

**Special Provisions of Insurance**  
2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

**Program Dates for Insurable Types and Practices**

<b>Sales Closing Date</b> 9/30/2020	<b>Earliest Planting Date</b>	<b>Final Planting Date</b> 10/15/2020	<b>End of Late Planting Period Date</b> 10/30/2020	<b>Acreage Reporting Date</b> 11/15/2020	<b>Premium Billing Date</b> 7/1/2021
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TP	Type	Practice
T/P 1	Winter 011	Non-Irrigated 003
T/P 2	Winter 011	Irrigated 002
T/P 3	Winter 011	Organic(Certified) Non-Irr. 713
T/P 4	Winter 011	Organic(Certified) Irr. 702
T/P 5	Winter 011	Organic(Transitional) Non-Irr. 714
T/P 6	Winter 011	Organic(Transitional) Irr. 712

**Statement**

**General**

Contact your agent regarding possible premium discounts, options, and/or additional coverage that may be available.

Corn planted on acreage following a crop that has been prevented from being planted will not be considered a cover crop.

**Date**

In lieu of the definition of late planting period in section 1 of the Basic Provisions, please refer to the End Of Late Planting Period Date.

**Premium**

In accordance with section 6 of the Small Grains Crop Provisions, a reduced premium rate is provided for acreage intentionally destroyed before harvest by grazing or other means. To qualify for the reduced premium rate you must notify your agent no later than March 15.

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
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### Insurance Availability

Any fall planted acreage on which seed is spread onto the soil surface by any method (e.g. airplane or otherwise broadcast seeded) and is subsequently mechanically incorporated into the soil, will be insurable only if you request an inspection for this acreage within 72 hours after the final planting date or within 72 hours after you complete incorporating the seed if you plant in the late planting period, and we agree in writing that the acreage has an adequate stand to produce the yield used to determine your production guarantee. No coverage will be provided if an adequate stand is not established within 30 days after the end of the late planting period or within 30 days after the final planting date if no late planting period is applicable. Insurance will attach to acreage with an adequate stand on the date the acreage is inspected.

Insurance shall attach to a crop following a cover crop when the cover crop meets the definition provided in the Basic Provisions, was planted within the last 12 months, and is managed and terminated according to NRCS Cover Crop Termination Guidelines. The Guidelines include information on cover crops and crop insurance, Good Farming Practices for cover crops, and termination information and exceptions, which can be found at <https://www.rma.usda.gov/en/Topics/Cover-Crops>.

In addition to Section 35 of the Basic Provisions, if you elect to obtain a Farm Service Agency Graze-Out Payment for acres of this crop grazed by livestock and not otherwise harvested, you are not eligible for an indemnity.

In lieu of the provisions in section 22(a) of the Basic Provisions that says "[h]owever, unless specifically required by policy provisions, you must not obtain any other crop insurance authorized under the Act on your share of the insured crop," you may obtain a Small Grains Crop Insurance policy and an Annual Forage policy on the same acreage that is planted with the intent of grazing the crop first and then later harvesting the crop for grain.

### Quality

#### GENERAL STATEMENTS:

The following sections only apply to wheat grain production for the insured crop.

The Quality Adjustment Factor (QAF) is 1.000 minus the sum of the applicable Discount Factors (DF) expressed below as three-place decimals. The sum of all applicable DFs will be limited to 1.000. Only the quality adjustment factors contained herein are considered in determining production to count. No other quality adjustment factors are considered in determining production to count.

The production to count remaining after allowable reductions to gross production (in accordance with the applicable Crop Provisions), is multiplied by the QAF (not less than zero) to determine net production to count.

Production qualifying for quality adjustment, that does not contain substances or conditions that are injurious to human or animal health, shall be adjusted under Sections A or B, but not both.

