US Federal Crop Insurance Policy: Equity and Access for Small Producers

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Introduction

As a piece of "omnibus legislation" the Farm Bill has the capacity — and many still hope the potential — to address and correct many of the injustices that persist in US agricultural policy. In 1920, African-American farmers owned 15% of farms in the U.S. In 2002, they owned only 1% (Ryan, 2007). Minority groups make up roughly 36.3% of the U.S. population post-2010, but only 7.75% of farm owners and operators (Ackerman, 2012). In 2007, socially disadvantaged minorities represented eight percent of farmers yet received only two to four precent of federal loan payments. This has been largely attributed to the fact that, "the crops that farmers of color grow are clearly not where the money is. Only two percent of oilseed and grain farmers and three percent of dairy farmers are farmers of color. In contrast, 18 to 20 percent of farms that grow vegetables, melons, fruits and tree nuts are operated by farmers of color" (Ackerman et al, 2012, p. 2).

In 2008, Congress created the USDA Office of Advocacy and Outreach with the specific aim of coordinating access to financial and technical assistance programs for socially disadvantaged farmers and ranchers. In 2007, African American farmers who received federal commodity loans received only 32% of the average loan given to white farmers (Ackerman et al, 2012). Oxfam reports put this number at 37% in 2002, suggesting black farmers are actually experiences increasing disparity (Ryan, 2007). This is true for women as well, who are more likely to operate small-scale farms under organic and/or sustainable agricultural practices (Lipson 2004). Unfortunately, the 2012 Farm Bill legislation is stalled, leading many to already refer to it as the 2013 Farm Bill. Programs that have been proven to be beneficial to the lives and livelihoods of socially disadvantaged farmers are at risk of reduced or eliminated funding and support. One of the major programs of the Farm Bill is federal crop insurance, a program designed to protect farmers but highly contested as discriminatory.

The Evolution of Federal Crop Insurance

The farm crisis of the Depression era in the United States, triggered by overzealous and speculative planting, incited the federal government to create support programs. Out of this crisis, the Farm Bill emerged as an ambitious set of farm support programs, including "credit and crop insurance programs [that] provided financial mechanisms in response to the early and late season needs of farmers" (Imhoff, 2008, p. 35). While this marks the first federal crop insurance program, crop insurance in the United States predates this event. Hail insurance was first offered in 1880 when a group of tobacco growers in Connecticut joined together and organized a company. The group was discontinued after only seven years, but had set a precedent and was followed by other hail insurance organizations. By 1919, hail insurance

protection had increased to $560 million, with the greatest amount going to the corn belt in Iowa, Illinois, Kansas, Minnesota, Nebraska and North Dakota (Harms, n.d.).

The 1930s brought about the emergence of the first federally supported multiple peril crop insurance program. The Federal Crop Insurance Corporation (FCIC) was created by Congress in 1938 with three primary objectives: protect farmer incomes against crop failure or price collapse, protect consumers against shortages and extreme prices, and assist businesses by providing an even flow of farm supplies. In its original form, the program was delivered by the Agricultural Stabilization and Conservation Service (ASCS) and insurance was available only for wheat and cotton (Harms, no date). Two important aspects come out of this original program design: first, the three-pronged objective of protecting farmers, consumers, and business, and second, the lack of diversity in crop coverage. These initial programs were characterized by low participation, high premiums, and heavy losses. This resulted in a temporary discontinuation of the program in the early 1940s, and when the program was restored it was delivered solely through the FCIC (ibid.).

