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Outreach and Education

Agricultural Mediation Program

Program Description



USDA's Certified State Agricultural Mediation Program is administered by the Farm Service Agency (FSA), Outreach Staff (OS) of the United States Department of Agriculture.

The mediation program has helped agricultural producers and their creditors resolve disputes confidentially in a non-adversarial setting, thus avoiding the traditional process of litigation, appeals, bankruptcy, and foreclosure. This is crucial as America's family farmers continue to deal with a fluctuating economy, low commodity prices, and a seemingly endless rash of natural disasters.

Mediation helps resolve many areas of disputes, including farm loans, price support payments, wetland determinations, conservation compliance, and Conservation Reserve Program payment eligibility/limitation. The most difficult disputes to resolve involve farm loan programs (60%), Conservation Reserve Program (20%), and Production Flexibility Contracts (20%). In addition to formal mediation services, most of the certified states provide mediation training and consulting services to producers, lenders, and USDA agencies.

This successful mediation program is continually growing for a good reason it works. The number of mediation clients increased from 3,314 in FY 2001 to 6,443 in FY 2004. This fiscal year FSA expects close to 7,000 clients will use the State mediation programs. The number of agreements or resolutions increased from 74% to over 76% in FY 2004. The average cost per mediation case in FY 2004 was about \$687 to \$700.

Mediation cases are becoming more complicated with multiple issues involving one or more federal state, and local jurisdictions in agricultural disputes. Mediation costs continue to rise, mostly because of increase training requirements to meet state mediation certification requirements and for mediators to become knowledgeable in other USDA areas now covered by this program. Mediation remains a cost-effective alternative to traditional litigation and appeals.

A few examples illustrate just how effective the program is:

- In Arizona, a case involved a borrower who had no way to communicate outside of her native Navajo language. The mediators conducted the entire session in Navajo, which was a first for the state. Again, the principal problem was lack of communication, and the case was resolved within two weeks with less than a few days in time spent.

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- And, in Michigan, a young farming family filed for Chapter 12 reorganization bankruptcy after losing a soybean crop due to a storm, and their farm was sold at an auction. Several attempts to resolve the issue had been unsuccessful, prompting the wife to write to a senator, who referred her to the State Mediation Program. The Michigan mediators contacted the bankruptcy court and the attorneys involved for permission to mediate. The case was resolved to everyone's satisfaction.

Federal legislation encourages state involvement by providing matching grant funds to participating states. Currently, 32 states participate: Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

The mediation program has often lauded by government officials, community leaders, and newspapers throughout the county for helping producers avoid expensive litigation and bankruptcy.

The National Association of State Departments of Agriculture stated in its September 2004 policy paper that the mediation program has played a significant role in resolving agricultural credit and other disputes. The mediation program has also received other significant recognition, including a National Association for rural Mental Health article citing the program's mental health benefits.

The Center for Theology and Land lists the program in its Rapid Response brochure, a resource for farmers. The program is often recognized by government officials, community leaders, and newspapers throughout the county for helping producers avoid expensive litigation and bankruptcy. The mediation program was cited in a National Performance Review Report as an effective and efficient government program for rural residents.

Several USDA agencies have requested the State mediation programs to mediate cases including rural housing and other Rural Development issues, civil rights, and risk management/crop insurance cases. Specific efforts have been made to expand mediation in the Southeastern part of the United States. FSA outreach program efforts in fiscal year 2004 will focus on encouraging 1980 and 1994 land grant institutions to seek certification to provide mediation services.

Mediation helps thousands of agricultural producers resolve financial problems and stay on their farms. FSA strongly supports this ever-expanding program that efficiently and effectively resolves local disputes in rural America. For assistance, please [e-mail our Program Coordinator](#) or call (202) 690-1098.

Performance Goals

The USDA Certified State Mediation Program supports USDA's strategic goal 5, Objective 1: "Ensure that USDA provides fair and equitable services to all of its customers and upholds the civil rights of its employees."

FSA is firmly committed to the elimination of any and all forms of disparate or discriminatory treatment affecting its customers, clients, and employees based on consideration of race, color, national origin, religion, sex, age, disability, marital status, and sexual orientation. This includes program applicants, recipients, and beneficiaries, employees and applicants for employment, and private sector individuals or organizations who do, or who seek to do, business with the Agency.

FSA will increase the use of alternative dispute resolution techniques, such as the USDA Certified State Mediation Program, to achieve satisfactory resolution of program issues at the earliest possible time and at the lowest possible level. FSA, which administers the USDA Certified State Mediation Program, enters mediation to explore all available options to help agricultural producers, their customers, and other persons directly affected by the actions of USDA to resolve disputes and reduce costs associated with administrative appeals,

litigation, and bankruptcy.

Many clients of the state mediation programs continue to be referrals from community assistance counseling organizations and community hot line contacts. An effective USDA Certified State Mediation Program continues to require the support and cooperation of State government officials, USDA affected agencies, agricultural producers, creditors, mediators, FSA National Office, State, and Service Center personnel. FSA understands that meeting the target of lower cost-per-case will be a challenge as costs for mediation services continue to rise, partly because additional training is required to become knowledgeable in other program areas now covered by the mediation program. However, mediation remains a cost-effective alternative to traditional litigation and appeals.

Resources

- [Coalition of Agricultural Mediation Programs \(CAMP\)](#)
- [USDA Certified State Mediation Program Addresses](#)
- [Finding Common Ground: Mediating Agricultural and Other Rural Disputes](#) (PDF, 140 KB)
- [Coalition of Agricultural Mediation Programs](#) (CAMP)
- [About the National Appeals Division](#)
- [USDA National Appeals Guide](#)
- [SubpartA - National Appeals Division Rules of Procedure](#)
- [National Association of State Department of Agriculture](#)
- [2005 Agriculture Mediation Training Slide Presentation](#) (Adobe PDF Format)

Links

- www.fsa.usda.gov/pas/publications/facts/html/ - Farm Service Agency Fact Sheet with information on the Agricultural Mediation Program, including history, governing law, and contacts in all certified states.
- www.agecon.nmsu.edu/mediation/CAMP.htm - Coalition of Agricultural Mediation Programs (CAMP) website, featuring listings of all current state mediation programs certified by USDA.
- www.nrcs.usda.gov/programs/mediation/ - Natural Resources Conservation Service alternative dispute resolution website.
- www.nafcm.org/ - National Association for Community Mediation website, with information on community mediation centers throughout the United States.
- www.nad.usda.gov - USDA National Appeals Division website.
- www.ecr.gov - U.S. Institute for Environmental Conflict Resolution website, featuring information on a variety of conflict resolution services available from the Institute for natural resources and environmental conflicts.

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