

Expired Temporary Variances



Temporary variances from the production and handling requirements of the USDA organic regulations may be granted by the Administrator for natural disasters declared by the Secretary, damage caused by severe weather, or other business interruption, or for the purpose of conducting research in organic production or handling. Procedures for requesting temporary variances are described in [NOP 2606: Processing Requests for Temporary Variances](#). 7 CFR Section 205.290 provides the full regulatory text regarding temporary variances.

The list of temporary variances that were previously approved or denied is listed below. For a list of temporary variances currently in effect, please visit <http://www.ams.usda.gov/rules-regulations/organic>.

Allowed Temporary Variances (Expired)

Company / Producer	Location	Date of AMS Decision	Effective Date	Expiration	Certifying Agent	Remarks
Certified organic ruminant livestock producers in Maine.	Counties in Maine declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016	10/25/2016	10/25/2016	2016 grazing season	MOFGA Certification Services, LLC	<p>The temporary variance is from the organic pasture requirements § 205.237(c) and §205.240 of the USDA organic regulations with the following restrictions:</p> <ol style="list-style-type: none"> 1. Applies to organic ruminant livestock producers in Maine counties (Kennebec, Lincoln, Franklin, Somerset, and Waldo Kennebec, Lincoln, Franklin, Somerset, and Waldo) declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016. 2. Applies to non-irrigated pasture only. 3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season. 4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.

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Certified organic ruminant livestock producers in Connecticut and Massachusetts.	Counties in Connecticut and Massachusetts declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016	9/30/2016	9/30/2016	2016 grazing season		<p>The temporary variance applies to the organic pasture requirements § 205.237(c) with the following restrictions:</p> <ol style="list-style-type: none"> 1. Applies to organic ruminant livestock producers in Litchfield County, Connecticut and Massachusetts counties (Franklin, Worcester, Dukes, Berkshire, Bristol, and Middlesex) declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016. 2. Applies to non-irrigated pasture only. 3. Ruminants must graze on organic pasture in Connecticut for at least 100 days instead of 120 days during the grazing season. 4. Ruminants must graze on organic pasture in Massachusetts for at least 60 days instead of 120 days during the grazing season.
Certified organic ruminant livestock producers in Maine.	Counties in Maine declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016	9/30/2016	9/30/2016	2016 grazing season	MOFGA Certification Services, LLC	<p>The temporary variance is from the organic pasture requirements § 205.237(c) and §205.240 of the USDA organic regulations with the following restrictions:</p> <ol style="list-style-type: none"> 1. Applies to organic ruminant livestock producers in Maine counties (York, Cumberland, and Oxford) declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016. 2. Applies to non-irrigated pasture only. 3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season. 4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.

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Certified organic ruminant livestock producers in New York and Pennsylvania.	Counties in New York and Pennsylvania declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016	9/30/2016	9/30/2016	2016 grazing season	NOFA-NY Certified Organic, LLC	<p>The temporary variance applies to the organic pasture requirements § 205.237(c) with the following restrictions:</p> <ol style="list-style-type: none"> 1. Applies to organic ruminant livestock producers in New York counties (Allegany, Cattaraugus, Cayuga, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuylar, Seneca, Steuben, Tioga, Tompkins, Wyoming, Yates, Broome, Chautauqua, Chenango, Madison, Oswego, and Wayne) and Pennsylvania counties (Bradford, Potter, Susquehanna, and Tioga) declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016. 2. Applies to non-irrigated pasture only. 3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season. 4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.
Certified organic ruminant livestock producers in New Hampshire	Counties in New Hampshire declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016	09/23/16	09/23/16	2016 grazing season	New Hampshire Department of Agriculture, Markets and Food	<p>The temporary variance applies to the organic pasture requirements § 205.237(c) with the following restrictions:</p> <ol style="list-style-type: none"> 1. Applies to organic ruminant livestock producers in counties declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016. 2. Applies to non-irrigated pasture only. 3. Ruminants must graze on organic pasture for 90 days instead of 120 days during the grazing season. 4. Ruminants must obtain, on average, 15 percent of their dry matter intake (DMI) during the grazing season.