The 1980 Crop Insurance Act marked the birth of the present federal crop insurance program with the beginning of public-private partnerships in program delivery. The goal was to establish a better system of protection for American farmers than the ad hoc disaster payments, as well as to increase farmer participation in the programs (Harms, n.d.). Crop insurance would reduce variability of returns for farmers without affecting the average returns in crop production. In years with heavy losses, farmers' returns would be higher than without insurance payouts (Lubowski et al, 2006). The private sector was accorded a major role in marketing the program to farmers and increasing participation. The program expanded dramatically and the number of county crop programs grew from less than 5,000 to over 15,000 in only three years, and by 1990 nearly all counties in the nation were represented. In addition, by 1990 the number of crops for which an insurance program was available increased to 50. The United States Department of Agriculture (USDA) continued to provide disaster assistance outside of crop insurance in the form of direct cash payments and subsidized loans (Harms, n.d.).

The Crop Insurance Reform Act of 1994 eliminated the ad hoc disaster response payments that had remained throughout the 1980s and early 90s. The Act increased premium subsidies for all insurance products while adding catastrophic coverage and revenue insurance options. After 1994, insured acres more than doubled from 90 million acres prior to the Act to 212 million acres post-2000 (Lubowski et al, 2006). Government subsidies similarly increased from $200 million in 1991 to $5.4 billion in 2009 (White & Hoppe, 2012). The administration and delivery of these nation-wide standing insurance programs were not manageable by government alone, and private industry recognized and capitalized on the opportunity. What began as insurance companies taking a more leading role in the public-private partnership quickly transitioned to a wholly privatized system. Private industry has assumed exclusive responsibility for delivering catastrophic coverage in fourteen states. Since this time, Congress has continued to rely heavily on the insurance regime as its sole method for

delivering assistance to farmers, and has consistently drafted legislation that has ensured the involvement of private insurance firms. (Harms, n.d., p. 3). Harms is certainly not alone in the perspective that the viability of multi-peril crop insurance programs depends on the continuing participation of private insurers and argues that due to this privatization, "the American farm has more and better options to manage risks than at any time in history" (p. 4).

The Agricultural Risk Protection Act (ARPA) of 2000 introduced substantial changes to crop insurance. ARPA increased the subsidy rate for higher levels of coverage and subsequently led to an increase in program participation in these levels of insurance product. The 2008 Farm Act made crop insurance mandatory for farmers wanting to participate in the Supplemental Revenue Assistance Payments (SURE), a program designed to respond crop loss due to natural disasters (White & Hoppe, 2012).

Crop Insurance Today

Harms (n.d.) offers a succinct overview of the evolution of federal crop insurance subsidies, which continues to be a keystone feature in every Farm Bill. Administered by the USDA Risk Management Agency (RMA), crop and farm protection is covered under both Title I – establishing the Agriculture Risk Coverage (ARC) program – and Title XI — outlining federal crop insurance. At its core it is like any other insurance scheme, available "to producers who purchase a policy to protect against individual farm losses in yield, crop revenue, or whole farm revenue" (Chite, 2012, p. 7). Producers select the coverage they desire from a range of programs and absorb their initial losses through a deductible. There are policies available for commodity crops including wheat, corn, soybeans, cotton, peanuts, and rice, as well as specialty crops, fruit trees, pasture, rangeland, and forage crops (ibid.).

The proposed 2012 Bill includes a few significant changes to Title XI. Producers will be able to buy a Supplemental Coverage Option (SCO), based on expected county yields or revenue, as an additional policy. If a producer's loss exceeds 10% of normal, acceptable losses, they can be covered up to 85% of individual yield or 90% of area yield. SCO also pays all or part of the producers' deductible. Essentially, it sets revenue guarantees based on expected county revenue (Chite, 2012). The reauthorization strengthens support for beginning farmers/ ranchers, including fee waivers and premium assistance that is ten percentage points greater than provided to others. The new Bill also requires the USDA to conduct greater research on whole farm revenue insurance with higher coverage levels than currently available, and expands insurance programs for specialty crops. It also includes a provision for the FCIC to conduct a pilot program that would provide financial assistance to producers of underserved (e.g. specialty) crops and livestock to purchase index-based weather insurance products from private companies (ibid). The Senate version of the current bill "makes federally subsidized crop insurance the centerpiece of the farm program" (Abbott, 2012). Passing by an overall 2-1 margin, the Senate's bill would compensate growers when revenue from a crop falls, rather than propping up prices (ibid.).

