

§ 400.18

FCIC adjusted yield for the same years, and apply the yield index to the area average yield for those years for which the producer does not have acceptable records.

§ 400.18 Responsibilities.

(a) The insured is solely responsible for the timely submission of Form FCIC 19A (APH) to the service office after its completion by the ASCS office.

(b) The service office is responsible for the explanation of the Individual Yield Coverage Plan (IYCP) to the insured, and upon receipt of Form FCIC 19A (APH) is responsible for determining that the form is completed correctly.

§ 400.19 Qualifications for Individual Yield Coverage Plan.

The Insured may elect to substitute the IYCP Yield for the Area Average Yield.

(a) For the producer to qualify for IYCP for any crop year, the completed Form FCIC 19A (APH) must be received in the crop insurance service office not later than the acreage reporting date for the crop and the year.

(b) For a crop to qualify for IYCP, a minimum of 3 years of records of planted acreage and production, under the control of either the landlord or tenant, must be provided to ASCS for all units and be certified by ASCS. Records for up to 10 continuous years shall be used where such records are available and the same farming practices are followed for that period of time. There can be no break in continuity from the most recent crop year through preceding crop years. A year in which no acreage was planted to the crop on the unit or in which a different practice was followed will not be considered a break in continuity.

(c) Either the landlord's or tenant operator's records may qualify either party for the same IYCP guarantee. If a conflict exists between the records of the landlord and the tenant operator, the Corporation will determine which records will be used.

(d) If an insured wishes to obtain an IYCP yield on land newly added to production for the insured, the insured must comply with the provisions of

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this paragraph. If the IYCP yield being requested is for an ASCS program crop and if the added land has an ASCS established yield for that crop of 90 percent or more of the ASCS established yield of the unit to which the land is to be added or of the nearest unit then: When land without satisfactory records is added to a unit satisfactory records, the IYCP average yield will be that of the unit to which the land was added; and when land without satisfactory records is added as a separate unit, the IYCP average yield will be that of the closest unit of the same crop and practice. When the ASCS established farm yields for the added land are less than 90 percent of the program yields for the existing units, the IYCP yields will be the area average yield.

(e) When the yield being requested on land being added is for a crop for which the added land does not have an ASCS established farm yield, the ASCS established farm yield for the crop with the largest ASCS base acreage on the added land will be compared to the program yield for the crop on the existing units to determine if the 90-percent ratio is achieved. If the land is being added to a unit and there is no ASCS established farm yield on either the added land or the units or both to compare, the IYCP yield will be the area average yield. If the land is being added as a separate unit, and the nearest unit has no ASCS established farm yield to compare to the added unit, the next nearest unit will be used. If no comparable yields are available on any unit, the yield of the added unit will be the area average yield.

(f) If a producer disposes of his entire operation and begins operation on completely different units, the new units will be compared to the old units in accordance with paragraphs (d) and (e) of this section, for adding new units.

(g) When land is being added but less than 3 continuous years of acceptable records are available, the acceptable production and acreage records will be used for the years they are available and paragraphs (d) and (e) of this section will be used for the years when adequate records are not available.

(h) When participation in IYCP is continuous, ASCS certification under this part for up to 10 years, dropping

the highest and lowest yield in the 10-year period, will be used in calculating the IYCP average yield. When an insured has previously participated in IYCP, he must have at least the most recent three years records of production acceptable to ASCS. These records and all records previously certified by ASCS up to 10 years, will be used to ascertain the new yield.

(i) The premium shall be contained in the actuarial table and will be the same as applicable under the Area Coverage Plan.

§ 400.20 Modifications through individual certification of yield (Individual Certified Yield Plan—IYCP).

(a) In addition to the provisions contained in §§ 400.15 through 400.19 of this part, producers who customarily feed crop production to livestock or poultry, and who are unable to provide adequate records sufficient to become eligible for the IYCP Plan, will be considered for eligibility for the Individual Certified Yield Plan (ICYP) in certain counties as announced by the Manager, FCIC.

(b) To qualify for this plan, producers must agree to the conditions contained herein and provide information to the county ASCS office including but not limited to, the following:

(1) Satisfactory acreage and yield records for at least the most recent crop year.

(2) Acreage and yield records for the prior crop years even though such records may be incomplete.

(3) Feeding records, fertilization and liming records, soil conservation methods used, land tillage practices, insecticide and herbicide records, planting pattern and population data, and equipment adequacy information as available.

(4) Certification of acreage and yield data for the previous 2nd and 3rd years when written records are unavailable.

(5) Agreement to disregard to the extent required by FCIC any unit division guideline provisions of the crop insurance policy.

(6) Records of acreage and yield for each future year that the insurance is in force. (Failure to provide such records in accordance with the provisions of §§ 400.17 and 400.19 will result in

insurance being based on the area coverage plan.)

(7) Agreement to convert to the IYCP for determining yields as soon as 3 consecutive years acreage and yield records are available.

(8) Producer certified yields will be reviewed by FCIC and may be adjusted by the Corporation prior to the final yield determination by ASCS.

(9) The producer may request FCIC to assist in establishing satisfactory acreage and yield information through field appraisals of potential production, bin measurements, etc. FCIC will determine if any evidence offered by the producer is relevant to the determination of yield on the unit.

(10) The producer must request the certified yield plan in accordance with the provisions of §§ 400.17 and 400.19 from the county ASCS office.

(11) The premium per acre shall be the production guarantee per acre under this plan times the applicable price election, times the applicable premium rate for the crop insured, times any applicable premium adjustment factor.

§ 400.21 OMB control numbers.

OMB control numbers are contained in subpart H of part 400 in title 7 CFR.

Subpart C—General Administrative Regulations; Mutual Consent Cancellation

AUTHORITY: 7 U.S.C. 1501 *et seq.*

SOURCE: 57 FR 56438, Nov. 30, 1992, unless otherwise noted.

§ 400.27 Applicability.

Notwithstanding any provisions of the crop insurance policy to the contrary, the mutual consent provision contained herein shall be applicable to all new crop insurance policies issued by the Federal Crop Insurance Corporation (7 CFR part 401 *et seq.*), or by a company reinsured by the Federal Crop Insurance Corporation, effective for the applicable crop year only if those policies meet the requirements of § 400.28 of this subpart and if the crop insured is the same as the crop for which a disaster payment application