



United States  
Department of  
Agriculture

Risk Management  
Agency

Insurance Services

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**BULLETIN NO.: MGR-06-011**

TO: All Reinsured Companies  
All Risk Management Field Offices  
All Other Interested Parties

FROM: Eldon Gould /s/ Eldon Gould 8/11/2006  
Administrator

SUBJECT: Requirements for Nursery Crop Consultants' Written Opinions

**BACKGROUND:**

Section 7.B. of the Nursery Loss Adjustment Handbook states:

In addition to any pre-acceptance nursery inspection, any growing season and loss claim inspections are to be performed by adjusters adequately knowledgeable and trained in nursery plants, and nursery operations. The use of a nursery crop consultant in collaboration with the adjuster may be needed to complete the inspection. Arrangements for a consultants use are to be made through the AIP.

The Risk Management Agency (RMA) has reviewed written opinions by nursery crop consultants in the settlement of nursery claims. Most of these written opinions are ambiguous, unclear, biased, and do not contain adequate information for approved insurance providers (AIPs) to make accurate claim determinations. In addition, most opinions contain information which should not be considered such as, whether or not there is an available market; the cost of rehabilitation; whether or not the cost of care is greater than the value of the plant; and, whether or not the grower chooses to incur the cost or provide care. Therefore, RMA is establishing minimum requirements for written opinions received from nursery crop consultants.

**ACTION:**

AIPs, loss adjusters or policyholders may recommend the use of a crop consultant during any inspection of the crop, including the claims inspection. The AIP is responsible for arranging for a crop consultant to assist the loss adjuster. The written opinion of the consultant must meet or exceed the following minimum requirements:



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1. The opinion must be in writing, signed and dated.
2. The written opinion must include:
  - a) A statement of the nursery crop consultant's education and experience that qualifies the individual as a nursery crop consultant;
  - b) A statement disclosing any familial or business relationship with the insured nursery, AIP, loss adjuster, or agent other than a fee for providing a written opinion;
  - c) The name of who requested the opinion;
  - d) The name of the nursery;
  - e) The address of the nursery, including the county where the nursery is located;
  - f) The date of inspection;
  - g) The plant types inspected;
  - h) The botanical or common name of the plants inspected;
  - i) The size of the plants inspected;
  - j) The number of plants of each type inspected;
  - k) The primary cause of damage claimed and the cause found;
  - l) The secondary cause of damage, if any;
  - m) For damaged plants, by plant type:
    - i. State the actual age of the plants (not just the time the producer had the plants in the nursery);
    - ii. State the type of damage sustained by the plants (disease, wilting, broken, etc);
    - iii. State whether the plants can recover;
    - iv. Describe what rehabilitation the plants will require to prevent additional damage and to aid the plants' recovery;  
and
    - v. State how long it will take the plant to recover to pre-damaged state.
  - n) Provide the basis for your opinion (cite published material, industry guidelines, etc.), and provide all photographs of the damage and documentation supporting the cause of loss.

AIPs shall not accept written opinions from crop consultants that do not meet these minimum standards.

**DISPOSAL DATE:**

This bulletin remains in effect until incorporated in nursery procedures.