

PART 1945—EMERGENCY**Subpart A—Disaster Assistance—General**

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Subpart A—Disaster Assistance—General

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§ 1945.1 [Reserved]**§ 1945.2 Purpose.**

This subpart describes and explains the types of incidents which can result in an area being determined a disaster area, thereby making qualified farmers in such areas eligible for Farmers Home Administration (FmHA) or its

successor agency under Public Law 103-354 Emergency (EM) loans. With respect to natural disasters, it sets forth the responsibility of the Secretary of Agriculture; the factors used in making a natural disaster determination; the relationship between FmHA or its successor agency under Public Law 103-354 and the Federal Emergency Management Agency (FEMA); the method for establishing and using Emergency Loan Support Teams (ELST) and Emergency Loan Assessment Teams (ELAT); the training of FmHA or its successor agency under Public Law 103-354 personnel; and disaster related public information functions. The natural disaster determinations/notifications made under this subpart do not apply to any program other than the FmHA or its successor agency under Public Law 103-354 EM loan program. FmHA or its successor agency under Public Law 103-354's policy is to make EM loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract) as provided by law.

§§ 1945.3-1945.4 [Reserved]**§ 1945.5 Abbreviations.**

The following abbreviations are used in this subpart.

- (a) ASCS—Agricultural Stabilization and Conservation Service.
 (b) DAR—Damage Assessment Report.
 (c) ELAT—Emergency Loan Assessment Team.
 (d) ELST—Emergency Loan Support Team.
 (e) EM—Emergency.
 (f) EOH—USDA Emergency Operations Handbook.
 (g) FAC—Food and Agriculture Council.
 (h) FCIC—Federal Crop Insurance Corporation.
 (i) FCO—Federal Coordinating Officer.
 (j) FEMA—Federal Emergency Management Agency.
 (k) FmHA—Farmers Home Administration or its successor agency under Public Law 103-354.

(l) LFAC—Local Food and Agriculture Council.

(m) NASS—State Statistical Office of the USDA National Agricultural Statistics Service.

(n) OMB—Office of Management and Budget.

(o) SBA—Small Business Administration.

(p) SFAC—USDA State Food and Agriculture Council.

(q) USDA—United States Department of Agriculture.

§ 1945.6 Definitions.

The following definitions are applicable to this subpart:

(a) *Applicant*. The person or entity carrying on the farming operation at the time of the disaster and requesting EM loan assistance from FmHA or its successor agency under Public Law 103-354.

(b) *County*. A local administrative subdivision of a State or a similar political subdivision of the United States.

(1) *Primary county*. A county determined to be a disaster area.

(2) *Contiguous county*. A county that touches a primary county at any point.

(c) *Disaster*. A natural disaster, as determined by the Secretary of Agriculture or the FmHA or its successor agency under Public Law 103-354 Administrator, or a major disaster or emergency declared by the President.

(1) *Major disaster*. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the "Disaster Relief Act of 1974," above and beyond normal emergency services available from Federal, State and local governments.

(2) *Presidential emergency*. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which is of such magnitude that the

President makes a declaration requiring Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

(3) *Natural disaster*. A disaster in any part of the United States in which unusual and adverse weather conditions or other natural phenomena have substantially affected farmers by causing severe physical property losses and/or severe production losses within a county. Except where otherwise specified, the use of the term county or similar political subdivision is for administrative purposes only.

(i) Unusual and adverse weather conditions or natural phenomena include such things as:

(A) A major single natural occurrence or event such as a blizzard, cyclone, earthquake, hurricane or tornado.

(B) A single storm, or series of storms, accompanied by severe hail, excessive rain, heavy snow, ice and/or high wind.

(C) An electrical storm.

(D) A severe weather pattern over a period of time which, due to excessive rainfall, unusual lack of rainfall, or periods of high or low temperatures, causes flooding, substantial water damage, drought or freezing, or which results in the spreading and flourishing of insects or pests, or in plant or animal diseases spreading into epidemic proportions, or prevents the control of fire, however caused.

(ii) Severe *physical* property losses are those which the Administrator determines prior to a natural disaster determination by the Secretary, to be severe, and to have caused extensive damage to or destruction of, physical farm property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; livestock, livestock products; poultry; poultry products; growing crops (see § 1945.163(b)(11) of subpart D of part 1945 of this chapter); harvested crops, and supplies which, if not repaired or replaced, would make it impossible for farmers affected by the unusual and adverse weather conditions to continue operating their farms on a sound basis.