistent with this notice, according to 1-LDAP (Rev. 1), paragraph 22.

### 3 Action

#### A State Office Action

The State Office will:

- provide COC's with this notice as guidance in reviewing and determining LIP eligibility
- monitor decisions and COC minutes and ask STC to review cases to either modify or instruct COC to modify or revise any decision not consistent with regulations, 1-LDAP (Rev. 1), and this notice.

#### B County Office Action

The County Office will:

- provide this notice to COC's with the information in 1-LDAP (Rev. 1)
- contact State Office with any questions about the provisions of this notice.