

Fertilizer Production Expansion Program

Certifications

As a USDA Rural Development Fertilizer Production Expansion Program applicant, I affirm and certify the following:

- A. I am engaged – or propose to engage – in fertilizer or nutrient alternative manufacturing or processing that will expand capacity in the sector.
- B. The fertilizer or nutrient alternative manufacturing or processing project in which I am engaged – or proposing to engage – increases supply or improves the viability of an existing manufacturing or processing facility.
- C. The fertilizer or nutrient alternatives produced in the facility for which I am requesting FPEP funds will be made available to agricultural producers for use in the production of agricultural commodities.
- D. As a private entity, I am independently owned and operated.
- E. The facility for which I am requesting FPEP funds is physically located in – and operates within – the U.S. or its territories.
- F. I have identified all known relationships or associations with USDA Rural Development employees.
- G. If my project is proposed on Tribal lands and I am not affiliated with the Tribe or an entity owned by the Tribe, I have provided a Tribal Government Resolution of Consent from the appropriate Tribal official.
- H. I am a legal entity in good standing and operating in accordance with the laws of the states in which, or Tribes with which, I have a place of business.
- I. I have not been found – and will not be found – to be unfit to operate a facility because of convictions in a federal, state, or Tribal court.
- J. I am not the subject of a pending administrative, civil, or criminal enforcement action.
- K. I will operate the existing or planned facility in accordance with all federal, state, Tribal and local regulations governing fertilizer and nutrient manufacturing, processing, storage, distribution, and waste management.
- L. I will ensure that any equipment required for the project is available or can be procured and delivered within the proposed project development schedule, and will be installed according to the manufacturer's specifications and design requirements.

(Continue to next page)

- M. I will ensure the project will be constructed in accordance with applicable laws, regulations, agreements, permits, codes, and standards.
- N. I am not one of the top four U.S. or territories-based manufacturers or processors of nitrogen, or phosphate, or potash, or any combination of the three.
- or-
- I am submitting a justification and request for waiver because I do not believe that market share is an accurate measure of my competitive environment.
- O. I have secured sufficient funding – including all required matching funds – to complete the project as proposed in my application.
- P. I acknowledge that:
1. USDA Rural Development will check the Do Not Pay System to verify the applicant:
 - a. Has an active registration in the System for Award Management (SAM, available at this link: <https://www.sam.gov>)
 - b. Has not been debarred or suspended
 - c. Is not listed on the Credit Alert Verification Reporting System
 - d. Is not listed on the Treasury Offset Program
 - e. Does not appear on the Social Security Death Records list
 2. I am responsible for resolving any issues reported in the Do Not Pay System. If issues are not resolved by the time USDA Rural Development makes program awards, funds will be awarded to other eligible applicants.
- Q. My organization has reviewed and understands the federal, state, or Tribal regulatory requirements for obtaining an operating license (or its jurisdictional equivalent) to manufacture or process fertilizer or nutrient alternatives at the time of application.
- R. I understand I will be required to return federal funds awarded if my organization does not obtain an operating license (or its jurisdictional equivalent) to manufacture or process fertilizer or nutrient alternatives.
- S. I am not presently suspended, debarred, proposed for debarment, declared ineligible, voluntarily excluded from participation in this transaction by any federal or state department or agency.
- T. I am not presently involved in any bankruptcy proceedings.
- U. I understand that USDA's Rural Business-Cooperative Service will rely on the accuracy of the submittals and certifications made with this application. Any misrepresentation or inaccurate information can result in a determination of ineligibility and forfeiture of grant funds. I also understand I may be required to submit supporting information to validate the accuracy of my answers.

V. I understand that signing this document does not constitute an approved grant by USDA Rural Development.

RECOMMENDATION: Use the Fertilizer Production Expansion Program Checklist (available under the “To Apply” tab at this link: <https://www.rd.usda.gov/fpep>) to ensure you have accurately completed all steps necessary to apply.

I, the undersigned, declare that I have fully reviewed the USDA Rural Development Fertilizer Production Expansion Program application and accompanying documentation I am submitting. To the best of my knowledge, all information is true, correct, and complete. I hereby agree with all program requirements specified above.

NOTE: Anyone who makes false, fictitious or fraudulent statements or entries is subject to a \$10,000 fine, imprisonment for not more than 5 years, or both, as prescribed by 18 U.S.C. 1001 (information available at this link: <https://go.usa.gov/xzch2>).

Signature

Date [MM/DD/YYYY]

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