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Osceola Jerseys	Enumclaw, Washington	11/13/2015	4/10/2015	11/13/2015	Oregon Tilth	Temporary variance is granted from §205.237(c) and §205.239(a)(2) with the following restrictions: (1) This temporary variance applies only to the Osceola Jerseys operation in Enumclaw, WA. (2) Osceola Jerseys must provide a minimum of 27% dry matter intake (DMI) for their milking cows and 114 days minimum on pasture. (3) Osceola Jerseys must provide a minimum of 28% DMI for their 6-8- month heifers and 89 days minimum on pasture. This temporary variance applies to the 2015 grazing season.
Harmony Organic Dairy	Twin Falls, ID	6/10/2015	6/1/2015	9/30/2015	Requested by: Idaho State Department of Agriculture (ISDA)	Temporary variance is granted from §§205.237(c) with the following restrictions: (1) this temporary variance applies only to the Harmony Organic Dairy operation in Twin Falls, ID. (2) The established 2015 grazing season for Harmony Organic Dairy is May through October. This temporary variance applies from June 1, 2015 through September 30, 2015. (3) Harmony Organic Dairy does not have to provide grazing from pasture to its organic milking cows during the time period of the temporary variance. (4) Harmony Organic Dairy must provide 60 days of grazing from pasture to its heifers and dry cows to fulfill 15% average Dry Matter Intake (DMI) during the time period of the temporary variance.
Double Eagle Dairy, Inc.	Twin Falls, ID	6/10/2015	6/1/2015	8/31/2015	Requested by: Idaho State Department of Agriculture (ISDA)	Temporary variance is granted from §205.237(c) with the following restrictions: (1) This temporary variance only applies to Double Eagle Dairy Inc. located in Twin Falls County and Cassia County, Idaho. (2) The established 2015 grazing season for Double Eagle Dairy Inc. is May through August. This temporary variance applies from June 1, 2015 through August 31, 2015. (3) Double Eagle Dairy Inc. does not have to provide grazing from pasture to its organic milking cows and heifers during the time period of the temporary variance. (4) Double Eagle Dairy Inc. must provide 45 days of grazing from pasture to its dry class livestock to fulfill 10% average Dry Matter Intake (DMI) during the time period of the temporary variance.

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McClure Dairy Inc.	Iverness, CA	6/10/2015	1/1/2015	6/30/2015	Marin Organic Certified Agriculture	Temporary variance is granted from §205.237(c) with the following restrictions: (1) This temporary variance applies only to the McClure Dairy Inc. operation in Iverness, CA. (2) The established 2015 grazing season for the McClure Dairy Inc. operation is January 1 – June 30. McClure Dairy Inc. must supply to its organic milking cows at least 27% percent average dry matter intake from pasture during the 2015 grazing season. All other classes of cows over 6 months of age must be supplied with at least 30 percent average dry matter intake from pasture during the 2015 grazing season.
Various in California	California	2/12/2014	2/12/2014	2014 calendar year	Requested by: Marin Organic Certified Agriculture; CCOF	Temporary variance is granted from §§205.237(c), 205.240(b) and (c)(2) for the 2014 grazing season with the following restrictions: (1) applies only to organic ruminant livestock producers located in California counties designated as primary natural disaster areas by Secretary Thomas J. Vilsack in 2014 and consider February and March 2014 as part of their grazing season. (2) Organic ruminant livestock producers, whose grazing season includes February and March 2014, are not required to graze or provide dry matter intake from pasture during this time period. Producers may reduce their 2014 grazing season by the number of days that correspond to this time period in their grazing plan. (3) This temporary variance applies to the 2014 calendar year only.

