

§ 1416.303 Eligible owners and contract growers.

(a) In addition, to other eligibility rules that may apply, to be eligible as a:

(1) Livestock owner for benefits with respect to the death of an animal or sale of an injured animal at a reduced price under this subpart, the applicant must have had legal ownership of the eligible livestock on the day the livestock died or was injured and sold at a reduced price and under conditions in which no contract grower could have been eligible for benefits with respect to the animal. Eligible types of animal categories for which losses can be calculated for an owner are specified in § 1416.304(a).

(2) Contract grower for benefits with respect to the death of an animal, the animal must be in one of the categories specified on § 1416.304(b), and the contract grower must have had,

(i) A written agreement with the owner of eligible livestock setting the specific terms, conditions, and obligations of the parties involved regarding the production of livestock;

(ii) Control of the eligible livestock on the day the livestock died; and

(iii) A risk of loss in the animal.

(b) A livestock owner or contract grower seeking payment must be an eligible producer as defined in subpart A of this part and other applicable USDA regulations.

(c) All of an eligible livestock owner's or contract grower's interest in livestock in a physical location county must be taken into account and summarized by livestock unit when determining the extent of payment eligibility.

(d) Livestock owners are eligible for benefits for injured animals sold at reduced price only when those animals are not in a contract grower's inventory for which a contract grower seeks benefits for death losses. Contract growers are not eligible for benefits for injured animals sold at a reduced price.

[79 FR 21097, Apr. 14, 2014, as amended at 83 FR 49469, Oct. 2, 2018]

§ 1416.304 Eligible livestock.

(a) To be considered eligible livestock for livestock owners, the kind of

livestock must be alpacas, adult or non-adult dairy cattle, beef cattle, beefalo, bison, buffalo, elk, emus, equine, llamas, sheep, goats, swine, poultry, deer, ostriches, or reindeer and meet all the conditions in paragraph (c) of this section.

(b) To be considered eligible livestock for contract growers, the kind of livestock must be poultry or swine and meet all the conditions in paragraph (c) of this section.

(c) To be considered eligible livestock for the purpose of generating payments under this subpart, livestock must have:

(1) Died as a direct result of an eligible loss condition:

(i) With the eligible loss condition occurring in the program year for which benefits are sought;

(ii) No later than 30 calendar days for livestock, or 7 calendar days for newborn livestock, from the ending date of the eligible loss condition; or

(2) Been injured and sold at a reduced price as a direct result of an eligible adverse weather event or eligible attack no later than 30 calendar days for livestock, or 7 calendar days for newborn livestock, from the ending date of the eligible adverse weather event or eligible attack.

(3) Been produced or maintained for commercial use for livestock for the production of livestock products such as milk or eggs as part of a farming operation on the day they died or until the event that resulted in their sale at a reduced price; and

(4) Not be produced or maintained for reasons other than commercial use for livestock sale or for the production of livestock products such as milk or eggs. Livestock excluded from being eligible include, but are not limited to, wild free roaming animals and animals produced or maintained for consumption by the owner or contract grower, livestock used for recreational purposes, livestock used for pleasure, hunting, roping, pets, or for show.

(d) The following categories of animals owned by a livestock owner are eligible livestock and calculations of eligibility for payments will be calculated separately for each producer with respect to each category:

(1) Adult beef bulls;

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- (2) Adult beef cows;
- (3) Adult beefalo bulls;
- (4) Adult beefalo cows;
- (5) Adult buffalo or bison bulls;
- (6) Adult buffalo or bison cows;
- (7) Adult dairy bulls;
- (8) Adult dairy cows;
- (9) Alpacas;
- (10) Chickens, broilers, pullets (regular size);
- (11) Chickens, chicks;
- (12) Chickens, layers;
- (13) Chickens, pullets or Cornish hens (small size);
- (14) Chickens, roasters;
- (15) Chickens, super roasters or parts
- (16) Deer;
- (17) Ducks;
- (18) Ducks, ducklings;
- (19) Elk;
- (20) Emus;
- (21) Equine;
- (22) Geese, goose;
- (23) Geese, gosling;
- (24) Goats, bucks;
- (25) Goats, nannies;
- (26) Goats, kids;
- (27) Llamas;
- (28) Non-adult beef cattle;
- (29) Non-adult beefalo;
- (30) Non-adult buffalo or bison;
- (31) Non-adult dairy cattle;
- (32) Reindeer;
- (33) Sheep, ewes;
- (34) Sheep, lambs;
- (35) Sheep, rams;
- (36) Swine, suckling pigs, nursery pigs under 50 pounds;
- (37) Swine, lightweight barrows, gilts 50 to 150 pounds;
- (38) Swine, sows, boars, barrows, gilts 151 to 450 pounds;
- (39) Swine, boars, sows, 450 pounds or more;
- (40) Turkeys, poults;
- (41) Turkeys, toms, fryers, and roasters; and
- (42) Ostriches.
- (e) The following categories of animals are eligible livestock for contract growers and calculations of eligibility for payments will be calculated separately for each producer with respect to each category:
 - (1) Chickens, broilers, pullets (regular size);
 - (2) Chickens, chicks;
 - (3) Chickens, layers;
 - (4) Chickens, pullets or Cornish hens (small size);

- (5) Chickens, roasters;
- (6) Chickens, super roasters or parts;
- (7) Ducks;
- (8) Ducks, ducklings;
- (9) Geese, goose;
- (10) Swine, boars, sows;
- (11) Swine, suckling nursery pigs;
- (12) Swine, lightweight barrows, gilts 50 to 150 pounds;
- (13) Swine, sows, boars, barrows, gilts 151 to 450 pounds;
- (14) Swine, boars and sows 450 pounds or more;
- (15) Turkeys, poults; and
- (16) Turkeys, toms, fryers, and roasters.

(f) Ineligible livestock for the purpose of generating payments under this subpart include those livestock that died due to disease that is not an eligible disease; eligible livestock suffering injury due to disease or eligible disease which are sold for reduced price; and any eligible livestock that died or were injured by anything other than an eligible loss condition.

[83 FR 49469, Oct. 2, 2018, as amended at 85 FR 10966, Feb. 26, 2020]

EDITORIAL NOTE: At 85 FR 10966, Feb. 26, 2020, §1416.304 (c)(3) was amended; however the words “sale of” could not be removed because they do not exist in text.

§ 1416.305 Application process.

(a) A notice of loss must be accompanied by documentation acceptable to FSA substantiating that the claimed eligible loss condition occurred and was responsible for eligible losses. For any notice of loss being submitted for disease exacerbated by eligible adverse weather, the notice of loss must be accompanied by a certification referenced in paragraph (g) of this section.

(b) A livestock owner or contract grower that suffered livestock losses must:

(1) Provide a notice of loss, by livestock unit, to FSA by the later of 30 calendar days of when the loss of livestock is first apparent to the livestock owner or contract grower or December 3, 2018.

(2) Submit the notice of loss required in this section to the FSA county office responsible for servicing the physical location county where the loss occurred.