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USDA Publishes Advance Notice of Proposed Rulemaking on New Framework for Livestock Disease Indemnity Valuation

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WASHINGTON, September 6, 2022 – The United States Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) is publishing an advance notice of proposed rulemaking (ANPR) to solicit public comments on a new approach to indemnity valuation and a new indemnity framework. This approach aims to standardize and provide greater consistency to the livestock indemnification process.

The ANPR describes two structural changes to the indemnity regulations. The first is the use of an annual indemnity value table to standardize the indemnification process and resolve discrepancies between disease programs. The current regulations for valuing animals for indemnification vary from species to species and, in some cases, from disease to disease within the same species. Under the new approach outlined in the ANPR, APHIS would collaborate with other USDA agencies—including the Farm Service Agency’s Livestock Indemnity Program—to develop harmonized USDA indemnity values, along with the methodology to

determine them. These values would be published online annually.

Second, the ANPR describes an approach to standardize allowances for appraisal when an indemnity value cannot be calculated using the tables or when a producer elects to appeal the indemnity value based on extraordinary circumstances surrounding the animals at issue. This approach would resolve known challenges with indemnification based on fair market appraisal by an appraiser.

The ANPR also outlines the potential consolidation of all APHIS indemnity regulations into a single section of the Code of Federal Regulations. This would harmonize how APHIS addresses value determination, compensation for cleaning and disposal, and other related issues across existing programs.

APHIS is publishing the ANPR to solicit comments to inform future rulemaking. Specifically, we are seeking comments on the standardized approach to indemnity valuation and how it may affect members of the public, as well as any suggestions to improve it. We are also seeking input on whether any species or commodity classes would not benefit from consolidation, whether consolidation would significantly alter disease management, and any other concerns.

This ANPR may be viewed in today's Federal Register at <https://www.federalregister.gov/public-inspection/2022-19260/indemnity-regulations>. Beginning tomorrow, members of the public may submit comments at www.regulations.gov. All comments must be received by November 6, 2022. APHIS will carefully review and consider all comments before developing a proposed rule.

USDA touches the lives of all Americans each day in so many positive ways. In the Biden-Harris Administration, USDA is transforming America's food system with a greater focus on more resilient local and regional food production, fairer markets for all producers, ensuring access to safe, healthy and nutritious food in all communities, building new markets and streams of income for farmers and producers using climate smart food and forestry practices, making historic investments in infrastructure and clean energy capabilities in rural America, and committing to equity across the Department by removing systemic barriers and building a workforce more representative of America. To learn more, visit www.usda.gov.