

# **Variance vs. HACCP Plan**

## **What is a Variance?**

A variance is a written document issued by the Regulatory Authority that authorizes a modification or waiver of one or more requirements of the Alabama Food Code. Variances are only granted if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver. A HACCP Plan and/or Variance is required for most specialized food processes.

## **What is a HACCP (Hazard Analysis and Critical Control Points) Plan?**

HACCP (Hazard Analysis & Critical Control Point) is a seven-step process in which food safety is addressed through the analysis of biological, chemical, and physical hazards that could contaminate food and make it unsafe for consumption. The HACCP process identifies critical control points and guides the development of food process safety control measures. A FSE may voluntarily elect to create a HACCP Plan as a form of additional food safety security or may be required to submit HACCP plans to the regulatory authority for approval due to engaging in special processes which require HACCP plans under the Alabama Food Code.

## **Requirements for Variance Request (FDA Food Code 3-502.11)**

Before a variance from a requirement of the Alabama Food Code is approved, the information that shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment should include:

1. A statement of the proposed variance of the Alabama Food Code requirement citing relevant code section numbers.
2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Alabama Food Code sections will be alternatively addressed by the proposal.
3. A HACCP Plan if required as specified under: ¶ 8-201.13(A) that includes the information specified under 8-201.14 as it is relevant to the variance requested.

## **Contents of a HACCP Plan – (FDA Food Code 8-201.14)**

1. A categorization of the types of time/temperature control for safety foods (TCS) that are specified under the plan.
2. A flow diagram by specific food or category type identifying critical control points providing information on the following:
  - a. Ingredients, materials, and equipment used in the preparation of a food; and
  - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.
3. Food employee and supervisory training plan that addresses the food safety issues of concern.
4. A statement of standard operating procedures for the plan under consideration including clearly identifying:
  - a. Each critical control point.
  - b. The critical limits for each critical control point.
  - c. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the PIC.
  - d. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.
  - e. Action to be taken by the person in charge if the critical limits for each critical control point are not met.
  - f. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
5. Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

Please contact JCDH @ (205) 930-1260  
Or visit [www.JCDH.org](http://www.JCDH.org) for more information on  
Variance requests and HACCP submittals.



# Special Processes Requirement Chart

Special Processes at Retail	Variance	HACCP
<b>Reduced Oxygen Packaging (ROP)</b>		
Vacuum Packaging Raw Meats (held ≤ 41F for ≤ 30 days)	No	Yes
Vacuum Packaging Cooked Foods (held ≤ 41F for ≤ 7 days)	No	Yes
*Vacuum Packaging of any food (held ≤ 41F and opened ≤ 48 hrs - when labeled correctly)	No	No
Vacuum Packaging Raw Fish (held frozen entire process)	No	Yes
Cook/Chill (cooled to 41F and held ≤ 41F up to 7 days)	No	Yes
*Cook/Chill (held ≤ 41F and opened ≤ 48 hrs)	No	No
Sous-Vide (cooked to standard final cook temp and cooled/held using temps same as cook/chill)	No	Yes
*Sous-Vide (held ≤ 41F and opened ≤ 48 hrs)	No	No
<b>Additives for Shelf Stability or to Extend Shelf Life</b>		
Acidification of Sushi Rice	Yes	Yes
*Acidification of Sushi Rice <b>for taste only</b> - (with or w/o using Time As A Public Health Control)	No	No
Pickling (holding ≥ 7 days with TCS vegetables or heat treated brine)	Yes	Yes
*Pickling (holding for ≤ 7 days with non-TCS vegetables)	No	No
<b>Fermentation</b>		
Fermentation of Sausages	Yes	Yes
Fermentation of Kimchi	Yes	Yes
Fermentation of milk to make yogurt or cheese	Yes	Yes
<b>Curing and Smoking of Animal Foods</b>		
Curing, Drying and Smoking Fish	Yes	Yes
Curing, Drying, and Smoking Meat and Poultry	Yes	Yes
*Curing, Drying, and Smoking Meat and Poultry <b>for taste only</b> (not for preservation)	No	No
<b>Processing and Packaging Juices</b>	No	Yes
*Warning Label or Sold by the Glass in lieu of Pasteurization	No	No
5-log Reduction of Pathogens via Pasteurization	No	Yes
<b>Bean or Seed Sprouts</b>	Yes	Yes
<b>Custom Processing of Meat for Personal Use</b>	Yes	Yes
<b>Note* - Items in red do not require either a Variance or a HACCP plan</b>		

When a variance is needed, the HACCP & variance application must be approved by the JCDH Environmental Health/Food & Lodging before beginning any specialized food process.

# SPECIAL PROCESSES IN FOOD SERVICE ESTABLISHMENTS



**Vacuum Packaging ROP**



**Sous Vide ROP**



**Cook Chill ROP**



**Acidification (Sushi Rice)**



**Fermentation (Kimchi)**



**Processing/Packaging Juice**



**Bean or Seed Sprouting**



**Smoking Meats**



**Drying Meats**



**Curing Meats**



**Live Molluscan Shellfish Tanks**

**“Special Processes”**- processes or procedures, often using unusual technologies or equipment, which are not fully addressed in the Food Code. These processes are specialized food processing operations that are typically seen at the commercial manufacturing level but are conducted at retail instead. They present a significant health risk if not conducted under strict operational procedure.

# SPECIAL PROCESSES IN FOOD SERVICE ESTABLISHMENTS

## Most Common Special Processes Seen in Retail Establishments:

**1. REDUCED OXYGEN PACKAGING (ROP)** - A packaging procedure that reduces, removes, or displaces the oxygen level in a sealed food package with the intent to extend shelf life.

### Specific Types of ROP:

- **VACUUM PACKAGING** - air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package.
- **COOK-CHILL PACKAGING** - cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed, rapidly chilled, and refrigerated.
- **SOUS VIDE PACKAGING** - raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, then refrigerated until reheated for service.

**2. ADDING COMPONENTS/ADDITIVES** - The process of adding salts, acids, starter cultures, or nitrites to reduce pH or water activity, to prevent growth of *Clostridium botulinum*, and to produce starter cultures to render TCS foods shelf-stable or extend shelf life.

- ACIDIFICATION
- FERMENTATION
- CURING, SMOKING, DRYING, AND FERMENTATION OF ANIMAL FOOD

### **3. ADDITIONAL SPECIAL PROCESSES**

- PROCESSING AND PACKAGING JUICES
- SPROUTING OF BEANS OR SEEDS
- MOLLUSCAN SHELLFISH LIFE SUPPORT TANKS for Human Consumption
- CUSTOM PROCESSING OF MEAT FOR PERSONAL USE

