



MARTIN LAW OFFICE
AGRICULTURE LAW & COMPLEX LITIGATION

STEPS TO CALCULATE PLANT LOSS

- STEP 1** Inspect all plants you believe injured by whatever cause.
- STEP 2** Videotape or photograph all of the injured plants by walking their perimeter so that the magnitude of your injury can be ascertained. (Photographing a small space won't work; you have to document the entire area.)
- STEP 3** If different varieties have been affected, check to see if there is any difference in plant injury based upon varietal variance.
- STEP 4** Regardless of the cause you suspect as being the culprit of plant injury, have plant samples taken immediately and have a certified laboratory check for evidence of the type of event you believe caused the harm.
- STEP 5** Have your plants checked for evidence of other causes, such as insects or disease. Check immediately with neighboring growers or, if not comfortable discussing injury to your plants, drive by neighboring growers and try to ascertain if others have similar injuries. (Weather events nor contaminated products isolate upon a particular grower. If you have a problem, somebody else may too.)
- STEP 6** Call your local county agent and ask he or she to evaluate plant injury. Unless damage is readily apparent, follow up promptly by having the nearest representative of IFAS come by your field to ascertain the problem.
- STEP 7** Save all remaining fertilizers and chemicals in your possession and maintain absolutely accurate spray records.
- STEP 8** If plant samples are to be taken, remember to pull out the entire plant, if possible, and make sure your scientist checks root systems as well as stems, leaves, and flowers.
- STEP 9** Ascertain number of plants affected by purchase records, inventory, or number of plants your available space can produce.
- STEP 10** Save all reports by any agricultural inspectors relative to your husbandry practices

or plant inventory, and save inventory provided by you for purchase of crop insurance.

- STEP 11** Ascertain price you would have received for each plant based upon its size in relationship to the contract you would have received or market price at the time plants would have been available for market, but for the event which rendered them unmarketable.
- STEP 12** Notify your CPA or anyone else responsible for ascertaining the inventory of your plants to segregate the injured plants so they may be compared to any unaffected plants of yours, or unaffected plants of someone else.
- STEP 13** If your crop is insured, notify your agent immediately. If you believe there may be a problem with chemical, fertilizer, soil, or liners, notify the producer of them immediately.
- STEP 14** Ascertain whether or not you have changed your growing practices. If you haven't, this increases the likelihood of some outside event causing plant injury.
- STEP 15** Be forewarned that your husbandry practices will be claimed by your opponents as the cause.
- STEP 16** In summary, have your field or nursery visited immediately by anyone who has the scientific, financial, or legal expertise to aid you with the problem. The investigation of plant injury and the ascertainment of the value of the plants injured is no different from any other investigation. The sooner knowledgeable persons show up, the better chance you have to have the problem solved.
- STEP 17** As always, keep in mind the standard plant loss formula which is: The value of the plants to be raised, less salvage, and less any costs you would have incurred in their growing and marketing, but did not as a result of the injury.
- STEP 18** Calculations based on destruction of citrus trees or plants which have continuing value must be projected into the future. You will need help from a professional.