Unless the AIP grants an extension of time to harvest as specified below, the samples of production used to determine insurable quality deficiencies under Sections A,

## Special Provisions of Insurance 2021 and Succeeding Crop Years

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B and C must be obtained in accordance with this Quality Adjustment Statement, but not later than 60 days after the end of the insurance period (EOIP).

For any production qualifying under section B or C (except for section C3) that is sold\*\*\*\* to other than a disinterested third party\*\*, or that is not sold 60 days after the calendar date for the EOIP, we will settle your claim using the applicable DFs. If the production is later sold, we will not recalculate or adjust your claim for indemnity.

For production qualifying under Sections B or C (except for production qualifying under section C3) that is unsold 60 days after the calendar date for the EOIP, an automatic 30 day extension will be allowed only for the purpose of submitting your claim for indemnity, unless an extension of time to harvest has been granted or a delay in measurement of farm stored production has been elected under the general statements below.

The DF for production qualifying for quality adjustment containing substances or conditions that are injurious to human or animal health will be determined in accordance with Section C. For production qualifying for quality adjustment under:

- a. Sections C1 or C2 and Section A below, the DF will be determined by adding the applicable DFs from Section A to the applicable DFs from Sections C1 or C2.
- b. Sections C1 or C2 and Section B below, the DF will be determined by adding the applicable DFs from Section B to the applicable DFs from Sections C1 or C2.
- c. Section C3, the DF will be determined under Section C3 only. No additional DFs from Section A or Section B will be included.

### 1. OPTION TO DELAY CLAIM SETTLEMENT

- a. On the date of final inspection for the unit, if any of your unsold\*\*\*\*\* production qualifies for quality adjustment under sections B and/or C1 or C2a ii and C2a iv below, your claim will be settled using the applicable DF's for unsold production unless you elect in writing to delay settlement of your claim for up to 60 days after the calendar date for the EOIP.
- b. If you sell the production to a disinterested third party during this delay, your claim will be settled using the Reduction In Value (RIV) as outlined below, unless the production qualifies under section C (except for production containing Vomitoxin only) and has been in on-farm storage.
- c. At any time during this delay in settlement, you may request to settle your claim for any unsold production using the applicable DFs.
- d. For any production sold\*\*\*\* to other than a disinterested third party\*\*, or that is not sold 60 days after the calendar date for the EOIP, we will settle your claim using the applicable DFs.
- e. If the production is later sold, we will not recalculate or adjust your claim for indemnity.
- f. If the time to harvest has been extended as stated below, this option will not apply beyond 60 days after the calendar date for the EOIP.
- g. This option will not apply to any production qualifying under section C3.

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

### 2. SECTION 14(e) OF THE BASIC PROVISIONS

Only when it has been determined that the production qualifies for quality adjustment will the provisions in this Quality Adjustment Statement apply, otherwise this SP statement does not supersede the provisions contained in section 14 (e) in the Basic Provisions.

### 3. EXTENSION OF TIME TO HARVEST

If we determine you are prevented from harvesting by the calendar date for the EOIP due to an insurable cause of damage that occurred during the insurance period and we allow an extension of time to harvest, the time to determine insurable quality deficiencies will also be extended. If you harvest the crop prior to 60 days after the calendar date for the EOIP, your claim will be settled in accordance with sections A, B, or C as applicable unless you elected to delay settlement of your claim, in which case, refer to 1 above. If you were unable to harvest your crop until AFTER 60 days after the calendar date for the EOIP, and your production qualifies for quality adjustment under sections B1, C1a or C2a i, you will be allowed 30 days after harvest to market your grain and receive an RIV unless the production qualifies solely under Section A, in which case, only the DF(s) in Section A will be used. If the production is not sold within this 30 day period, the claim will be settled using the applicable pre-established DF. You must complete and submit a claim for indemnity not later than the earlier of 60 days after harvest, or 60 days after the date we determine the crop could have been harvested and you did not harvest. If your production qualifies under section C3, your claim will be settled as specified in section C3.