Company / Producer	Location	Date of AMS Decision	Effective Date	Expiration	Certifying Agent	Remarks
Cottonwood Cattle Company	Texas New Mexico Colorado	5/16/2014	5/16/2014	2014 calendar year	Requested by: Quality Certification Services (QCS)	Temporary variance is granted from §205.237(c) with the following restrictions: (1) applies only to Cottonwood Cattle Company, Inc., operations in Hartley, Dallam and Sherman Counties in Texas; Colfax, Harding and Union Counties in New Mexico; and Baca and Las Animas Counties in Colorado. (2) applies to non-irrigated pasture only. (3) applies for the first two months of Cottonwood’s 2014 grazing season (June 1-July 31), a period of 61 days. During this time period Cottonwood does not have to provide grazing from pasture to its organic ruminant livestock. (4) Cottonwood must manage its ruminants on pasture during the last two months of the grazing season (August and September 2014). During that time period all ruminant livestock must be provided an average of not less than 30 percent of their dry matter intake from pasture. If pasture is available for grazing after September 30, then all Cottonwood organic ruminant livestock must graze an average of not less than 30 percent of their dry matter intake from pasture during that time period.
Aurora Organic Farms – High Plains	Gill, Colorado	6/19/2014	5/1/2014	7/31/2014	Requested by: Colorado Department of Agriculture (CDA)	Temporary variance is granted from §§205.237(c) and 205.240 with the following restrictions: (1) this temporary variance applies only to the Aurora Organic Farms – High Plains operation in Gill, Colorado. (2) the established 2014 grazing season for the Aurora Organic Farms – High Plains operation is May 1 – September 30. This temporary variance applies from May 1 – July 31. During this time period, Aurora Organic Farms – High Plains does not have to provide grazing from pasture to its organic ruminant livestock.

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Ohio State University's Ecological Food and Farming Association Education and Research Program	Wooster, Ohio	6/23/2014	6/23/2014	End of specified research project	Requested by: Ohio Ecological Food and Farming Association	Temporary variance is granted from §205.205 for the cucurbit disease management research project. Ohio State University's Organic Food & Farming Education & Research Program is not required to comply with crop rotation regulations in §205.205 for the life of this specific research project.
Nature's Way Management	Portales, New Mexico	11/6/2013	11/6/2013	2013 grazing season		Due to ongoing severe drought conditions, ruminants must graze an average of no less than 10 percent of their dry matter intake from pasture during the 2013 grazing season, which must be at least 68 days. Farm must meet all other organic pasture requirements.
Corsetino Dairy	Walsenburg, Colorado	9/24/2013	9/24/2013	2013 grazing season	EcoCert ICO	Due to ongoing severe drought conditions, ruminants must graze an average of no less than 10 percent of their dry matter intake from pasture during the 2013 grazing season. Farm must meet all other organic pasture requirements (sections 205.237(c) and 205.240) of the USDA organic regulations, including grazing for at least 120 days in 2013. This variance <u>only</u> applies to: (1) Corsetino Dairy and (2) Non-irrigated pasture.
Cottonwood Cattle Company	Various	8/21/2013	8/21/2013	2013 grazing season	Quality Certification Services	Due to ongoing severe drought conditions, ruminants must be managed on pasture for 0 instead of 120 days. Farm must meet all other organic pasture requirements (sections 205.237(c) and 205.240) of the USDA organic regulations. This variance <u>only</u> applies to: (1) Cottonwood Cattle Company, Inc. operations in the specified counties and (2) Non-irrigated pasture.
Cottonwood Cattle Company	Various	7/23/2013	7/23/2013	2013 grazing season	Quality Certification Services	Due to ongoing severe drought conditions, ruminants must be managed on pasture for 30 instead of 120 days. Farm must meet all other organic pasture requirements (sections 205.237(c) and 205.240) of the USDA organic regulations. This variance <u>only</u> applies to: (1) Cottonwood Cattle Company, Inc. operations in the specified counties and (2) Non-irrigated pasture.

