**NOP Variance Request Form**

**Instructions:** This form is to be completed by an operation requesting a temporary variance under § 205.290 or a variance from sourcing organic dairy animals under § 205.236(d). Operations must provide this completed form along with supporting documentation.

Operator (First Name, Last Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Operation Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Operation#: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phone number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Please check one and complete the applicable section:**

[ ]  I am requesting a variance under §205.236 (d). **Go to Section A.**

[ ]  I am requesting a temporary variance under §205.290(a). **Skip to Section B.**

**Section A: Variance to Sourcing Organic Livestock**

1. Does your operation or the seller/source of the livestock meet the requirements of a “small business?” Please see the requirements from the U.S. Small Business Administration in [13 CFR 121.104](https://www.ecfr.gov/current/title-13/chapter-I/part-121/subpart-A/subject-group-ECFRd133f03f6d8398b/section-121.104) and [121.201](https://www.ecfr.gov/current/title-13/chapter-I/part-121/subpart-A/subject-group-ECFRf12a11421b08a31/section-121.201).
 [ ]  Yes [ ]  No If **NO**, a variance cannot be requested.

2. Indicate under which situation the temporary variance is requested:

[ ]  A. The source is a certified organic operation selling the animals as part of a bankruptcy proceeding or forced sale.

[ ]  B. The source is a certified organic operation that has become insolvent, must liquidate its assets, and as a result has begun the process necessary to cease operations.

[ ]  C. The source is a certified organic operation that wishes to conduct an intergenerational transfer of transitioned animals to an immediate family member.

3. For intergenerational family transfer requests (2C), please provide a description of the intergenerational family relationship between the parties involved. Please clearly identify all parties and their relation to each other: [ ]  N/A

4. Please supply supporting documentation to demonstrate the situation meets one of the conditions in #2A or 2B. It will be necessary to obtain documentation from the seller or source to meet this requirement. [ ]  Documentation is attached. [ ]  N/A

5. Please provide the organic certificate for the source of the livestock.

[ ]  Organic Certificate is attached.

[ ]  Livestock list and documentation to show transitioned status is attached.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Section B: Temporary Variance:**

1. Indicate the reason you are requesting the temporary variance:

[ ]  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.

2. Indicate the specific standard(s) (§§ 205.203 through 205.207, 205.236 through 205.240 and 205.270 through 205.272) you are seeking variance from:

3. Please explain why this temporary variance is needed, including how long you expect the problem (see #1) to be an issue.

4. Please supply supporting documentation to indicate the need for the temporary variance.

[ ]  Attached

5. If the temporary variance is granted, I agree to maintain records on any procedures or practices impacted by the temporary variance and will have these records available at inspection or upon requestion. [ ]  Yes [ ]  No

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_