### 4. DELAY IN MEASUREMENT OF FARM STORED PRODUCTION

If you elect to delay measurement of farm stored production as provided in the Basic Provisions, all samples of farm stored production used to determine insurable quality deficiencies must be obtained in accordance with this Quality Adjustment Statement, but not later than 60 days after the EOIP, otherwise such production will not be adjusted for quality. All samples obtained to test for substances or conditions injurious to human or animal health (other than vomitoxin) must be taken prior to production entering storage. For Vomitoxin only, samples for testing may be obtained from storage. The gross amount of production will be determined by us not later than 180 days after the EOIP. At the end of 180 days, the adjuster will measure the production as soon as possible so your claim can be completed and submitted no later than 30 days after the 180th day.

### 5. FAIR CONSIDERATION TO DELIVER TO DISTANT MARKETS

Except as allowed in paragraph 7f ii below, fair consideration to deliver sold production to a distant market is allowed only when there are no buyers in your local market and only for the types and levels of damage included in sections B1, C1a, C2a i, C3a i and C3b i below. Fair consideration is not allowed for production that is unsold, sold to other than a disinterested third party, fed, utilized in any other manner, or when a pre-established DF is applicable.

### 6. ZERO MARKET VALUE

If on the date of final inspection for the unit, any production which due to insurable causes is determined to have zero market value<sup>\*\*\*</sup>, such production will not be considered production to count if the production is destroyed in a manner acceptable to us (see section D). Fair consideration may be used in the determination of zero market value, except for production fed or used in any other manner.

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

### 7. REDUCTION IN VALUE (RIV):

RIVs must be reasonable, usual, and customary. No RIV will be made or accepted by us if it is due to:

- a. Moisture content;
- b. Damage due to uninsured causes;
- c. Drying;
- d. Handling;
- e. Processing; or
- f. Any other costs associated with normal harvesting, handling, and marketing of your production.
  - i. RIVs cannot be used in combination with chart DFs.
  - ii. If a lower RIV is available for production sold at a distant market, the RIV at the distant market may be increased by the fair consideration to deliver the production to the distant market, provided the resulting RIV does not exceed the RIV in your local marketing area.
  - iii. If the RIV can be decreased by conditioning the production, the RIV may be increased by the cost of conditioning provided the resulting RIV does not exceed the RIV before conditioning.
  - iv. The RIV and local market price\* are determined on the date such quality adjusted production is sold to a disinterested third party.

### SECTION A - DISCOUNT FACTOR CHARTS

On the date of final inspection for the unit, the discount factors are determined using the following charts. If the DF for any one qualifying level of deficiency is not shown on the charts in this section, then determine all DFs using section B or C as applicable.

For quality adjustment purposes, defects (excluding foreign material) consist of kernel damage (excluding heat damage) and shrunken and broken kernels. In no event will a discount factor be allowed for kernel damage and/or shrunken and broken kernels, in addition to a discount factor for Defects.

### GRADE DISCOUNT:

The wheat classes Hard Red Winter (HRW), Soft White Wheat (SWW), Hard White Wheat (HWW), Hard Red Spring (HRS), Durum (DUM), Soft Red Winter (SRW) will be discounted for grade as follows:

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
Date: 6/29/2020

Commodity: Wheat (0011)  
Plan: Yield Protection (01)  
Revenue Protection (02)  
Revenue Prot with Harvest Price Exclusion (03)

State: Nebraska (31)  
County: York (185)

Grade	DF	DF	DF	DF	DF
	HRW, HWW	SWW	HRS	DUM	SRW
U.S. No. 5	0.116	0.109	0.169	0.215	0.235
U.S. Sample Grade	0.235	0.205	0.270	0.336	0.336

- “ U.S. Grade No. 5 for Kernel Damage - 10.01% to 15.0%
- “ U.S. Grade No. 5 for Total Defects - 12.01% to 20.0%
- “ U.S. Sample Grade for Kernel Damage - 15.01% and above
- “ U.S. Sample Grade for Total Defects - 20.01% and above

Only one DF for grade can be applied.

