



CITY OF HOUSTON

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Supporting Houston Food Ordinance Requirements for Variances and Waivers

Section 20-21.4(m)(1) Variance Requirement.

A food establishment shall obtain a variance from the health officer as specified in Section 20-19(e)(1), and under Section 20-21.4(m)(1) before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement; or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under Section 20-21.4(m)(2) where a barrier to *Clostridium botulinum* in addition to refrigeration exists; or preparing food by another method that is determined by the regulatory authority to require a variance.

Section 20-19(e)(1) Documentation of Proposed Variance and Justification.

Before a variance from a requirement of these rules is approved, the information that shall be provided by the person requesting the variance and retained the department's records for the food establishment includes:

- (A) A statement of the proposed variance of the rule requirement citing relevant rules section numbers;
- (B) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant rules section will be alternatively addressed by the proposal; and
- (C) A HACCP plan if required as specified under Section 20-19(f)(1) that includes the information as specified in Section 20-19(f)(2).

Section 20-19(f)(1) When a HACCP Plan is Required.

- (A) Before engaging in an activity that requires a HACCP plan, a food establishment shall submit to the health officer for approval a properly prepared HACCP plan as specified under Section 20-19(f)(2) and the relevant provisions of these rules if:
 - (1) Submission of a HACCP plan is required by law;
 - (2) A variance is required as specified under Section 20-21.4(c)(4)(b) and Section 20-21.4(m)(1) or Section 20-21.1(b)(2).
 - (3) The health officer determines that a food preparation or processing method requires a variance based on an inspectional finding, or a variance request.
- (B) A food establishment shall have a properly prepared HACCP plan as specified under Section 20-21.4(m)(2).

Section 20-19(f)(2) Contents of a HACCP Plan.

For a food establishment that is required under Section 20-19(f)(1) to have a HACCP plan, the plan and specifications shall indicate:

- (A) The categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or other foods that are specified by the Department.
- (B) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - (1) Ingredients, materials, and equipment used in the preparation of that food, and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (C) Food employee and supervisory training plan that addresses the food safety issues of concern;
- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - (1) Each critical control point,
 - (2) The critical limits for each critical control point,
 - (3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 - (4) 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,
 - (5) Action to be taken by the person in charge if the critical limits for each critical if the critical limits for each critical control point are not met, and
 - (6) Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed; and
 - (7) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.