Who's At the Table?

The current strategy of the federal government, apparent in the program's evolution, is for insurance policies to be sold and serviced through private firms. The losses of these firms are then reinsured by the USDA, which also subsidizes their administrative and operating costs (Chite, 2012). Presently, it is also important to take note that a handful of private companies have successfully situated themselves at the top of the crop insurance game. In 2010, an acquisition of Ramsey, Minnesota-based NAU Country Insurance Co and its associated companies, made QBE Insurance Group Ltd. the third largest writer of direct multiperil corp insurance in the United States. Purchasing NAU Group for just over half a million dollars, QBE took control of 10.85% of the multi-peril crop market. This falls just behind the two top companies, ACE Ltd's INA Group with 16.89% of the market, writing $1.73 billion in direct insurance premiums, and Wells Fargo & Co with 16.9% of the market. Combined, these three companies control nearly half (44.64%) of multi-peril crop insurance across the country (Durkin, 2010). Citing the acquisition as in line with QBE's overall strategy of enhancing product diversification and distribution, it nevertheless points to a common modern trend in business — corporate consolidation and conglomeration. With only a small handful of behemoth companies providing insurance products to farmers, there is both little choice for producers and little incentive for companies to be concerned if small farmers cannot afford the products that greatly assist their unpredictable businesses.

The growth of the crop insurance program in the US is clearly documented. The amount that the USDA pays of each $1 of the insurance premium has steadily risen, currently at about 60 cents. In the early 2000s, insurance covered approximately 75% of the national corn crop. In 2011, it covered 85%. Farmers have also increased their level of protection: "In 2004, farmers who took out policies at 75 percent or more coverage represented less than 40 percent of the total sum of insured acres. By last year that share had risen to 63 percent" (Berkowitz & Polensek, July 20 2012). In this case, "farmers" refers primarily to larger farmers in the US Corn Belt. This is exemplified in the fact that lobbyists defending crop insurance programs against threatened cuts primarily represent corn and soybean growers (Abbott, March 5, 2013). In the face of potential cuts, soybean farmers suggested a new blueprint, suggesting it would support and benefit all farmers and crops. The blueprint, supported by Danny Murphy of the American Soybean Association (ASA), calls for higher target prices to trigger payments to grain and oilseed growers when returns are low, and a new layer of federally subsidized crop insurance for more protection against losses. This was cited by Murphy as a plan to "heal a rift that divided Southern growers of rice and peanuts from Midwestern corn and soybean farmers" (Abbott, March 12 2013). This quote illustrates the extent to which crop insurance serves to benefit the larger commodity producers around the country. The framework proposed by ASA unites these large-scale rice, wheat, soy, and peanut farmers, rather than all crops as Murphy has claimed.

As the cost of crop insurance has risen, it has been criticized, primarily by

fiscal conservatives, as being too generous to farmers and a small group of large insurance companies (Abbott, June 21 2012). Senator Jeff Flake (R-AZ) and Representative John Duncan (R-TN), filed bills to cut $40 billion from the crop insurance program by returning the subsidy levels to 38 cents on the dollar. Despite this criticism, President Obama's current Agriculture Secretary, Tom Vilsack, has gone on record calling for a greater farm safety net "built on the federally subsidized crop insurance system" (Abbott, January 15 2013). This is part of a larger movement to reduce the direct payment program, which has come under fire as wasteful and inequitably distributed.

