

Like many farms and ranches across the state of Texas, organic livestock operations have experienced herd loss and devastation to pasture and rangeland. However, this is doubly troubling for ruminant organic livestock producers due to certain regulations of the USDA National Organic Program (NOP). Sections 205.237(c) and 205.240 of the NOP Regulations require that ruminant animals have a grazing season of at least 120 days and obtain a minimum of 30 percent of their dry matter intake from pasture grazing.

On October 27, 2011 the Texas Department of Agriculture submitted a request to the USDA Agricultural Marketing Service (AMS) for a temporary variance from sections 205.237(c) and 205.240 for organic livestock producers located in the state of Texas. The USDA AMS granted the temporary variance to the 214 counties that were identified as primary natural disaster areas earlier this year. Click [here](#) to view a listing of the 214 counties in alphabetical order. Click [here](#) to view a copy of the temporary variance approval notice.

Anderson	Cochran	Galveston	Jim Hogg	Midland	Scurry
Andrews	Coke	Garza	Jim Wells	Mills	Shackelford
Angelina	Coleman	Gillespie	Johnson	Mitchell	Shelby
Aransas	Collin	Glasscock	Jones	Montgomery	Sherman
Archer	Collingsworth	Goliad	Kames	Moore	Smith
Armstrong	Colorado	Gonzales	Kendall	Morris	Somervell
Atascosa	Comal	Gray	Kenedy	Motley	Starr
Austin	Comanche	Gregg	Kent	Nacogdoches	Stephens
Bailey	Concho	Grimes	Kerr	Newton	Sterling
Bandera	Cooke	Guadalupe	Kimble	Nolan	Stonewall
Bastrop	Coryell	Hale	King	Ochiltree	Sutton
Baylor	Cottle	Hall	Kleberg	Oldham	Swisher
Bee	Crockett	Hamilton	Knox	Orange	Taylor
Bell	Crosby	Hansford	La Salle	Palo Pinto	Terrell
Blanco	Culberson	Hardeman	Lamar	Panola	Throckmorton
Bosque	Dallam	Hardin	Lamb	Parker	Titus
Bowie	De Witt	Harris	Lampasas	Parmer	Tom Green
Brazoria	Deaf Smith	Harrison	Lavaca	Pecos	Travis
Brazos	Delta	Hartley	Lee	Polk	Trinity
Brewster	Denton	Haskell	Leon	Potter	Tyler
Briscoe	Dickens	Hays	Liberty	Presidio	Upshur
Brooks	Donley	Hemphill	Limestone	Rains	Upton
Brown	Duval	Hidalgo	Lipscomb	Randall	Val Verde
Burleson	Eastland	Hockley	Live Oak	Reagan	Victoria
Burnet	Edwards	Hood	Loving	Reeves	Walker
Caldwell	El Paso	Hopkins	Lubbock	Refugio	Waller
Calhoun	Ellis	Houston	Lynn	Roberts	Washington
Callahan	Erath	Howard	Madison	Robertson	Webb
Cameron	Fayette	Hudspeth	Marion	Rusk	Wheeler
Camp	Fisher	Hutchinson	Martin	Sabine	Wichita
Cass	Floyd	Irion	McCulloch	San Augustine	Wilbarger
Castro	Foard	Jack	McLennan	San Jacinto	Willacy
Chambers	Fort Bend	Jackson	McMullen	San Patricio	Wood
Cherokee	Franklin	Jasper	Medina	San Saba	Young
Childress	Freestone	Jeff Davis	Menard	Schleicher	Zapata
Clay	Frio	Jefferson			



1400 Independence Avenue, SW.  
Room 3071-S, STOP 0201  
Washington, DC 20250-0201

**NOTICE OF TEMPORARY VARIANCE APPROVAL**

NOV 08 2011

Mary Ellen Holliman  
Coordinator for Organic Certification  
Texas Department of Agriculture  
1700 N. Congress Avenue  
Austin, Texas 78701

Dear Ms. Holliman:

On October 27, 2011, the Department of Agriculture (USDA) received a request for a temporary variance from the National Organic Program (NOP) regulations §§205.237(c) and 205.240, submitted by the Texas Department of Agriculture on behalf of ruminant livestock producers located in several drought stricken Texas counties. The basis for establishing this variance for these Texas counties is documented severe drought conditions. USDA has reviewed the recommendation for a temporary variance for organic ruminant livestock producers according to NOP regulation requirements in §205.290. Based upon the submitted documentation, the request for temporary variance from §§205.237(c) and 205.240 is granted, with restrictions, and is in effect for the 2011 grazing season.

The temporary variance from §§ 205.237(c) and 205.240 is restricted to:

- Organic ruminant livestock 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.
- 2011 grazing season only; producers must comply with §§ 205.237(c)(2) and 205.240 for the 2012 grazing season, or submit a new request for Temporary Variance for 2012, as applicable.

If you have any questions regarding this decision, please contact Robert Pooler, Regional Accreditation Manager, at (202) 720-3252 or [bob.pooler@ams.usda.gov](mailto:bob.pooler@ams.usda.gov).

Sincerely,

A handwritten signature in black ink that reads "David R. Shipman". The signature is written in a cursive style with a large, looping initial "D".

David R. Shipman  
Acting Administrator