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Cottonwood Cattle Company	Various	6/18/2013	6/18/2013	2013 grazing season	Quality Certification Services	Due to ongoing severe drought conditions, ruminants must be managed on pasture for 60 instead of 120 days. Farm must meet all other organic pasture requirements (sections 205.237(c) and 205.240) of the USDA organic regulations. This variance <u>only</u> applies to: (1) Cottonwood Cattle Company, Inc. operations in the specified counties and (2) Non-irrigated pasture.
Various	Various	6/7/2013	6/7/2013	2013 growing season	International Certification Services, Inc.	Due to damaged organic annual tobacco seedlings and unavailability of additional organic seedlings, specified operations may use non-organic burley and dark tobacco annual seedlings for the 2013 growing season only.
Cottonwood Cattle Company	Various	5/23/2013	5/23/2013	2013 grazing season	Quality Certification Services	Due to ongoing severe drought conditions, ruminants must be managed on pasture for 90 instead of 120 days. Farm must meet all other organic pasture requirements (sections 205.237(c) and 205.240) of the USDA organic regulations. This variance <u>only</u> applies to: (1) Cottonwood Cattle Company, Inc. operations in the specified counties and (2) Non-irrigated pasture.
Various	U.S. counties Secretary Vilsack has designated as primary or contiguous natural disaster areas in 2012	11/2/2012	11/2/2012	2012 grazing season	Those that certify operations in counties Secretary Vilsack has designated primary or contiguous natural disaster areas.	USDA is granting a temporary variance from the organic pasture requirements (Sections 205.237(c) and 205.240) of the USDA organic regulations with the following restrictions: (1) Applies only to organic ruminant producers in counties declared as primary or contiguous natural disaster areas by Secretary Vilsack in calendar year 2012; (2) Applies to non-irrigated pasture only; (3) Instead of 30 percent, producers must supply at least 15 percent of their dry matter intake (on average) from certified organic pasture; (4) Applies to the 2012 grazing season only.

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New Mexico Department of Agriculture	New Mexico	11/2/2012	11/2/2012	2012 grazing season	New Mexico Department of Agriculture	After a prolonged severe drought, the pasture conditions in New Mexico have severely deteriorated, risking permanent soil damage. Resource conservation experts have recommended a shorter grazing season in order to protect soil quality and rangeland/pasture health. Especially when coupled with reduced access to irrigation water, USDA is granting a temporary variance from the organic pasture requirements (Sections 205.237(c) and 205.240) of the USDA organic regulations with the following restrictions: (1) Applies only to organic ruminant producers in the State of New Mexico; (2) Includes irrigated and non-irrigated pasture; (3) Instead of 120 days, ruminants must graze organic pasture at least 80 days during the grazing season; (4) Instead of 30 percent, ruminants must consume at least 15 percent of their dry matter intake (on average) from certified organic pasture; (5) Applies to the 2012 grazing season only.
Corsentino Dairy	Colorado	11/2/2012	11/2/2012	2012 grazing season	Indiana Certified Organic	Due to severe drought and lack of irrigation water, USDA is granting a temporary variance from section 205.237(c) of the USDA organic regulations with the following restrictions: (1) The producer, Corsentino Dairy, must supply at least 10 percent average dry matter intake from pasture, or no more than 90 percent average of a ruminant's dry matter demand from dry matter fed; (2) This approval is applicable only to Corsentino Dairy in Walsenburg, Colorado.

