

paid in accordance with the Crop Provisions, and any applicable endorsement.

(2) Even if another person plants the second crop on any acreage where the first insured crop was planted.

(3) If you fail to provide any records we require to determine whether an insurable loss occurred for the second crop.

(c) You may receive a full indemnity for a first insured crop when a second crop is planted on the same acreage in the same crop year, regardless of whether or not the second crop is insured or sustains an insurable loss, if each of the following conditions are met:

(1) It is a practice that is generally recognized by agricultural experts or the organic agricultural industry for the area to plant two or more crops for harvest in the same crop year;

(2) The second or more crops are customarily planted after the first insured crop for harvest on the same acreage in the same crop year in the area;

(3) Additional coverage insurance offered under the authority of the Act is available in the county on the two or more crops that are double cropped; and

(4) You provide records acceptable to us of acreage and production that show you have double cropped acreage in at least two of the last four crop years in which the first insured crop was planted, or that show the applicable acreage was double cropped in at least two of the last four crop years in which the first insured crop was grown on it.

(d) The receipt of a full indemnity on both crops that are double cropped is limited to the number of acres for which you can demonstrate you have double cropped or that have been historically double cropped as specified in section 21(c).

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PART 457—COMMON CROP INSURANCE REGULATIONS

■ 18. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

■ 19. Amend § 457.8, Common Crop Insurance Policy Basic Provisions, as follows:

■ a. Amend section 1 by adding definitions for “Actual Production History (APH),” “actual yield,” “agricultural experts,” “area,” “average yield,” “buffer zone,” “certified organic acreage,” “certifying agent,” “conventional farming practice,” “cover crop,” “double-crop,” “first insured crop,” “generally recognized,” “organic agricultural industry,” “organic farming practice,” “organic plan,” “organic standards,” “prohibited substance,” “replanted crop,” “second crop,” “sustainable farming practice” and “transitional acreage;” and revising the definitions of “approved yield,” and “good farming practices;”

■ b. Redesignate sections 3(e) through (h) as sections 3(f) through (i), respectively and add new section 3(e);

■ c. Amend section 9(a)(5) by removing “or” at the end of the text;

■ d. Amend section 9(a)(6) by removing the period “.” at the end of the text and replacing it with a semicolon “;”;

■ e. Amend section 9(a) by adding new sections 9(a)(7) and (8);

■ f. Amend section 14 by revising (Your Duties) 14(d) and 14(d)(1), redesignating section 14(f) as 14(g) and adding section 14(f);

■ g. Amend section 14 (Our Duties) by revising sections 14(a), and 14(a)(1) and (2);

■ h. Amend section 15 by revising the section heading, redesignating section 15(e) as section 15(j), and adding new sections 15(e) through (i);

■ i. Amend the first sentence of section 17(c) to add the words “except as specified in section 15(f)” after the word “acreage” and before the period at the end of the sentence;

■ j. Amend section 17(e)(1) by removing “or (5)” at the end of the first sentence;

■ k. Amend the first sentence of section 17(e)(1)(i)(A) by replacing the words “substitute crop other than an approved cover” with “second” and adding “unless you meet the double cropping requirements in section 17(f)(4)” before the closing parentheses;

■ l. Revise sections 17(f)(4) and (5);

■ m. Remove current section 17(f)(6) and redesignate sections 17(f)(7) through (12) as 17(f)(6) through (11) respectively;

■ n. Revise section 20. Appeals (For FCIC policies);

■ o. Revise section 20. Arbitration (For reinsured policies);

■ p. Amend section 34(c)(1) by removing “and” at the end of the text;

■ q. Amend section 34(c)(2) by replacing the period at the end of the text with “; and”;

■ r. Amend section 34(c) by adding section 34(c)(3);

■ s. Revise section 36; and

■ t. Add a new section 37.

The revised and added sections read as follows:

§ 457.8 The application and policy.

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Terms and Conditions

Basic Provisions

1. Definitions.

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Actual Production History (APH). A process used to determine production guarantees in accordance with 7 CFR part 400, subpart (G).

Actual yield. The yield per acre for a crop year calculated from the production records or claims for indemnities. The actual yield is determined by dividing total production (which includes harvested and appraised production) by planted acres.

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Agricultural experts. Persons who are employed by the Cooperative State Research, Education and Extension Service or the agricultural departments of universities, or other persons approved by FCIC, whose research or occupation is related to the specific crop or practice for which such expertise is sought.

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Approved yield. The actual production history (APH) yield, calculated and approved by the verifier, used to determine the production guarantee by summing the yearly actual, assigned, adjusted or unadjusted transitional yields and dividing the sum by the number of yields contained in the database, which will always contain at least four yields. The database may contain up to 10 consecutive crop years of actual or assigned yields. The approved yield may have yield adjustments elected under section 36, revisions according to section 3(d) or (e), or other limitations according to FCIC approved procedures applied when calculating the approved yield.

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Area. Land surrounding the insured acreage with geographic characteristics, topography, soil types and climatic conditions similar to the insured acreage.

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Average yield. The yield, calculated by summing the yearly actual, assigned, adjusted or unadjusted transitional yields and dividing the sum by the number of yields contained in the database, prior to any adjustments, including those elected under section 36, revisions according to section 3(d) or (e), or other limitations according to FCIC approved procedures.

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Buffer zone. A parcel of land, as designated in your organic plan, that separates agricultural commodities grown under organic practices from agricultural commodities grown under non-organic practices, and used to minimize the possibility of unintended contact by prohibited substances or organisms.

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Certified organic acreage. Acreage in the certified organic farming operation that has been certified by a certifying agent as conforming to organic standards in accordance with 7 CFR part 205.

Certifying agent. A private or governmental entity accredited by the USDA Secretary of Agriculture for the purpose of certifying a production, processing or handling operation as organic.

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Conventional farming practice. A system or process for producing an agricultural commodity, excluding organic farming practices, that is necessary to produce the crop that may be, but is not required to be, generally recognized by agricultural experts for the area to conserve or enhance natural resources and the environment.

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Cover crop. A crop generally recognized by agricultural experts as agronomically sound for the area for erosion control or other purposes related to conservation or soil