The Crop Insurance Program has been consistently expanded, with efforts to include greater protection for specialty (e.g., fruit and vegetable) crops. However, as is clear in the literature, the program predominantly favors a handful of commodity and trade crops such as cotton, corn, wheat, soybeans, rice, and peanuts. Seventy-four percent of the total crop insurance premiums in 2002 came from just corn, soy, wheat, and cotton (House Agricultural Committee Hearing No. 108-13, 2003). These, of course, tend to be grown by large-scale, industrial producers. In addition, the expansion of crop insurance is often cited in terms of number of acres insured, which illuminates little regarding the number or demographics of farmers receiving insurance for their crops. A statement by John C. Watkins, Legislative Chairman of the American Nursery & Landscape Association, noted that "the structure of commissions paid to the [insurance] agent encourages concentration on serving the needs of the largest 9 or 10 clients, but there is insufficient incentive for agents to reach out and target a lot of the smaller operations, which typically family operations and particularly nursery operations wind up being" (ibid., p. 8). The system incentivizes an inefficient and inequitable delivery of services that results in inadequate access by small producers. Large-scale producers are further privileged by the requirement that a grower must have produced a minimum amount of crop in the previous year to qualify to enter into insurance programs (ibid.).

In the past decade, the federal government has taken steps to improve crop insurance programs for specialty crops. In a House Committee on Agriculture hearing in 2003, Representative Moran of Kansas stated that, "crop insurance is an increasingly important risk management tool for many farmers, including our nurserymen, citrus growers and fruits and vegetable producers. The Agricultural Risk Production Act of 2000 made progress in improving insurance availability for specialty crop producers" (108-13, pp. 1-2). Coverage for specialty crops doubled between 1998 and 2002, but small-scale producers continue to face difficulties in obtaining coverage for their crops (ibid.). Despite this, specialty crop insurance programs that the government has piloted have skewed market conditions and production competitiveness (ibid.).

In addition, a brief analysis of the witnesses that were present at Hearing No. 108-13 on specialty crop insurance is illustrative of the overall bias against specialty crop producers. Witnesses offering testimonials were overwhelmingly representatives of either crop insurance agencies or grain, soybean, and sugarbeet growers associations. Of the five hearings conducted during 2003, thirty-three witnesses presented in-person testimonials before the

congressional representatives. Of those thirty-three, five represented groups of specialty growers and include one fruit and vegetable growers association, one nursery and landscape association, the US Sweet Potato Council, the US Apple Association, and the Society of American Florists. In contrast, there were testimonies from eleven grain growers associations, three oilseed associations, and two cotton growers associations, meaning nearly half the testimonials were from commodity crop interests.[1]

Crop Insurance and Socially Disadvantaged Farmers

As in all other areas of agricultural production and programs, minority and women farmers have been historically discriminated against in crop insurance delivery. The second largest program in the Farm Bill, it has steadily increased from US $2 billion in 2001 to US$11 billion in 2011. Subsidies are given without limits on how much an individual business can collect, and "the program sets up an unfair playing field that benefits the largest, most profitable farm businesses that least need public support" (Hamerschlag, 2013). In 2012, twenty-six policyholders received over US$1 million in premium subsidies. Nearly 80% of all insurance funding went to the top 20% of recipients, while 80% of recipients received an average of US$5,000 (ibid.).

The University of Florida Center for Organic Agriculture conducted a study in 2007 of Hispanic-Latino Farmers participating in or interacting with agricultural extension programs. The researchers surveyed extension professionals and Hispanic farmers regarding the needs of Hispanic farmers in the United States in order to both understand the needs of this vulnerable demographic and identify any discord between perceptions of needs among agricultural professionals and the farmers themselves. Extension professionals are responsible for providing their clients (e.g., farmers) with information and assistance regarding available agriculture programs and services (e.g., crop insurance) to help the farmers achieve their goals. The researchers divided the farmers into six sub-groups based on goals of their business: beginning farmers, farmers hoping to retire, farmers hoping to maintain traditions and keep farming in the family, farmers wanting to expand, farmers hoping to simply maintain their business, and immigrant farmers.