### TEST WEIGHT DISCOUNT:

1. Hard Red Spring and White Club wheat will be discounted for low test weight as follows (U.S. Grade No. 5 for Test Weight .  $\hat{A}$   $\hat{C}$   $\hat{E}$   $\hat{J}$   $\hat{A}$ bs. to 50 lbs.; U.S. Sample Grade .  $\hat{A}$   $\hat{J}$   $\hat{E}$   $\hat{J}$   $\hat{A}$ bs. and below):

Test Weight Pounds	DF
50 and above	None
49-49.99	0.007
48-48.99	0.013
47-47.99	0.020
46-46.99	0.027
45-45.99	0.034
44-44.99	0.044
Below 44	See Section B

2. Wheat (all classes except Hard Red Spring and White Club) will be discounted for low test weight as follows (U.S. Grade No. 5 for Test Weight .  $\hat{A}$   $\hat{H}$   $\hat{E}$   $\hat{J}$   $\hat{A}$ bs. to 51 lbs.; U.S. Sample Grade .  $\hat{A}$   $\hat{E}$   $\hat{J}$   $\hat{A}$ bs. and below):

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
Date: 6/29/2020

Commodity: Wheat (0011)  
Plan: Yield Protection (01)  
Revenue Protection (02)  
Revenue Prot with Harvest Price Exclusion (03)

State: Nebraska (31)  
County: York (185)

Test Weight Pounds	DF
51 and above	None
50-50.99	0.020
49-49.99	0.040
48-48.99	0.060
47-47.99	0.081
46-46.99	0.101
45-45.99	0.121
44-44.99	0.141
Below 44	See Section B

**DEFECTS DISCOUNT:** Defects (excluding foreign material and heat damage) are the sum of the percent of kernel damage and the percent of shrunken and broken kernels.

When production with sprout damage is included in the kernel damage percentage, the production is not eligible for any additional discount factor in the Falling Number Discount Tables below.

SRW, HRW, and HWW classes of wheat will be discounted for excessive Defects as follows:

Defects %	DF	Defects %	DF	Defects %	DF
15 and below	None	23.01-24	0.091	32.01-33	0.181
15.01-16	0.010	24.01-25	0.101	33.01-34	0.191
16.01-17	0.020	25.01-26	0.111	34.01-35	0.201
17.01-18	0.030	26.01-27	0.121	Above 35	See Section B
18.01-19	0.040	27.01-28	0.131		
19.01-20	0.050	28.01-29	0.141		
20.01-21	0.060	29.01-30	0.151		
21.01-22	0.070	30.01-31	0.161		
22.01-23	0.081	31.01-32	0.171		

SWW, HRS, and DUM classes of wheat will be discounted for excessive Defects as follows:

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
Date: 6/29/2020

Commodity: Wheat (0011)  
Plan: Yield Protection (01)  
Revenue Protection (02)  
Revenue Prot with Harvest Price Exclusion (03)

State: Nebraska (31)  
County: York (185)

Defects %	DF	Defects %	DF	Defects %	DF
10 and below	None	20.01-21	0.188	31.01-32	0.299
10.01-11 *1	0.074	21.01-22	0.198	32.01-33	0.309
11.01-12 *1	0.087	22.01-23	0.208	33.01-34	0.319
12.01-13	0.101	23.01-24	0.218	34.01-35	0.329
13.01-14	0.114	24.01-25	0.228	Above 35	See section B
14.01-15	0.128	25.01-26	0.238		
15.01-16	0.138	26.01-27	0.248		
16.01-17	0.148	27.01-28	0.258		
17.01-18	0.158	28.01-29	0.268		
18.01-19	0.168	29.01-30	0.279		
19.01-20	0.178	30.01-31	0.289		

\*1 Applicable only to kernel damage (excluding heat damage). Do not include damage from shrunken and broken kernels.