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Cottonwood Cattle Company	Texas	11/2/2012	11/2/2012	2012 grazing season	Quality Certification Services	Due to severe drought and additional documentation, USDA is granting a temporary variance from the organic pasture requirements (Sections 205.237(c) and 205.240) of the USDA organic regulations with the following restrictions: (1) This variance applies to the Cottonwood Cattle Company, Inc. only; (2) This variance applies to non-irrigated pasture only; (3) Cottonwood must supply at least 15 percent dry matter average dry matter intake from pasture, or no more than 85 percent average of a ruminant's dry matter demand from dry matter fed over the 2012 grazing season; (4) Cottonwood must manage its ruminants on pasture throughout a grazing season of not less than 60 days.
Various	U.S. counties Secretary Vilsack has designated natural disaster areas.	8/9/2012	8/9/2012	12/31/2012	Those that certify operations in counties Secretary Vilsack has designated natural disaster areas.	This initial drought-related temporary variance was replaced by this temporary variance effective November 2, 2012.
Forrest Farms, Spear 7	Wyoming	6/29/2012	6/29/2012	2012 grazing season	Oregon Tilth Certified Organic	Temporary variance from § 205.237(c)(1), restricted to no more than an average of 85% of a ruminant's dry matter demand from dry matter fed and to ruminant livestock operations in Wyoming.

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James Burkholder	Pennsylvania	5/4/2012	5/4/2012	5/3/2013	Pennsylvania Certified Organic	Temporary variance from § 205.238(a)(5) for the fistulation of three cows for research purposes, with the following conditions: (1) Milk from the fistulated cows must not be sold, labeled, or represented as organic; (2) Offspring from the fistulated cattle must not be sold or represented as organic slaughter stock; (3) Offspring from the fistulated cattle shall be managed organically for one year before their milk may be sold, labeled, or represented as organic; (4) Any proposed modifications to the Organic System Plan shall be submitted to the accredited certifying agent for approval.
Schneider Farms	Minnesota	12/5/2011	12/5/2011	2011 grazing season	Minnesota Crop Improvement Association	Temporary variance allowed due to documented severe drought conditions.
Texas Department of Agriculture	Texas	11/8/2011	11/8/2011	12/31/2011	Texas Department of Agriculture	Temporary variance allowed due to documented severe drought conditions. The variance applies to the organic ruminant producers located in any of the 214 Texas counties designated as primary natural disaster areas on April 4 and June 24, 2011 by USDA Secretary Thomas J. Vilsack. Non-irrigated pasture only; producers having access to irrigated pasture are not included in the variance.
Cottonwood Cattle Company	Texas	11/3/2011	11/3/2011	12/31/2011	Quality Certification Services	Temporary variance allowed due to documented severe drought conditions.
Texas Department of Agriculture	Texas	Allowed 10/14/2011	10/14/2011	12/31/2011	Texas Department of Agriculture	Temporary variance allowed due to documented severe drought conditions, for organic livestock producers in the following Texas counties: Bastrop, Lamb, and Travis. During the grazing season, producers having access to irrigated pasture may not provide more than an average of 85 percent of a ruminant's dry matter demand from dry matter fed. Dry matter fed does not include dry matter grazed from residual forage or vegetation rooted in pasture.

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New Mexico Department of Agriculture	New Mexico	Allowed 10/14/2011	10/14/2011	12/31/2011	New Mexico Department of Agriculture	Temporary variance allowed due to documented severe drought conditions, for organic livestock producers in the following New Mexico counties: Catron; Cibola; Curry; De Baca; Roosevelt; San Miguel; and Socorro. During the grazing season, producers having access to irrigated pasture may not provide more than an average of 85 percent of a ruminant's dry matter demand from dry matter fed. Dry matter fed does not include dry matter grazed from residual forage or vegetation rooted in pasture.
Indiana Certified Organic, LLC	Colorado	Allowed 8/5/2011	8/5/2011	2011 grazing season	Indiana Certified Organic, LLC	Temporary variance allowed due to documented severe drought conditions, for organic livestock producers in the following Colorado counties: Bent, Chaffee, Custer, Fremont, Huerfano, Kiowa, Las Animas, Prowers, and Pueblo. Non-irrigated pasture only; producers having access to irrigated pasture are not included in the variance.
Glaserne Meierie GmbH	Germany	Allowed 7/19/2011	7/19/2011	2011 grazing season	Institut fur Marktökologie	<i>Only applies to Glaserne Meierie GmbH, certificate #27403-NOP.</i> Temporary variance allowed due to a documented business interruption. Construction of a road has temporarily impeded his herd's access to half of the available pasture. A bridge is under construction that will allow cattle to access all pasture areas.
New Mexico Organic Commodity Commission (NMOCC)	New Mexico	Allowed 6/10/2011	6/15/2011	9/15/2011	NMOCC	Temporary variance allowed due to documented severe drought conditions, for organic livestock producers in the following New Mexico counties: Catron; Cibola; Curry; Grant; Mora; Roosevelt; San Miguel; and Socorro. Non-irrigated pasture only; producers having access to irrigated pasture are not included in the variance.
Vidalia Organics, Inc.	Georgia	Allowed 1/15/2010	1/15/2010	2010 Planting Season	Quality Certification Services (QCS)	§ 205.204(a)(3) Seeds and planting stock practice standard. A Temporary Variance was granted to allow the use of non-organically produced onion seedlings.

