

# Current 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 are currently in effect or that were denied in 2016 is listed below. For a list of expired temporary variances, please visit <http://www.ams.usda.gov/rules-regulations/organic>.

| 2016 Allowed Temporary Variances                                |   |                      |                |                     |                                   |  |
|---|---|----------------------|----------------|---------------------|-----------------------------------|--|
| Company / Producer  | Location  | Date of AMS Decision | Effective Date | Expiration          | Certifying Agent                  | Remarks  |
| <b>Certified organic ruminant livestock producers in Maine.</b> | 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"> <li>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.</li> <li>2. Applies to non-irrigated pasture only.</li> <li>3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season.</li> <li>4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.</li> </ol> |

| Company / Producer  | Location  | Date of AMS Decision | Effective Date | Expiration          | Certifying Agent                  | Remarks  |
|---|---|----------------------|----------------|---------------------|-----------------------------------|--|
| <b>Certified organic ruminant livestock producers in Connecticut and Massachusetts.</b> | 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"> <li>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.</li> <li>2. Applies to non-irrigated pasture only.</li> <li>3. Ruminants must graze on organic pasture in Connecticut for at least 100 days instead of 120 days during the grazing season.</li> <li>4. Ruminants must graze on organic pasture in Massachusetts for at least 60 days instead of 120 days during the grazing season.</li> </ol> |
| <b>Certified organic ruminant livestock producers in Maine.</b>                         | 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"> <li>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.</li> <li>2. Applies to non-irrigated pasture only.</li> <li>3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season.</li> <li>4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.</li> </ol>  |

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|--|--|----------------------|------------------|----------------------------|---------------------------------------|---|
| <p><b>Certified organic ruminant livestock producers in New York and Pennsylvania.</b></p> | <p>Counties in New York and Pennsylvania declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016</p> | <p>9/30/2016</p>     | <p>9/30/2016</p> | <p>2016 grazing season</p> | <p>NOFA-NY Certified Organic, LLC</p> | <p>The temporary variance applies to the organic pasture requirements § 205.237(c) with the following restrictions:</p> <ol style="list-style-type: none"> <li>1. Applies to organic ruminant livestock producers in New York counties (Allegany, Cattaraugus, Cayuga, Chemung, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuyler, 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.</li> <li>2. Applies to non-irrigated pasture only.</li> <li>3. Ruminants must graze on organic pasture for at least 90 days instead of 120 days during the grazing season.</li> <li>4. Ruminants must obtain, on average, at least 15 percent of their dry matter intake (DMI) from pasture during the grazing season.</li> </ol> |

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|--|---|----------------------|----------------|---------------------|---|---|
| <b>Certified organic ruminant livestock producers in New Hampshire</b>                 | 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"> <li>1. Applies to organic ruminant livestock producers in counties declared as primary or contiguous drought disaster areas by Secretary Vilsack in calendar year 2016.</li> <li>2. Applies to non-irrigated pasture only.</li> <li>3. Ruminants must graze on organic pasture for 90 days instead of 120 days during the grazing season.</li> <li>4. Ruminants must obtain, on average, 15 percent of their dry matter intake (DMI) during the grazing season.</li> </ol> |
| <b>Ohio State University's Organic Food and Farming Education and Research (OFFER)</b> | 2 Sites:<br><br>Wooster, OH<br><br>and<br><br>Bowling Green, OH   | 07/25/2016           | 07/25/2016     | 09/30/2019          | Ohio Ecological Food and Farm Association (OEFFA)         | <p>The temporary variance from § 205.203(d)(1) is for research purposes and restricted to:</p> <ul style="list-style-type: none"> <li>• The use of micronutrients on the National List of allowed synthetic substances at §205.601(j)(6) without documentation of deficiencies from soil testing.</li> <li>• The variance will only cover OARDC OFFER fields EB701 and WB1101; and Hirzel Site fields SP1, SP2, and SP3.</li> </ul>   |
|  |   |                      |                |                     |   |   |

## 2016 Denied Requests for Temporary Variances

| Company /<br>Producer | Location | Date of AMS Decision | Certifying Agent | Remarks |
|-----------------------|----------|----------------------|------------------|---------|
|                       |          |                      |                  |         |

This table is updated when AMS Administrator decisions are issued.