### SPROUT DAMAGE DISCOUNT FOR ALL CLASSES

Sprout Damage DFs are allowed in addition to the DFs in the Defects Discount Factors Table. When production with sprout damage is discounted in the Defects Discount Factors Table or the Sprout Damage Discount Table below, the production is not eligible for any additional discount factor in the Falling Number Discount Tables below.

Sprout Damage Percent	DF
10 and below	None
10.01 - 11.0	0.104
11.01 - 12.0	0.114
12.01 - 13.0	0.124
13.01 - 14.0	0.134
14.01 - 15.0	0.144
Above 15.0	See Section B

### FALLING NUMBER DISCOUNTS:

Falling number determinations must be made in accordance with the Federal Grain Inspection Service Directive that establishes procedures for falling number analysis. Equipment and procedure used to perform what is generally referred to as a quick test are not acceptable. When production with sprout damage is discounted in this Falling Number Discount Table, the production is not eligible for any further sprout damage discount in the Defects Discount Table or the Sprout Damage Discount Table above.

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
Date: 6/29/2020

Commodity: Wheat (0011)  
Plan: Yield Protection (01)  
Revenue Protection (02)  
Revenue Prot with Harvest Price Exclusion (03)

State: Nebraska (31)  
County: York (185)

In addition to the quality deficiencies allowed in section 11 (d) of the Small Grains Crop Provisions, the following quality factors for Falling Number will apply:

All Other Classes of wheat will be discounted for falling number, regardless of U.S. grade designation as follows:

Falling Number Range	DF
299-275	0.050
274-250	0.084
249-225	0.117
224-200	0.151
Below 200	See Section B

Falling Numbers - Durum:

Falling Numbers Range	DF
299-275	0.084
274-250	0.168
249-225	0.252
224-200	0.336
Below 200	See Section B

SPECIAL GRADE DISCOUNTS:

Discounts for light smutty, smutty, garlicky or ergoty grade are as follows, regardless of U.S. grade designation:

Light Smutty	0.034
Smutty	0.067
Garlicky	0.065

ERGOTY

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021  
Date: 6/29/2020

Commodity: Wheat (0011)  
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Revenue Protection (02)  
Revenue Prot with Harvest Price Exclusion (03)

State: Nebraska (31)  
County: York (185)

Percentage	
.060 - .069	0.01
.070 - .079	0.02
.080 - .089	0.03
.090 - .099	0.05
.100 - .109	0.06
.110 - .119	0.07
.120 - .129	0.081
.130 - .139	0.091
.140 - .150	0.101
> .150	0.252

### SAMPLE GRADE DISCOUNTS:

Discounts for sample grade factors are as follows:

Musty Odor	0.049
Sour Odor	0.054
COFO	0.117

### SECTION B - DEFICIENCY NOT IN DISCOUNT FACTOR CHARTS

DFs included in section A are not used if production meets requirements under this section. For production that has a test weight below 44 pounds per bushel, a defects percentage above 35 percent, a sprout damage percent above 15 percent, or a falling number for wheat below 200 on the date of final inspection for the unit adjust production in the following manner:

1. If sold to a disinterested third party prior to 60 days after the calendar date for the EOIP, the DF will be the sum of all RIVs applied by the buyer due to all insurable quality deficiencies, and that value divided by the local market price. Production receiving an RIV for sprout damage will not also receive an RIV for falling number.
2. For unsold production or production sold to other than a disinterested third party prior to 60 days after the calendar date for the EOIP, the DF will be .500 (unless you elect to delay settlement as specified in the General Statements above).
3. If unsold 60 days after the calendar date for the EOIP, fed, utilized in any other manner or is sold to other than a disinterested third party the DF will be .500.