Three important aspects related to crop insurance program delivery and minority farmers can be drawn from this report. First, the stark contrast between who the farmers are and who the professional service and program providers are. The extension professionals are predominantly white men, with an average age of 47. The Hispanic farmers, representing a variety of ages as exemplified in the study's sub-grouping[2], are not being assisted by members of their own

[1] Four insurance agencies, two farm bureaus, two financial institutions, and two local agriculture departments were represented in the testimonies as well. All in all, the interests of specialty producers, let alone producers of specialty food crops, were completely overshadowed.

[2] The report provided no gender breakdown of the Hispanic farmers, but the impression is that they are mostly, if not all, males.

community. This could greatly affect delivery of federal services and assistance programs due to an unwillingness among farmers to participate or a lack of culturally appropriate communication. Second, and perhaps strongly related to the first, the extension professional prioritized the needs of their clients much differently than the farmers themselves. Professionals mentioned one-on-one technical assistance, trainings and workshops, newsletters, and radio programs as primary needs of their clients and communities. While accessing information (potentially via workshops, trainings, newsletters, radio programs, etc.) was a high priority for many of the farmers interviewed, there was an overall greater concern regarding compliance with government regulations and accessing programs — a need unidentified by the service providers. In general, though the extension professionals identified many of the same constraints identified by farmers, they prioritized the constraints much differently. In addition, no extension professional mentioned discrimination as a major constraint.

Third, the most pressing and important needs identified by the Hispanic farmers surveyed were related to delivery of, availability of, and access to assistance programs and information and discrimination. Four of the six sub-groups, as an aggregate, listed government programs and regulations as one of their top two constraints to meeting their needs. An interviewee among the retirement farmers sub-group said that, "regulations are not geared to help small farmers and are not based on issues specific to different regions. Programs do not insure the type of products they produce" (p. 20). Many farmers across the sub-groups, when discussing the issue of government regulations and programs, cited a strong belief that USDA discriminates against Hispanic farmers and does not care about small farms. Many believe that programs are designed to specifically benefit large-scale farmers, and the interviewees have found it difficult to comply with regulations due to factors such as expense, information, and language barrier. A number of the farmers interviewed currently use the FSA Crop Insurance Program and noted a general dissatisfaction with their experience.

From interviews conducted by the Food and Farm Bill practicum team at American University in 2013, small-scale producers echoed the same general dissatisfaction with crop insurance and other federal assistance programs. Interviewees mentioned feeling overlooked by programs that are designed to benefit large-scale, industrial agriculture. One farmer interviewed directly supported the experiences of Hispanic farmers in the Florida study, stating that crop insurance simply is not meant to benefit small producers. Another farmer noted that the degree of bureaucracy is a direct impediment to his ability to access the programs, information, and assistance that, as a beginning farmer, should be available to him. His dissatisfaction with his experiences has led him to believe that the federal government should simply stay away and make room for locally designed and implemented programs.[3]

This attitude is not without justification. Federal crop insurance indemnity payments have shifted to larger

[3] Video documentation of these interviews can be found at www.farmbillfairness.org.

farms and to higher-income farm households. Farm households with incomes less than $50,000 saw their share of payments shrink from 47% to 29% from 1997 to 2009. In that same time period, "the share received by households with income greater than $500,000 increased from about 7 percent to about 13 percent, and the share received by households with income between $200,000 and $500,000 increased from 14 to 23 percent" (White & Hoppe, 2012, p. 30-31). There is a clear trend in federal support shifting away from smaller farm enterprises and focusing payments on large-scale, high-earning businesses. This is attributable, quite possibly, to the common view that these farms offer greater overall profits and more bang for the government's buck. However, it can no longer be ignored that these farms are not operated by socially marginalized or ethnic minority farmers. The government trend, therefore, has been to take money away from supporting the types of business minority farmers are likely to run towards an industry dominated by White males.

