



Temporary Variances

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USDA Agricultural Marketing Service

National Organic Program



Training Overview



- Review the policies and procedures in **NOP 2606**
Instruction Temporary Variances
- Review information regarding Temporary Variances on the NOP website



7 CFR §205.290 Temporary Variances

(a) Temporary variances from the requirements in §§ 205.203 through 205.207, 205.236 through 205.240 and 205.270 through 205.272 may be established by the Administrator



- The Administrator may establish a temporary variance for the following reasons:
 - *Natural Disasters declared by the Secretary;*
 - *Damage caused by drought, wind, flood, excessive moisture, hail, tornado, earthquake, fire or other business interruption; and*
 - *Practices used for the purpose of conducting research or trials of techniques, varieties, or ingredients used in organic production or handling.*



- A temporary variance may not be granted for:
 - *Any practice, material or procedure prohibited under § 205.105;*
 - *Feeding non-organic feed to organic livestock; or*
 - *Any USDA organic regulations not included §§ 205.203 - 205.207, 205.236 - 205.240, and 205.270 - 205.272.*



- Temporary variances shall be granted for a specified time, subject to extension as the Administrator deems necessary

“This temporary variance applies to the 2015 grazing season.”





- A certifier or State Organic Program (SOP) may recommend that a temporary variance be established; or
- A certified operation may submit a request for a temporary variance to their certifier or SOP



- A certified operation submitting a request for a temporary variance to their certifier or SOP must:
 - Submit the request in writing, including supporting documentation justifying the need for the temporary variance; and
 - Maintain records on any procedures or practices impacted by the temporary variance *

** Certifiers must verify an operation's compliance with the temporary variance.*



1. Upon receiving a request, the certifier or SOP reviews the written request to determine whether:
 - ✓ the request is based on one or more of the reasons listed in § 205.290(a); and
 - ✓ the supporting documentation provided by the operation justifies the need for the requested temporary variance



2. The certifier or SOP submits the operation's written request, including:
 - Supporting documentation provided by the operation;
 - A recommendation to either grant or deny the operation's request, along with the reasons why
 - ❖ ***Recommendations must include the scope, duration, and any restrictions***



3. Upon receiving the recommendation, the NOP:
 - a. Reviews the recommendation for completeness;
 - b. Evaluates the recommendation against allowed reasons for temporary variances described in § 205.290 ; and
 - c. Forwards a recommendation to the AMS Administrator for decision to grant or deny



4. If the AMS Administrator grants the temporary variance, NOP issues a Notice of Temporary Variance Approval, which includes ...
 - scope of the temporary variance
 - restrictions, if any
 - duration of the temporary variance.



5. If the AMS Administrator denies the temporary variance, NOP issues a Notice of Denial of Temporary Variance Approval, which states the reason(s) for denial.
6. NOP sends the notification to the certifier.
7. The certifier informs the operation of the Administrator's decision.



AMS' decisions are published on its [website](#)

Temporary Variances

The Administrator may grant temporary variances from the production and handling requirements of the USDA organic regulations for the following reasons: natural disasters declared by the Secretary; damage caused by severe weather or other business interruption; or practices used for the purpose of conducting research in organic production or handling.

- [View the current list of variances \(pdf\)](#)
- [View the expired list of variances \(pdf\)](#)

Submission Address



Submit recommendations to:

AIAInBox@ams.usda.gov

or

USDA, AMS, National Organic Program
1400 Independence Avenue, SW
Room 2642-S, STOP 0268
Washington, DC 20250

Questions?