### SECTION C - SUBSTANCES OR CONDITIONS THAT ARE INJURIOUS TO HUMAN OR ANIMAL HEALTH

The sum of all DFs for production containing substances or conditions that are injurious to human or animal health is allowed, in addition to applicable DFs from

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

sections A or B above, except as shown in C3 below.

Any potential loss due to substances or conditions identified by the Food and Drug Administration, other public health organizations of the United States, or a public health agency of the applicable State in which the insured crop is grown, at a level determined as injurious to human or animal health, will be covered only if the appropriate samples of the production were obtained by our adjuster (or a trained disinterested third party approved by us) (except for flood-damaged grain), and the analysis was performed by an approved laboratory using quantitative tests.

The Food and Drug Administration guidelines state when an edible portion of a crop is exposed to flood waters, it is considered adulterated and can be injurious to human or animal health and should not be used for feed or food. For acreage of an insured crop in which the edible portion of the crop has been exposed to flood waters, such production is considered to contain substances or conditions qualifying under Section C3 with a level exceeding the maximum amount allowed. Such production is not required to be sampled and tested by an approved laboratory. Whether you intend to harvest or not harvest such acreage, you must give us notice to inspect the crop. Such production will be considered to have zero market value if destroyed in an acceptable manner. Refer to Section D. If you harvest production from such flood-damaged acreage and commingle with production from acreage not damaged by flood, such commingled production will not be adjusted for any quality deficiencies listed in Section C.

For production that contains substances or conditions determined to be injurious to human or animal health, when applicable, adjustments will be made for levels of substances or conditions in excess of the amount allowed by the lower of the following:

- a. The action or advisory level of the Food and Drug Administration; or
- b. Another public health organization of the United States; or
- c. A public health agency of the applicable State in which the insured crop is grown.

For production that will be stored on the farm, or in commercial storage (except for production containing Vomitoxin), the appropriate samples must be obtained prior to the production entering storage, otherwise such production will not be adjusted for such quality deficiencies listed in section C. For Vomitoxin only, samples for testing may be obtained from storage.

1. For production containing Vomitoxin only (no other Section C deficiencies are present) qualifying under section C and that has a level of 10.0 ppm or less, adjust the production in the following manner. If on the date of final adjustment for the unit, the production is:
  - a. Sold to a disinterested third party prior to 60 days after the calendar date for the EOIP, the DF will be the sum of all RIVs applied by the buyer due to all insurable quality deficiencies, and that value divided by the local market price.
  - b. For unsold production or production sold to other than a disinterested third party prior to 60 days after the calendar date for the EOIP, the DF will be the applicable DFs shown in the chart below (unless you elect to delay settlement as specified in the General Statements above) added to the applicable DFs included in sections A or B2 above.
  - c. Unsold 60 days after the calendar date for the EOIP, fed, utilized in any other manner, or is sold to other than a disinterested third party, the DF will be the applicable DFs shown in the chart below added to the applicable DFs included in sections A or B3 above.

## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

DFs for Vomitoxin:

Vomitoxin Range	DF
<del>0.1 - 0.2 ppm</del>	<del>.000</del>
2.1 - 3.0 ppm	.185
3.1 - 4.0 ppm	.268
4.1 - 5.0 ppm	.352
<del>5.1 - 6.0 ppm</del>	<del>.450</del>
10.1 ppm & above	See C3 below

