

## OVERVIEW

The U.S. Department of Agriculture (USDA) Certified Mediation Program makes grants to state-designated entities that provide alternative dispute resolution through mediation to agricultural producers, their creditors (as applicable), persons directly affected by the actions of the USDA, and any other persons involved in covered issues for which mediation services are provided by a Certified Mediation Program. In mediation, a trained, impartial mediator helps participants review and discuss their conflicts, identify options to resolve disputes and agree on solutions. Mediation helps to avoid expensive and time-consuming administrative appeals and/or litigation.

These grants are administered by the Farm Service Agency (FSA). Cases that may be mediated include, but are not limited to, agricultural loans, whether made by USDA or commercial lenders, and disputes involving USDA actions on farm and conservation programs, wetland determinations, rural water loan programs, grazing on national forest system lands, pesticides, rural housing and business loans, and crop insurance.

## HOW MEDIATION WORKS

USDA program participants are offered the opportunity to request mediation prior to a formal administrative appeal. If this option is requested, some state programs are able to provide assistance to prepare participants for the mediation session, which is held at a time and place convenient to all parties.

Unlike a judge or arbitrator, the mediator has no decision-making authority and is present only to help participants discuss and explore their issues in a useful, non-confrontational manner. Successful mediation is based on the cooperation and involvement of all participants.

Mediation can be accomplished in one meeting or may take several sessions depending on the complexity of the issues and the number of participants. If an agreement is not reached, the case is closed, and all parties remain free to pursue other available administrative appeals and/or legal action.

## MEDIATION BENEFITS

Successful mediation benefits participants in the following ways:

- Mediation may resolve disputes within a participant's financial means, providing a low-cost alternative to appeals or often expensive litigation.
- Mediation may reduce stress caused by lengthy litigation. While it can take years for a case to filter through the courts, mediation generally takes only a few meetings to complete.

## WHAT CAN BE MEDIATED

- Agricultural loans, regardless of whether the loans are made or guaranteed by USDA or made by a third party – mediation services must be provided.
- Wetland determinations.
- Compliance with farm programs, conservation programs, and the National Organic Program established under the Organic Foods Production Act of 1990.
- Rural water loan programs.
- Grazing on National Forest System lands.
- Pesticides.
- Lease issues, including land leases and equipment leases.
- Family farm transition.
- Farmer-neighbor disputes.
- Other issues as the Secretary or the head of the Agriculture Department of each participating State considers appropriate for better serving the agricultural community and persons eligible for mediation.

In addition, Certified Mediation Programs may provide credit counseling prior to the initiation of any mediation involving the USDA or unrelated to any ongoing dispute or mediation in which USDA is a party.

## COST TO PARTICIPANTS

Certified Mediation Programs may charge participants a nominal fee for mediation services. When mediation services are needed in a state that does not have a Certified Mediation Program, FSA contracts with a reputable mediator and there may be fees participants will be required to pay. If your state is not listed, please contact your local FSA office.

## FOR MORE INFORMATION

For more information about FSA and its programs, visit your local FSA office or online at <https://www.fsa.usda.gov>. To find your local FSA office, visit <https://www.fsa.usda.gov/state-offices/index>.

*USDA is an equal opportunity provider, employer, and lender.*

## Certified Mediation Programs

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