Denied Requests for Temporary Variances

Company / Producer	Location	Date of AMS Decision	Effective Date	Expiration	Certifying Agent	Remarks
Landsverk Dairy	Fosston, Minnesota	4/3/2014	N/A	N/A	Quality Assurance International (QAI)	Denied because request was not timely.
John Bledsoe Organics	Blackstone, Virginia	5/6/2014	N/A	N/A	International Certification Services (ICS)	Denied because the reason for the variance does not fit any of the allowed reasons under which a temporary variance could be granted, and due to the use of a prohibited fungicide.
Richard Pool Organics	South Boston, Virginia	5/6/2014	N/A	N/A	International Certification Services (ICS)	Denied because the reason for the variance does not fit any of the allowed reasons under which a temporary variance could be granted, and due to the use of a prohibited fungicide.
New Zealand Ministry for Primary Industries	Wellington, New Zealand	Denied 5/9/2013	N/A	N/A	Multiple	Requested Variance: reduce the transition period for dairy animals to three months. Since AMS concluded this variance would adversely affect organic integrity, this request is denied.
Cottonwood Cattle Company	Texas	Denied 8/13/2012	N/A	N/A	Quality Certification Services (QCS)	Due to severe drought, a request was made for a temporary variance from the organic pasture requirements. Since irrigation is available for use on the operation's organic pasture, this request is denied.
Coulee Region Organic Produce Pool (CROPP)	Various	Denied 8/13/2012	N/A	N/A	Organic Tilth Certified Organic (OTCO)	Due to severe to moderate drought conditions, a request was made to allow organic animals to graze eligible land prior to its organic certification. Since temporary variances cannot be granted for on-site inspections (§ 205.403(a)(1)), this request is denied.
Iowa Department of Agriculture & Land Stewardship	Des Moines, Iowa	Denied 7/14/2011	N/A	N/A	Iowa Department of Agriculture & Land Stewardship	A request was made to use injectable vitamin A to research efficacy in managing pinkeye in cattle. Although the research sounds valuable, vitamin A is only allowed for enrichment or fortification when approved by FDA. The request for temporary variance was denied per § 205.290(e).

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Laurance Kriegel	Texas	Denied 7/11/2011	N/A	N/A	Texas Department of Agriculture	A request was made to use a product as an herbicide. Since the active ingredient for this product is not listed as an allowed synthetic for crop production, the request for temporary variance was denied per § 205.290(e).
California Certified Organic Farmers	California	Denied 6/30/2011	N/A	N/A	California Certified Organic Farmers	A request was made to conduct research on methane emissions from organic dairy cows using Sulfur hexafluoride tracing. Since this substance is not listed as an allowed synthetic for livestock production, the request for temporary variance was denied per § 205.290(e).
Crimson Clover Farm	New York	Denied 11/8/2010	N/A	N/A	Northeast Organic Farming Association of New York	A request was made to conduct production research with treated grain seeds. Since the treatment included substances not listed as allowed synthetic materials for crop production, the request for temporary variance was denied per § 205.290(e).

This table is based on information submitted to NOP since January, 2010 and is updated when AMS Administrator decisions are issued.