On this note, the USDA Risk Management Agency grants funding in the form of cooperative agreements with local organizations that assist farmers. However, of seventeen state programs identified for funding in 2012, only eight — less than fifty percent — specifically target socially disadvantaged farmers, and only a few directly mention access to insurance as a key issue. One example, the University of Vermont's program, seeks, "To provide crop insurance education and to target the following producer groups by emphasizing risk management strategies, education, and outreach activities: beginning farmers, socially disadvantaged farmers, new entrants and established farmers converting production and marketing to pursue new markets" (RMA, 2012). New York's program, implemented by FamilyFarmed.org, seeks to provide crop insurance education translated into Spanish (ibid.) These programs are predominantly in the northeastern United States — Connecticut, Massachusetts, Maryland, Maine, New Jersey, New York, Vermont — and cover a wide range of objectives beyond improving access to insurance for socially disadvantaged farmers. Further research will be needed to assess the effectiveness and success of the handful of local programs that directly targeted issues of crop insurance access for minority farmers in 2012.

Policy Solutions:

One possible solution to the inequitable distribution of and access to crop insurance payments is an income cap, in which eligibility is based on level of income. The 2002 Farm Act incorporated provisions that placed income caps on a farm's eligibility for payments. In order to receive payments a farm's annual income over the prior 3 tax years could not exceed $2.5 million. The 2008 Farm Act expanded on these cap regulations and numerous assistance programs, including selected disaster assistance payments, were designated for farms in which off-farm income did not exceed $500,000 (White & Hoppe, 2012). It is interesting to note the specific focus on off-farm income and the unwillingness to set the cap based on direct farm income. In addition, research suggests that income caps affected only a small fraction of payments, and a study by the Government Accountability Office (GAO) reported that 2,700 individuals receiving payments between 2003-2006 had

an average income above the $2.5 million cap. The Obama Administration has proposed lowering income caps that would limit all direct payments to those with income under $500,000 (White & Hoppe, 2012). Congress has also enacted payment limits and "The 2008 Farm Act included a $40,000 limit on direct payments to individuals and entities," and a $65,000 limit on disaster assistance programs such as SURE (White & Hoppe, 2012, p. 36).

Conclusion:

There has been a clear progression in federal policy towards deferring to private companies for the delivery of crop insurance programs such that today, implementation is entirely in the hands of private firms. Combined with a general trend of corporate consolidation in many areas, this has meant that a small handful of companies now control a majority of the multi-peril premiums. This results in limited options for producers seeking insurance, a prohibitive level of bureaucracy for application and compliance, and little economic incentive for large companies to be concerned if small family farms cannot afford insurance products.

There is great empirical evidence suggesting that federal crop insurance programs do not reach or benefit all farmers in the United States equally. Small, specialty crop producers — especially producers of color — have experienced difficulty and discrimination when attempting to access economic assistance programs such as crop insurance. Due to institutional obstacles preventing them from accessing credit and land, they lack the economy of scale that the current insurance regime is designed to support. Local delivery mechanisms and services are not implemented in culturally-sensitive ways that recognize the diversity of farmers and farms in the United States. Assuming a great deal of homogeneity, companies provide insurance aimed at benefitting and protecting a particular farm/er — large-scale, heavily mechanized farms producing commodity crops in monocultures. All other farmers, who equally face risk and loss due to natural calamities and market failures, are simply ignored.

Furthermore, while much research has emerged that investigates program delivery and illuminates ways in which these programs can better serve the needs of small, minority farmers, another less obvious question remains: is an insurance regime the best platform for which to assist farmers and promote agricultural development?

Cameron Harsh is a graduate student in the Natural Resources and Sustainable Development (NRSD) program through the School of International Service at American University. This article was produced as part of a team-based capstone research project, in collaboration with the National Family Farm Coalition (NFFC) and the Rural Coalition, on equity and justice in US agricultural policy. The article is part of a larger toolkit of research and resources on the Farm Bill. The online toolkit can be accessed at www.farmbillfairness.org.

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