2. For production containing substances or conditions, other than Vomitoxin, that qualifies under section C with an Aflatoxin level of 300 ppb or less, or other substances or conditions with a level less than the maximum allowable, adjust the production in the following manner.
  - a. If on the date of final adjustment for the unit, the production was transported directly from the field to the buyer, or transported directly from the field and put into commercial storage without going into on farm storage, the DF will be:
    - i. For production sold to a disinterested third party prior to 60 days after the calendar date for the EOIP, the sum of all RIVs applied by the buyer due to all insurable quality deficiencies, and that value divided by the local market price.
    - ii. For unsold production containing Aflatoxin prior to 60 days after the calendar date for the EOIP, the applicable DFs shown in the chart below in section C2b (unless you elect to delay settlement as specified in the General Statements above), added to the applicable DFs included in sections A or B2 above.
    - iii. For unsold production containing Aflatoxin 60 days after the calendar date for the EOIP, the applicable DFs shown in the chart below in section C2b, added to the applicable DFs included in sections A or B3 above.
    - iv. For unsold production containing all other mycotoxins or substances or conditions prior to 60 days after the calendar date for the EOIP (unless you elect to delay settlement as specified in the General Statements above), the DFs will be .500, except as stated in section C3 below. This DF will be added to the applicable DFs included in sections A, or B2 above.
    - v. For unsold production containing all other mycotoxins or substances or conditions 60 days after the calendar date for the EOIP, the DFs will be .500, except as stated in section C3 below. This DF will be added to the applicable DFs included in sections A, or B3 above.
  - b. If on the date of final adjustment for the unit, the unsold production is in on-farm storage, is in commercial storage but was not transported directly from the field, was fed or utilized in any other manner, was in on-farm storage and has been sold, or was sold to other than a disinterested third party:
    - i. For aflatoxin, we will use the applicable DFs shown in the chart below, except as stated in section C3 below. This chart DF will be added to the applicable DFs included in sections A or B2 above.
    - ii. For all other mycotoxins or substances or conditions, prior to 60 days after the calendar date for the EOIP, the DFs will be .500. This DF will be added to the applicable DFs included in sections A or B2 above.



## Special Provisions of Insurance 2021 and Succeeding Crop Years

Year: 2021	Commodity: Wheat (0011)	State: Nebraska (31)
Date: 6/29/2020	Plan: Yield Protection (01) Revenue Protection (02) Revenue Prot with Harvest Price Exclusion (03)	County: York (185)

### SECTION D - ZERO MARKET VALUE PRODUCTION

For production listed in sections A, B, or C that we determine has zero market value due to insured quality deficiencies:

1. The DF will be 1.000 if such production is destroyed in a manner acceptable to us.
2. If you do not destroy (or refuse to destroy) production in a manner acceptable to us, such production to count is no longer considered to be zero market value and will be adjusted as follows:
  - a. For production in Section A . ~~The~~ pre-established DFs.
  - b. For production in Section B . ~~At €€€~~
  - c. For production in Section C1 or C2, such production will not be adjusted for any quality deficiencies listed in Section C.
3. If you destroy production qualifying under section C3 in a manner unacceptable to us, such production will not be adjusted for any quality deficiencies listed in section C. If you do not destroy (or refuse to destroy) such production, a claim will not be completed until such production is sold, fed, utilized in any other manner, or destroyed unless Section C3d applies. An automatic 30 day extension of time will be allowed for you to submit your claim for indemnity.

*	<del>%</del> Local Market Price <del>As</del> defined in the applicable Basic, Crop, or these Provisions.
**	<del>%</del> Disinterested third party <del>As</del> defined in the applicable Basic, Crop, or these Provisions. In addition to the definition of <del>%</del> Disinterested third party <del>As</del> a person or business who does not routinely purchase production for resale or for feed will not be considered a disinterested third party if the RIVs applied by the buyer are not reflective of the RIVs in the local market.
***	<del>%</del> Zero market value <del>As</del> occurs when no buyers in your local area are willing to purchase the production and fair consideration to deliver production to a market outside your local marketing area (distant market) is equal to or greater than the production's value at the distant market or when acreage of an insured crop in which the edible portion of the crop has been exposed to flood waters.
****	<del>%</del> Sold <del>As</del> Grain is considered sold on the date that final settlement between the buyer and seller has occurred and title of the grain has passed from the seller to the buyer.
*****	<del>%</del> Insold <del>As</del> Grain that does not meet the definition of <del>%</del> sold. <del>As</del>